

Southwest Clean Air Agency

Board of Directors Minutes

January 5, 2017

The regular meeting of the Southwest Clean Air Agency Board of Directors was held in the Southwest Clean Air Agency office, Vancouver, Washington on January 5, 2017.

Those present were: Don Jensen, Chair, City of Longview
Bob Hamlin, Director, Skamania County
Ben Shumaker, Director, City of Stevenson
Army Davis, Member at Large
Bonnie Canaday, Director, City of Centralia
Joe Gardner, Director, Cowlitz County
Ryan Smith, Director, Town of Cathlamet
Bobby Jackson, Director, Lewis County
Alishia Topper, Director, City of Vancouver

Excused: Blair Brady, Director, Wahkiakum County
Tom Mielke, Director, Clark County

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

Guests: Rachel O'Malley, WA Department of Ecology
Don Steinke, resident Clark County, WA
Minette Smith, resident Wahkiakum County, WA

Call to Order

Ms. Topper called the meeting to order. A quorum was confirmed to exist.

Board of Directors Minutes

Ms. Topper asked for consideration of the November 3, 2016 minutes. Ms. Canaday moved and Mr. Hamlin seconded that the minutes for the November 3, 2016 Board meeting be approved. Motion passed.

Consent Agenda

Ms. Topper asked for approval of the Consent Agenda including voucher numbers 237 through 269 and 271 through 283 in the amount of \$16,326.66 which have been approved for payment by the Executive Director and voucher number 270 in the amount of \$8,542.15, October 2016 Salaries in the amount of \$90,368.57, October 2016 Benefits in the amount of \$39,888.53,

November 2016 Salaries in the amount of \$92,254.29, November 2016 Benefits in the amount of \$39,519.62, the October and November 2016 Financial Report and the October and November 2016 Activity Report. Mr. Hamlin moved and Mr. Smith seconded approval of the Consent Agenda. Motion passed.

Changes to Agenda

None.

Info Items & Public Comment

Mr. Steinke addressed the Board. I'd like to talk a bit about the culture of regulatory agencies. This will take about 4 minutes. I understand that lawmakers require us to strike a balance between clean air and economic development. I bring this up because as elected officials you can have a role to play in supporting staff in protecting air quality, when things go wrong. Two friends have sent me reports of their dealings with other clean air agencies. This person lives in Whatcom County, WA, about a mile and a half from BP refinery at Cherry Point. I have contacted the Northwest Clean Air Agency (NWCAA) approximately 150 times since June 2013, to report a very bad odor that I smell some days when I walk outside of my home, or if I open my home windows I can smell it from the outside air coming in through my windows.

I had called NWCAA on March 12, 2015 about the same odor that so far has been attributed by NWCAA to the BP Refinery's wastewater treatment plant. Scott with NWCAA left me a voice mail after he came out to Birch Bay to check on the odor that day. He said, "I definitely smell that odor that you're talking about. It's a smell I've come to associate with their (BP) land farm when they spread bugs out over this big field and the wind kind of blows across it if they are agitating it, and it is really just a foul odor. I am working with BP right now to see if we can find out what should be done about that odor. It might be a maintenance activity along that line between the wastewater treatment plant and the land farm, something along those lines. But at least I know that odor so when I go out there and inspect it's one of the foulest odors that I encounter." He concluded with, "Keep calling us as you're impacted. Hopefully we can narrow down what the heck this maintenance activity is that's causing this and try to shield it somehow. Otherwise, I might be just taking enforcement action on them as well." So, even after about 150 times of me reporting this foul odor coming from BP, to my knowledge, there has not been any enforcement action taken against BP. How many times do I have to report a foul odor before an enforcement action is taken? And, what does an enforcement action even do? Does it make the problem go away? Does the odor contain any toxic chemicals?

Mr. Steinke shared a second report from another friend. There is an oil recycling refinery next to the Portland Expo Center that has been releasing very foul odors for years. When the former owner sold the refinery 11 years ago, they first removed the pollution abatement equipment that was required for their permit. It took DEQ 5 years to discover the equipment was removed. Since then DEQ has been "working with the refiner" seeking a solution. A colleague that once worked for the DEQ writes that DEQ sees the people who buy their pollution licenses as their customers. Since the permit holders help pay the bills,

DEQ wants them happy. And that even though there are emission guidelines that need to be followed, the DEQ rarely follows them. Instead of imposing fines, they simply give warnings because they don't want to hurt their customers. And if they do finally fine their customers, the customer rarely have to pay the fines, if ever. Normally, the fines are made up in the form of money put toward new equipment, no actual pain is felt by the company that was fined. She said that the citizens who complain are not of any interest to the DEQ because we don't help pay their bills. This thought process is openly discussed in meetings throughout DEQ but not outside of it.

When you talk with other elected officials in Cowlitz County and with members of the Economic Council, I encourage you remind them that all the towns in the cancer allies of Louisiana and Texas are regulated and have air discharge permits.

Mr. Steinke said he brings these reports to the Board because of the methanol plant being proposed in Kalama, Washington. He said his main interest is in the greenhouse gas emissions and where to take his concerns regarding them. What are the restrictions on new sources? He hopes the Board will remember his comments. Mr. Steinke also thanked the SWCAA staff for the public hearing held last night in Cowlitz County concerning the proposed methanol terminal.

Ms. Topper thanked Mr. Steinke for his comments.

Mr. Smith said he lived in Texas at the time of the BP Oil spill in the gulf. He said the spill devastated the entire region and that is part of the reason he serves the public now. He wants to be part of the mechanism to prevent things like this and preserve the environment.

Ms. Topper closed the public comment period and turned the meeting over the Mr. Jenson.

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.

EPA Administrator Signs Final Regional Haze Rule Revisions (December 14, 2016) – The EPA Administrator signed final revisions to the 1999 Regional Haze (RH) Rule. Among the key

amendments is one to extend by three years – from July 2018 to July 2021 – the compliance deadline by which states and localities must submit the next (second) periodic comprehensive RH State Implementation Plan (SIP) revisions. The final rule also allows that RH progress reports need not be in the form of a SIP revision, as is currently required, nor receive formal approval or disapproval by EPA. In addition, the amendments adjust interim progress report submission deadlines, add requirements regarding state consultation with Federal Land Managers and clarify long-standing agency interpretations of the 1999 RH Rule, including requirements that reasonable progress goals be set based on the long-term strategy obligations of states with mandatory Class I areas and other states that contribute to visibility impairment in Class I areas and obligations of states that set reasonable progress goals that do not provide for attainment of natural conditions by 2064. For further information:

<https://www.epa.gov/visibility/visibility-regulatory-actions>

EPA Proposes Determinations for 11 Moderate PM_{2.5} Nonattainment Areas (December 1, 2016) – EPA proposed determinations of attainment, failure to attain and reclassification for 11 areas classified as Moderate nonattainment for the 2006 24-hour PM_{2.5} National Ambient Air Quality Standard (NAAQS). Under the Clean Air Act (CAA), these areas were to have attained the NAAQS by December 31, 2015. Of the 11 areas, EPA proposes to find that seven attained the applicable standard by the CAA deadline, based on 2013-2015 air quality data: Chico, CA; Imperial County, CA; Knoxville Sevierville-La Follette, TN; Liberty-Clairton, PA; Nogales, AZ; Sacramento, CA; and San Francisco Bay Area, CA. EPA proposes to find that the remaining four areas did not attain the standard by the deadline, based on 2013-2015 data: Fairbanks, AK; Logan, UT-ID; Provo, UT; and Salt Lake City, UT. Once these four areas are reclassified from Moderate to Serious nonattainment they will be required to submit revised State Implementation Plans to EPA demonstrating attainment by December 31, 2019. For further information:

<https://www.epa.gov/pm-pollution/determinations-attainmentfailure-attain-and-reclassifications-2006-24-hour-pm>

EPA Announces Settlement Agreement with Slawson Exploration Company to Curb Emissions from North Dakota Oil and Gas Operations (December 1, 2016) – Slawson Exploration Company will spend an estimated \$4.1 million on system upgrades, monitoring and inspections under the terms of a proposed consent decree to settle litigation brought by EPA over alleged Clean Air Act violations at its oil and natural gas production activities in North Dakota. EPA alleges that Slawson failed to adequately design, operate and maintain vapor control systems at approximately 170 well pads, resulting in excess emissions of volatile organic compounds, hazardous air pollutants and methane in violation of the North Dakota State Implementation Plan and Fort Berthold Indian Reservation Federal Implementation Plan. The proposed consent decree includes so-called “Next Generation Compliance” provisions requiring Slawson to install electronic pressure monitors with continuous data logging on 60 storage tank batteries to verify the tanks are not experiencing increased pressure indicative of over-pressurization that could result in excess emissions. The settlement is part of EPA’s national enforcement initiative to reduce public and environmental impacts from energy extraction activities. For further information: <https://www.epa.gov/enforcement/slawson-exploration-company-inc-clean-airact-settlement>

States' Ozone NAAQS Designation Recommendations Posted on EPA Website (November 9, 2016) – EPA has made available on its website the recommendations submitted by states and some tribes for area attainment and nonattainment designations under the 2015 NAAQS for ozone. EPA promulgated the eight-hour ozone NAAQS of 70 parts per billion (ppb) on October 26, 2015, replacing the previous standard of 75 ppb. States were required to submit their area designation recommendations by October 2016. The recommendations are based on air quality data collected from 2013 to 2015. EPA will issue its final area designations by October 1, 2017. For further information: <https://www.epa.gov/ozone-designations/ozone-designationsregulatory-actions>

Mr. Papish said SWCAA has a draft permit out for public comment on a proposed methanol terminal in Kalama, Washington proposed to be built by Northwest Innovation Works. Last night there was a public hearing at the Cowlitz County PUD Building and it is one of the largest hearings SWCAA has had. He said there were well over 150 people who came to the meeting. There was an open house with the applicant, followed by a question and answer period and it closed with a public hearing. The event began at 4:00 p.m. and lasted until 9:15 p.m. The event went very well, although one person had to be removed from the meeting. The proposed project will use more natural gas than all residential use in the entire state of Washington. Mr. Hamlin asked where the natural gas is coming from. Mr. Jensen responded it's coming from Canada. Mr. Papish added that expansion of the pipeline is among the concerns expressed at the public hearing.

Mr. Davis complimented SWCAA on the organization and presentation of the public hearing.

Mr. Papish said a lot of the comments are around greenhouse gas emissions. These emissions are currently not regulated. Greenhouse gas emissions used to be regulated under federal rule at a certain emission level which would trigger a Title V Permit and Best Available Control Technology (BACT). However, EPA's GHG regulation was challenged through a lawsuit which ended up going to the Supreme Court. The court overturned EPA's greenhouse gas rule so it facilities are no longer subject to Title V permitting based on GHG emissions. The WA Department of Ecology however has adopted the Clean Air Rule recently which progressively requires reductions or capping of emissions. Mr. Jensen asked if the federal government can change the state Clean Air Rule. Mr. Papish responded they cannot change the state rule because states are allowed to be more stringent than federal law, and he does not foresee any new rules from the federal government regarding greenhouse gas emissions.

Ms. Topper asked about the timeline for approval of the Northwest Innovation Works permit. Mr. Papish responded the public comment period has been extended to February 6, 2017 and once that closes a comment response document will be prepared which is expected to take at least a month. Comments regarding the permit will be looked at carefully before making a decision on a final action. SWCAA also expects an appeal of the Environmental Impact Statement.

Mr. Shumaker asked how many permitting authorities are involved in this project. Mr. Papish said he didn't know but would guess there are at about a dozen who will be involved with the proposed project.

Mr. Papish said the election of the Chair and Vice-Chair for 2017 will be held at the next board meeting. Also, SWCAA issued public notice regarding a rule change. The proposed rule change is to remove the fees from the rules and have them updated by resolution. Also, a revised fee schedule will be presented to the board at an upcoming meeting which include the proposed fee increases previous presented to the Board.

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. February 2, 2017 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 February 2, 2017 at 3:00 p.m., Southwest Clean Air Agency, Vancouver, Washington.

Board Meeting Attendance:

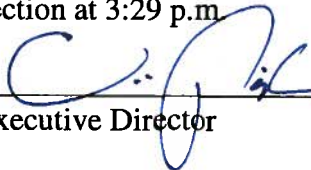
JURISDICTION	J 2017	F 2016	M 2016	A 2016	M 2016	J 2016	J 2016	A 2016	S 2016	O 2016	N 2016	D 2016
Clark County	0	0	0	+	0	+	C	+	+	+	+	C
Cowlitz County	+	+	+	+	+	0	C	+	0	+	+	C
Lewis County	+	+	+	+	+	+	C	+	A	+	0	C
Skamania County	+	+	+	+	+	+	C	+	+	+	+	C
Wahkiakum County	0	+	+	+	0	+	C	+	+	0	+	C
Cathlamet	+	+	+	+	+	+	C	0	0	+	+	C
Centralia	+	+	+	+	+	+	C	+	0	+	+	C
Longview	+	+	0	+	+	+	C	+	+	+	+	C
Stevenson	+	+	+	+	+	0	C	+	+	+	+	C
Vancouver	+	+	+	0	+	0	C	+	+	0	0	C
Member-At-Large	+	+	+	0	+	+	C	+	+	+	+	C

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

Mr. Jensen adjourned the meeting without objection at 3:29 p.m.



 Chair



 Executive Director