

**PUGET SOUND CLEAN AIR AGENCY
ADVISORY COUNCIL**

REGULAR MEETING MINUTES

January 11, 2012

1904 3rd Avenue
Suite 105
Seattle Washington

Advisory Council Members Present:

Art Castle, representing Construction
Scott Daniels, representing Health
Kimberly Freeman, representing Planning (by phone)
Steve Gerritson, representing Environment
Tim Gould, representing King County Public-at-Large
Jason Jordan, representing Port of Tacoma
Kristin Lynett, representing Pierce County Public-at-Large
Frank Migaiolo, representing Large Industry
David Nemens, representing Suburban Cities
Kathy Ross, representing Education
Alexandria Teague, representing Environmental Justice
Greg Tisdell, representing Small Industry
Jay Wellan, representing Snohomish County Public-at-Large

Advisory Council Members Absent:

Mary Basballe, representing Tribal
Merlin Halverson, representing Fire Chiefs Association
Debbie Hannig, representing Area Sources
Charlie Howard, representing Transportation

David Nemens called the meeting to order at 9:08 a.m.

I. Approval of Minutes

Mr. Nemens asked if there was any discussion about the minutes from the December 14, 2011 meeting.

There was no discussion.

Mr. Nemens asked for approval of the minutes; with the members present at the meeting and the e-mail approvals of absent members, there was a quorum approval of the minutes.

(Jason Jordan arrived to join Advisory Council.)

II. Discussion – Nonattainment Task Force Recommendations and Legislative Strategies

Craig Kenworthy distributed the executive summary of the Task Force's final report. He said we will release the full Task Force report to the press tomorrow. He gave Advisory Council members an overview of legislation we are pursuing in support of the Task Force recommendations and next steps with the Board with respect to the recommendations.

Mr. Kenworthy said the Board will review the Task Force report and hold its January meeting at Bates Technical College in Tacoma where it will receive a full briefing and take public comments.

Scott Daniels asked if this would be a public hearing.

Mr. Kenworthy said not a formal public hearing, but public input; Ecology will hold a public hearing on the regulation changes for the State Implementation Plan (SIP). The purpose of this is for the Board to hear public comments for its consideration in evaluating the Task Force recommendations.

Mr. Jordan asked whether the Board not making a decision in January will impact what the agency is pursuing legislatively.

Mr. Kenworthy said we are seeking the necessary authority to implement the recommended strategies with legislation; the Board already said to pursue this legislation at its December meeting in recognition of the tight legislative calendar and so that it could be available when the Board makes its decision.

Mr. Kenworthy said the Tacoma News Tribune (TNT) had published an editorial with erroneous information regarding the Task Force recommendations (TNT stated that a registration program with fees had been recommended). He said Public Health and agency staff will be meeting with the TNT editorial Board to rectify the errors and provide it with additional information.

(Greg Tisdell arrived to join the Advisory Council.)

Mr. Kenworthy said the next step after Board action is for Ecology to send the proposed plan to EPA. He said EPA will be receiving nonattainment plans from many different regions. He said it will likely accept some plans and ask for changes on others; EPA will be looking for consistency. He said the process could take up to a year and a half.

Mr. Nemens asked if there was any down side with EPA about the agency moving ahead seeking legislative authority.

Mr. Kenworthy said actually EPA expects us to show we have the proper legal authority, so they'll be watching to see if we are seeking it.

Mr. Tisdell asked if all four counties are in nonattainment.

Mr. Kenworthy said no, just Pierce County at present.

Mr. Kenworthy said the strategies recommended by the Task Force are to do everything we can with industrial sources first, enhance burn ban enforcement and require removal of uncertified stoves by a specific date to be determined. He said they are also recommending as a contingency only to include additional rules for fireplaces. He said we are asking for legislative authority over fireplaces as a contingency measure. He said although this will probably be the most difficult measure to pass, EPA may not approve the SIP without strong contingency measures.

Mr. Kenworthy said we are also asking for a clarification of our authority to prohibit the use of uncertified stoves; we want to make sure our authority includes requiring removal and a range of options for owners such as rendering devices inoperable if they choose to keep them. He said the final part of the legislation we are pursuing is how we call burn bans. He said currently, a Stage 1 burn ban can be called when the forecast predicts that levels of 35 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) will occur within 48 hours. He said that is too close to EPA's health standard and there is no buffer. He said the Task Force recommended reducing the Stage 1 trigger to 30 $\mu\text{g}/\text{m}^3$ as predicted to occur within 72 (rather than 48) hours.

Mr. Tisdell said a burn ban is not effective when we call one in Snohomish and they don't call one in Skagit. He said I have to turn off my stove and across the street everyone's chimney is still going full force. He said when that happens people don't believe in the credibility of the agency.

Alexandria Teague said it seems like last year the agency called more burn bans; she asked if this year was unusual. She asked if calling burn bans earlier would allow us to call more this year.

Mr. Kenworthy yes, there have been more stage 1 burn bans this year. He said Tacoma has had its driest December in history, which also affects whether burn bans are called. He said 2010 was the warmest January in history, and there was not as much burning.

III. Update – Darrington PM_{2.5} Issues

Amy Warren said she and Mr. Kenworthy met with Dan Rankin, the new Darrington Mayor, to talk about the new wood stove grant received from Ecology and burn bans in Darrington. She said Ecology specifically designated \$1 million to Tacoma, and \$300,000 to Yakima. She said Darrington is third on the list of at-risk communities in the state: we received \$250,000 for Darrington. She said we should make some progress in eliminating uncertified wood stoves with that. She said in the past we conducted changeout programs in Darrington from 2005-2009. She said there are only 1,500 households in Darrington and we have already removed 76 wood stoves and replaced them with cleaner options. She said with the funding from Ecology we hope to remove an additional 75 wood stoves in a one-year period through leveraged partnerships with the Snohomish County Housing Authority and the Snohomish County PUD helping with funding, insulation, etc. She said Hampton Lumber, a contributor to PM 2.5 emissions, has been cited for violations and we are working with them to reduce emissions in the community.

Mr. Wellan asked if Hampton Lumber had continuous monitoring on their stacks.

Ms. Warren said she didn't know and would check with compliance staff.

There was a short discussion around the use of compressed logs, and income qualification for the upcoming project.

Mr. Kenworthy said there is a possibility of calling Darrington-only burn bans. He said there have been times when other parts of the county were elevated but only just above the burn ban standard and Darrington was well above it. That raised the question of what we would do if the only reason why we would call a burn ban for all of Snohomish County is excessive levels in Darrington. He said it hasn't happened yet, but it has come close. He said it is partly because of Darrington's geographic location as an isolated community surrounded by mountains.

IV. Break

V. Discussion – FY13 Budget and Funding

Mr. Kenworthy said the Board has asked about the cost for implementing the nonattainment strategies. He said we will need to build up funding; the strategies are not funded at all right now. He said Tacoma is also in a budget crisis right now. He said we will probably have to stop funding other outreach through our civil penalties fund and use civil penalties funding for enhanced burn ban enforcement. He said we have \$1 million in capital money for date certain removal of uncertified stoves but will need additional money to implement that strategy.

Steve Gerritson said there is a trend towards dedicated taxes and user fees to fund environmental clean-up; he asked about the feasibility of charging a higher per capita rate for the nonattainment area.

Mr. Kenworthy said the Board's direction is that nonattainment in Tacoma is a temporary situation. He said King County has been in nonattainment for ozone; Snohomish County has been in nonattainment for ozone. He said the Board's view is that we could all be in this at some time and therefore we all support each other when an issue arises. He said also the agency's legal authority is that the per capita has to be calculated in the same way for all jurisdictions in the region.

VI. Staff Reports

Legislative Update – Mr. Kenworthy said there are two holdovers from the last session. He said one is the anaerobic digesters bill, which would exempt some operators from pollution limits. He said essentially 90% of the dairy digester operators are compliant and this bill is about one operator that can't seem to get into compliance.

Mr. Kenworthy said the other holdover is from the outdoor wood boiler (hydronic heater) industry. He said they are claiming that they have developed a boiler that meets Washington State's standards. He said discussion is ongoing.

Update – Regulation Changes

Steve van Slyke said these proposals were presented to the Board of Directors at their December meeting for action:

- Streamlining the process for establishing voluntary emission limits (e.g. synthetic minors)

- Establishing a process to implement Ecology regulations for non-road engine notifications
- Creating emission limits for rock crushers and streamlining compliance administration for this category of sources

Mr. Van Slyke said the Board approved the first two proposals and those new and amended regulations will be effective on February 1, 2012. He said after hearing comments from the public during the hearing on the rock crusher proposal the Board decided to continue the public hearing until the January Board meeting.

Mr. Wellan asked if there is a specific point in the process where rock crushers are most prone to create visible emissions.

Mr. Van Slyke said it depends on several factors, e.g., is the material prone to dust, if crushed and dry, is it dropping off the conveyer, etc. He said generally it is the equipment itself that causes emissions. He said it is staff's belief that if appropriate suppression measures are used there won't be visible emissions.

Mr. Wellan asked whether they use water spray or some type of emissions suppression device.

Mr. Van Slyke said usually water spray is used.

Mr. Wellan asked if they use compact or mobile units.

Mr. Van Slyke said they use both.

Art Castle said he has heard the complaint from rock crushers that if they use water suppression then they get cited for creating storm water problems.

Mr. Van Slyke said visible emissions are not really a problem; when suppression is applied properly it has been shown that water suppression works and doesn't create other problems.

VII. Advisory Council Member Reports

Mr. Kenworthy said the Port of Seattle is still working on finding a replacement on the Advisory Council for Sarah Flagg.

With no further business, the Advisory Council adjourned at 11:20 a.m.

CERTIFICATION

I hereby certify this to be a true and correct record of the Minutes of the January 11, 2012, meeting of the Advisory Council of the Puget Sound Clean Air Agency.

Attest:

Craig Kenworthy
Executive Director

jwc