

Southwest Clean Air Agency

Board of Directors Minutes

July 6, 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 July 6, 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
Blair Brady, Director, Wahkiakum County
Eileen Quiring, Director, Clark County
Joe Gardner, Director, Cowlitz County

Excused: Ryan Smith, Director, Town of Cathlamet
Bonnie Canaday, Vice-Chair, City of Centralia
Alishia Topper, Director, City of Vancouver
Bobby Jackson, Director, Lewis County

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

Guests: Rachel O'Malley, WA Department of Ecology
Leon Bakow, Resident Clark County

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 1, 2017 minutes. Mr. Brady moved and Mr. Hamlin seconded that the minutes for the June 1, 2017 Board meeting be approved. Motion passed.

Consent Agenda

Mr. Jensen asked for approval of the Consent Agenda including voucher numbers 513 through 547, 1, 2, 5 through 15, in the amount of \$12,915.22 which have been approved for payment by the Executive Director and voucher numbers 3 and 4 in the amount of \$12,770.37, May 2017 Salaries in the amount of \$116,615.19, May 2017 Benefits in the amount of \$41,068.25, and the

May 2017 Activity Report. Mr. Brady moved and Mr. Shumaker seconded approval of the Consent Agenda. Motion passed.

Changes to Agenda

None.

Info Items & Public Comment

Leon Bakow a resident of Salmon Creek in Clark County asked to address the board. Mr. Jensen recognized Mr. Bakow. Mr. Bakow said he has been a resident in this area for 2 years and he has had a problem with wood smoke emissions from the neighbor behind him. He said the smoke comes into his house. He provided the board with an article from Life Magazine entitled 'Counter the Adverse Health Effects of Pollution'. From the article he read, "according to research from the Massachusetts Institute of Technology, air pollution is responsible for as many as 200,000 premature deaths every year in the US alone." Mr. Bakow said he believes this number is low. He said the agency needs to be more aggressive. There is a rule which says there must be 50 feet between open fire and structure. The person behind him violates this rule. He said the previous owner of the home was in the hospital when they bought the house, he believes the previous owner was in the hospital due to the constant burning, and he now has bought the problem. Mr. Bakow said he has made enough noise to get the neighbor to stop burning wood, but now they are burning with propane. He said they were burning last night and they burn every night.

Mr. Jensen asked if Mr. Bakow has contacted SWCAA and/or the fire department. Mr. Bakow said he has contacted both agencies. He has spent time on the phone directly talking with Mr. Papish, but feels Mr. Papish and the agency need to be more aggressive in enforcing its rules.

Mr. Bakow said on the east side a family with children moved out, which he believes is connected to the burning. He said the wife of the neighbors on the east side thanked him for getting the wood burning to stop.

Mr. Jensen asked if Mr. Bakow knew why the neighbor was burning all the time. Mr. Bakow responded the neighbor likes to be outside. He observes the neighbor sitting next to the fire and enjoying a beverage and/or cooking food. Mr. Bakow said SWCAA sent educational material to the neighbor doing the burning and that the wood burning pit was removed. Now they burn with only propane. He said the burning is within 50 feet of structure so it must be stopped. He suggested the agency be provided with more resources to go out and measure the distance of the fire to structures so it can be stopped.

Mr. Hamlin asked if Clark County has a nuisance ordinance. He said it would be difficult for SWCAA to determine if the emissions from this burning could be causing a health hazard. Mr. Jensen said it is the National Fire Code which sets the rules on setbacks for burning. He said SWCAA may not be able to do anything about this particular situation. Mr. Papish said there is a 25 foot set back within the fire code, however, there is a 50 foot set back as part of SWCAA's rules. He said there is no clear reason for the difference between the two. Mr. Papish said these rules apply to an open fire, however if it is propane burning there may be no rule that applies.

He said the setback regulation is treated as a secondary violation, it is not a primary violation. He said the problem is the burning is happening in the evening and/or on weekends when SWCAA is closed. When the fire department is called out they generate an incident report. Mr. Papish said SWCAA requested an incident report for Mr. Bakow's neighbor and the incident report indicated there was a small recreational fire, no smoke nuisance, and the fire was located at a safe distance from the structure. He said SWCAA does not have enough evidence to proceed with an enforcement case. Mr. Hamlin added this is common in Skamania County as well, that by the time they respond to an issue to there may be nothing to see.

Mr. Bakow asked if SWCAA has the ability to send someone to the neighbor's house to measure the distance. Mr. Brady responded it might be the fire marshal who could possibly gain access to the property. Mr. Bakow said he has talked to the fire marshal who is saying the set back is 25 feet and that the neighbor is meeting that distance, but he feels the neighbor is violating this distance as well. Mr. Bakow said if the neighbor sets fire to his home or endangers his family, he is going to pursue legal action. Mr. Jensen agreed that sometimes these type of neighborhood disputes turn into a civil matter rather than involving local agencies. Mr. Bakow said he doesn't understand why there is a difference between the fire code and SWCAA rules for setback distances. Mr. Papish said the 50-foot setback comes from the state rules, and it is unclear what the original intent of this distance was. Mr. Jensen indicated that the fire departments adopt the National Fire Code each year and that is what they use for guidance. Mr. Papish said the fire marshal indicated they would enforce on the 25-foot setback, but they need to see the fire in progress. Mr. Jensen indicated another issue could be around if the fire is being used for cooking. Mr. Bakow indicated the neighbor uses a grill for cooking. The burning he is concerned about is connected to the propane burning near the fence that the neighbor sits next to it for relaxation. Mr. Papish asked if the propane burning is creating a smoke nuisance. Mr. Bakow responded that propane does not put off much smoke. Mr. Hamlin asked Mr. Bakow if the neighbor is still using wood for burning. Mr. Bakow said he didn't think so. Mr. Davis said propane is not an open fire. Mr. Bakow responded that fire is fire and it needs to be addressed.

Mr. Jensen indicated that SWCAA may not be able to do anything. He encouraged Mr. Bakow to talk to Mr. Papish more and see if there are any options that have not been explored. Mr. Bakow said it seems the fire marshal and SWCAA are not protecting the public. Mr. Jensen said that SWCAA is doing their job and accusations otherwise will not be tolerated. Mr. Bakow indicated this is his opinion, and that as he stated in the beginning there are 200,000 premature deaths each year. Mr. Jensen stated that SWCAA will not trespass onto someone's property, nor will the agency by-pass the laws. Mr. Papish said the agency would need an administrative search warrant to enter the property, and there is not enough evidence to support this. Mr. Bakow said his case should be enough, there is a law for 50 feet and the neighbor is breaking the law. Mr. Papish said if the neighbor was still burning wood and the fire department could document it there may be a possible enforcement case, but not if it is only propane burning.

Unfinished Business/New Business

None.

Public Hearing

None.

Executive Session

None.

Control Officer Report

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

EPA Administrator Testifies Before Congress on Agency’s Proposed Budget for FY 2018 (June 15, 2017) – EPA Administrator Scott Pruitt testified before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies, defending the Administration’s proposed budget for FY 2018. The proposal calls for significant reductions to EPA’s budget, including a 30-percent cut in federal grants to state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act. The proposal would reduce EPA’s total budget by 31 percent and would decrease EPA’s staffing levels by 25 percent. At the outset of the hearing, Subcommittee Chairman Ken Calvert (R-CA) informed Pruitt that he would face “a tough job here today” and characterized the magnitude of the Administration’s proposed budget cuts as “untenable.” He observed that the proposed budget would significantly reduce or terminate EPA programs “that are of vital importance to each member of this Subcommittee,” citing the Diesel Emissions Reduction Act and targeted airshed grants as examples of programs considered essential to California. Ranking member Betty McCollum (D-MN) declared that the Administration’s budget “would endanger the health of millions of Americans, jeopardize the quality of our air and water, and wreak havoc on our economy.” Administrator Pruitt opined that EPA will be able to operate with a trim budget by focusing on national priorities and the agency’s “core mission,” and by working cooperatively with the states. In their questioning, every member of the Subcommittee expressed concerns about proposed cuts to particular programs of importance to their constituents. Members repeatedly expressed the view that environmental programs directly benefit their economies. SWCAA has mailed out letters encouraging members of Congress within our district to continue grant funding to state and local air agencies. For further information:

<https://appropriations.house.gov/calendar/eventsingle.aspx?EventID=394902>

Environmental Council of the States Presents Vision of “Cooperative Federalism 2.0” (June 12, 2017) – The Environmental Council of the States (ECOS) released a paper setting forth its thoughts, observations and recommendations on recasting the state and federal roles in environmental management. “We are convinced a recalibration of state and federal roles can lead to more effective environmental management at lower cost – that this is a call for a Cooperative Federalism 2.0,” ECOS declares. The paper, entitled Cooperative Federalism 2.0: Achieving and Maintaining a Clean Environment and Protecting Public Health, has two parts. In Part 1, ECOS offers principles on the roles and functions of states and EPA in cooperative federalism. At the top of this list, ECOS asserts that “EPA should continue to take the lead in setting and adopting national minimum standards to protect public health and the environment,” while “states should be engaged as key partners” in developing those standards. ECOS endorses

the principle that states should be the preferred entities for implementing national environmental regulatory programs for which delegation is authorized, while EPA should be the lead implementer where states decline to assume this role or fail to do so appropriately. ECOS also advocates flexibility for states to achieve national minimum standards; engagement with local governments, regulated entities and tribes; the primacy of states as environmental enforcement authorities; information sharing between states and EPA; and adequate state funding by the federal government, among other principles. Part II of the paper identifies an initial list of issues where the application of Cooperative Federalism could be focused. ECOS expresses optimism that the recasting of the state-federal relationship in environmental management will result in equal or greater environmental health protection and outcomes, reduced operating costs, more effective allocation of limited resources For further information: <https://www.ecos.org/news-and-updates/cooperative-federalism-2-0/>

EPA Delays Effectiveness of Accidental Release Prevention Requirements (June 14, 2017) – EPA issued an additional delay, until February 19, 2019, to the effective date of the Accidental Release Prevention requirements under Section 112(r) of the Clean Air Act. The rule, which was published in the Federal Register on January 13, 2017 and was originally to become effective on March 14, 2017, has been delayed twice previously (January 26, 2017 and March 16, 2017). The regulation modified and added provisions related to the prevention of accidental releases, emergency response preparedness and sharing of information with the public by chemical plants. According to EPA, the delay is needed to allow time for a reconsideration proceeding and to consider other issues on which the agency may wish to receive comment. It also provides EPA time to take additional action, which could include proposing and implementing a rule that would revise or rescind the amendments. For further information: <https://www.gpo.gov/fdsys/pkg/FR-2017-06-14/pdf/2017-12340.pdf>

Mr. Papish said SWCAA is actively working on renegotiating the current lease on the office space. Other locations are also being looked at as a way to control costs. The lease on the current space is up in October, so any decision about moving will have to be made quickly. Mr. Hamlin asked if any other locations looked promising. Mr. Papish responded there are a couple of spaces that have the potential to work. Mr. Brady asked if the current location was raising costs or remaining competitive. Mr. Papish responded the proposed lease for the current space did include an increase, however SWCAA has counter offered. Overall the current space is competitive in price, but the location may not be ideal for attracting future staff.

Mr. Brady asked if the federal rules for further reductions of particulate matter are on hold. Mr. Papish said it's the ozone rules that are on hold. Mr. Brady said he thought it was related to particulates at the federal level versus the state level. Mr. Papish said the PM2.5 rules are supposed to be reviewed every five years and that review may be delayed. He said the new ozone standard was adopted which lowers the standard from 70 to 65 and there are bills before the senate to delay implementation of the lower standard.

Mr. Jensen asked if the agency has received any feedback regarding the issuance of the Northwest Innovation Works permit. Mr. Papish said so far the agency has not received any feedback. There is a joint appeal being filed against the shoreline permit.

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

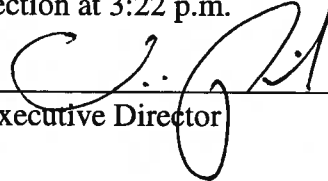
Board Meeting Attendance:

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