

Southwest Clean Air Agency

Board of Directors Minutes

September 1, 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 September 1, 2016.

Those present were: Don Jensen, Chair, City of Longview  
Edna Fund Vice Chair, Director, Lewis County  
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  
Army Davis, Member at Large

Excused: Bonnie Canaday, Director, City of Centralia  
Joe Gardner, Director, Cowlitz County  
Ryan Smith, Director, City of Cathlamet

Also Present: Staff: Uri Papish, Executive Director  
Paul Mairose, Chief Engineer  
Traci Arnold, Office Administrator

Guests: Rachel O'Malley, WA Department of Ecology  
Nicholette Romahlu, Frito-Lay  
Katy Paradee, Frito-Lay

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 August 4, 2016 minutes. Mr. Shumaker asked for a change to the minutes. He said the minutes' state he said the Board should be involved in making location decisions for monitors, when he meant the Board should not be involved in making site decisions for any future monitors. Mr. Shumaker moved and Mr. Hamlin seconded that the minutes with the change for the August 4, 2016 Board meeting be approved. Motion passed.

Changes to Agenda

None.

September 1, 2016

### Info Items & Public Comment

Mr. Jensen opened discussion on SWCAA's updated agency logo, website design and recognized Mr. Papish. Mr. Papish said the agency has been working on updating the logo and website to a more modern design. SWCAA receives many compliments on the content of the website, but there needs to be some streamlining to make the content easier to find. Ms. Fund asked how much the agency has spent updating the logo and website. Mr. Papish said the cost was approximately \$3,000. The website updates have been done mostly internally, but the logo and design required some external assistance.

### Consent Agenda

Mr. Jensen asked for approval of the Consent Agenda including voucher numbers 66 through 95 and 97 through 104, in the amount of \$6,915.53 which have been approved for payment by the Executive Director and voucher number 96 the amount of \$8,212.20, July 2016 Salaries in the amount of \$90,682.18, July 2016 Benefits in the amount of \$38,676.54, the July 2016 Financial Report and the July 2016 Activity Report. Mr. Hamlin moved and Mr. Schumaker seconded approval of the Consent Agenda. Motion passed.

### Public Hearing

Mr. Jensen opened discussion on the adoption of SWCAA 400 Regulation Revisions and recognized Mr. Papish. Mr. Papish said the purpose of this public hearing is to act upon proposed revisions to the SWCAA 400 regulations available on the agency's website. 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.

Public notice for this hearing was achieved by publishing notice in newspapers serving all five counties in southwest Washington, mailing postcards to affected parties, and publishing notice on SWCAA's website.

Mr. Jensen opened the public hearing at 3:12 with SWCAA and proponents speaking first and followed by opponents.

Mr. Papish said SWCAA received a comment from Clark Regional Wastewater District (CRWWD). Their concern is with the odor rule and that it is a subjective standard. The concern with a subjective standard is a citizen or a SWCAA employee could determine the odor rule is being violated which could result in a violation that in turn could result in costly enforcement. SWCAA's response to CRWWD is the existing rule has the same subjective standards, and is in fact more vague regarding determining if the rule is being violation. The updated rule has more objective criteria which includes an odor scale and a citizen must sign an affidavit, it cannot be anonymous. The intent is to be more objective and to be in line with other air agencies.

Mr. Shumaker asked how many other air agencies have already adopted the language SWCAA is proposing. Mr. Papish said Puget Sound, which is the largest clean air agency, adopted the language in 1999. Spokane Clean Air adopted the language a couple years ago, and the other air agencies have indicated interest in adopting the same and/or similar language. Mr. Shumaker asked if the response to CRWWD has been sent. Mr. Papish responded that a comment response letter has been drafted and will be going out after adoption. Also a copy of that letter has been provided to the Board as a handout.

Mr. Jensen closed the public hearing at 3:17. Mr. Hamlin moved to approve the proposed SWCAA 400 regulation revisions. Mr. Mielke seconded the motion. Motion passed unanimously.

Mr. Davis thanked Mr. Papish and the staff for the presentation and materials provided to the Board concerning the 400 regulation revisions. Mr. Jensen also thanked Mr. Papish and the staff.

#### Unfinished Business/New Business

None.

#### Executive Session

None.

#### Control Officer Report

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

#### **Ecology's Clean Air Rule Update (August 18, 2016)**

The Washington Department of Ecology has proposed rules capping greenhouse gas emissions. Under the rule, natural gas distributors, petroleum fuel producers and importers, large manufacturers, electricity generating plants, waste facilities and other organizations that have more than 100,000 metric tons of greenhouse gases will be required to reduce their emissions or sponsor projects to offset those emissions beginning in 2017. Every three years, the threshold will be lowered and more emitters brought into the program, through 2035. Organizations covered under the rule will be required to reduce their emissions by an average of 1.7 percent each year, beginning from a baseline determined by their average emissions between 2012 and 2016. Organizations covered by the rule have several options to meet their reduction requirements. Some facilities may find efficiencies that go beyond their reduction requirements. These businesses could trade or sell their excess reductions to other emitters in the program. Alternatively, an organization in the program could fund projects that reduce carbon pollution in the state, such as dairy digesters, renewable power, or commute trip reduction plans. They could also purchase allowances from other established multi-sector carbon markets as approved by Ecology. In order to accommodate businesses restarting, expanding or relocating to Washington without raising the state's overall emissions, the rule establishes a reduction reserve that facilities can draw from as they grow. The rule also makes provisions to recognize energy-intensive businesses competing in highly competitive international markets designed to reduce the cost to those businesses. Ecology has published a cost-benefit analysis for the rule. The public comment period ran from May 31<sup>st</sup>, to July 22<sup>nd</sup> and the proposed date for adoption is on or after

September 15, 2016. For further information:

<https://fortress.wa.gov/ecy/publications/documents/1602008.pdf> and

<http://www.ecy.wa.gov/programs/air/rules/wac173442/1510docs.html>

**D.C. Circuit Vacates Boiler MACT Standards Affected by Improper MACT Floor Analyses (July 29, 2016)** – The U.S. Court of Appeals for the District of Columbia Circuit agreed with environmental groups that EPA improperly excluded certain high-performing sources in setting hazardous air pollutant (HAP) emission limits for boilers, and it vacated the Maximum Achievable Control Technology (MACT) standards affected by the error. In a 156-page opinion, the unanimous three-judge panel addressed more than 30 legal challenges to EPA’s 2011 and 2013 rules regulating HAP emissions from industrial, commercial and institutional boilers and commercial and industrial solid waste incineration (CISWI) units (collectively known as the “Boiler MACT” rules). The unanimous three-judge panel rejected all industry challenges to the rules, but agreed with environmental group petitioners’ argument that EPA’s calculation of the “MACT floor”—the emissions level achieved by the best performing source, or the average of the best performing sources, in a subcategory— was faulty, resulting in insufficiently stringent MACT standards. The court also agreed with environmental petitioners on several other issues and remanded, without vacatur, to EPA with instructions to 1) adequately explain how carbon monoxide acts as a reasonable surrogate for non-dioxin/furan organic HAPs; 2) set emission standards for cyclonic burn barrels; 3) determine whether burn-off ovens, soil treatment units and space heaters are CISWI units, and if so, to set standards for those types of units; 4) adequately explain the exclusion of synthetic boilers from Clean Air Act Title V permitting requirements; and 5) adequately explain the choice of Generally Available Control Technology standards over MACT standards for non-mercury metals. For further information: [http://www.4cleanair.org/sites/default/files/Documents/US\\_Sugar\\_v\\_EPA\\_DC\\_Cir\\_072916.pdf](http://www.4cleanair.org/sites/default/files/Documents/US_Sugar_v_EPA_DC_Cir_072916.pdf)

**Washington Department of Ecology Fines VW \$176 Million for Violating State Law (July 28, 2016)** – The Washington Department of Ecology issued a \$176-million fine against Volkswagen (VW) for violating state air quality laws by equipping a number of models of diesel-fueled vehicles with illegal defeat devices; more than 21,000 affected vehicles are registered in Washington. The fine is based on per-vehicle violations; once collected, the funds will be held in an air pollution control account and used to reduce air pollution in the state. VW has 30 days to appeal the fine to the Washington Pollution Control Hearings Board. Washington issued a Notice of Violation to VW in November 2015. For further information: <http://www.ecy.wa.gov/programs/air/cars/vw.htm>

**Health and Medical Groups Call for 90-Percent Reduction in NO<sub>x</sub> Emissions from Heavy-Duty Vehicles (July 19, 2016)** – Nine health and medical organizations sent a letter to EPA Administrator Gina McCarthy urging prompt proposal by the agency of a new federal standard to cut nitrogen oxide (NO<sub>x</sub>) emissions from heavy-duty vehicles by 90 percent; to affect this level of reduction they call for an emission limit of no higher than 0.02 grams per brake horsepower-hour. Noting that the current NO<sub>x</sub> standard for heavy-duty vehicles was adopted in 2001 and fully implemented in 2010, the signatories say “Since then, the evidence has grown showing that stronger limits on NO<sub>x</sub> emissions are needed, including evidence from the adoption of more stringent national air quality standards for NO<sub>2</sub> in 2010 and for ozone in 2008 and 2015.” Groups that signed the letter include the Allergy & Asthma Network, Alliance of Nurses for Healthy Environments, American Lung Association, American Public Health Association,

American Thoracic Society, National Environmental Health Association, Healthcare Without Harm, National Association of City and County Health Officials and Physicians for Social Responsibility. For further information: <http://www.lung.org/assets/documents/advocacy-archive/truck-nox-standards.pdf>

Mr. Shumaker asked what role if any SWCAA has related to NOx emissions from heavy duty vehicles. Mr. Papish said this is strictly a federal rule and SWCAA has no authority.

Mr. Davis asked if the fine issued to VW will be appealed. Mr. Papish said he expects VW to appeal, however that has not happened yet. The money will be used on projects to clean the environment and reduce emissions.

#### Board Policy Discussion Issues

None.

#### Issues for Next Meeting

- A. Public Hearing.
  - 1. As Necessary.
- B. New Business/Unfinished Business.
  - 1. As Necessary.
- C. Board Policy Discussion Issues.
  - 1. As Necessary.
- D. Meeting Date and Location.
  - 1. October 6, 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 October 6, 2016 at 3:00 p.m., Southwest Clean Air Agency, Vancouver, Washington.

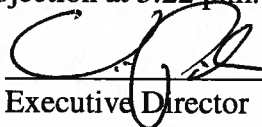
Board Meeting Attendance:

JURISDICTION	J 2016	F 2016	M 2016	A 2016	M 2016	J 2016	J 2016	A 2016	S 2016	O 2015	N 2015	D 2015
Clark County	+	0	0	+	0	+	C	+	+	+	+	C
Cowlitz County	+	+	+	+	+	0	C	+	0	+	0	C
Lewis County	+	+	+	+	+	+	C	+	A	+	+	C
Skamania County	+	+	+	+	+	+	C	+	+	+	+	C
Wahkiakum County	0	+	+	+	0	+	C	+	+	+	+	C
Cathlamet	0	+	+	+	+	+	C	0	0	0	0	C
Centralia	+	+	+	+	+	+	C	+	0	+	+	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 3:22 p.m.

  
Chair

  
Executive Director