

Southwest Clean Air Agency

Board of Directors Minutes

October 1, 2009

The regular meeting of the Southwest Clean Air Agency Board of Directors was held in the Southwest Clean Air Agency office, Vancouver, Washington on October 1, 2009.

Those present were: Don Jensen, Chair, City of Longview
Pat Jollota, Vice Chair, City of Vancouver
Milton Cox, Director, Member at Large
George Raiter, Director, Cowlitz County
Mary Ann Duncan-Cole, Director, City of Stevenson
Jamie Tolfree, Director, Skamania County
Blair Brady, Director, Wahkiakum County
Bill Schulte, Director, Lewis County
Harlan Thompson, Director, City of Centralia

Excused: Kelly Sills, Director, Clark County
David Goodroe, Director, City of Cathlamet

Also Present: Staff: Robert D. Elliott, Executive Director
Paul Mairose, Chief Engineer
Traci Arnold, Office Administrator

Guests: None.

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 September 3, 2009 minutes. Mr. Brady moved and Mrs. Jollota seconded that the minutes for the September 3, 2009 Board meeting be approved. Motion passed.

Changes to Agenda

Mr. Jensen asked for any changes to the agenda. Mr. Elliott responded he would be briefing the Board on two issues under public comment. Mr. Blair moved, and Mrs. Tolfree seconded approval of amending the Agenda. Motion passed.

Public Comment

Mr. Jensen presented a Distinguished Leadership Plaque to retiring Board of Director Pat Jollota for her contributions to the success of the agency. Mr. Elliott also expressed his appreciation to Mrs. Jollota for her many years of service on the Board of Directors. Mrs. Jollota thanked Mr. Elliott and the Board.

Mr. Elliott reported the Washington State Auditor was in the process of auditing SWCAA for fiscal years 2007/2008 and 2008/2009. He said the entrance conference was held on September 22, 2009 and the field work for the audit was completed September 30, 2009. Mr. Elliott said he believes this will be another clean audit and there has not been an audit finding for the agency over the past 17 years. Mr. Elliott said he expects the exit interview to be held by the end of October 2009.

Mr. Elliott reported Earthjustice, Sierra Club, National Parks Conservation Association and the Northwest Environmental Defense Center have filed a Notice of Appeal with the Washington State Pollution Control Hearing Board (PCHB) regarding the Title 5 renewal permit for the TransAlta Coal-Fired Power Plant and its carbon dioxide, mercury and nitrogen oxide emissions. He said these organizations earlier filed an appeal with EPA on the Title 5 permit because they wanted SWCAA to add new emission limits to the TransAlta Coal-Fired Power Plant Title 5 permit for mercury, carbon dioxide and nitrogen oxide emissions. Mr. Elliott said EPA did not respond to their appeal which resulted in their filing of the Notice of Appeal with the PCHB. He said the last time SWCAA experienced an appeal like this it also involved TransAlta and the litigation went all the way to the Washington Supreme Court. Mr. Elliott said the cost to the agency for that 2 to 3 year appeal was approximately \$300,000 in legal fees. He said this appeal will most likely be accepted by the PCHB who will then set a future hearing date. Mr. Elliott said a main issue of their appeal is that SWCAA has the legal authority to set stricter limits on the emissions from the TransAlta Coal-Fired Power Plant that they are seeking. He predicted this is going to be a long process and may be very expensive for SWCAA's legal fees. Mr. Schutle asked if the Attorney General can handle these legal costs for SWCAA. Mr. Elliott responded that the Attorney General's Office has said in the past that they only represent state agencies. Mr. Elliott said that he predicts the Attorney General's Office will file to intervene on this appeal to protect the interests of their Department of Ecology client. Mr. Raiter asked if this situation could be resolved by a settlement. Mr. Elliott responded that settlement would be unlikely since the goal of the environmental groups is to either achieve the installation of very expensive emission controls on the TransAlta Coal-Fired Power Plant and in some cases the installation of controls as with carbon dioxide that may not exist or have the power plant shut down. Mr. Jensen requested he and the Board receive regular briefs and updates on this issue. Mr. Elliott responded he would keep the Board informed of all important milestones during this appeal and litigation.

Consent Agenda

Mr. Jensen asked for approval of the Consent Agenda including the September 2009 timesheets for Executive Director Robert Elliott, voucher numbers 148 through 208, 210 through 218, 222 through 224, in the amount of \$17,715.28, which have been approved for payment by the Executive Director, voucher numbers 209, 219 through 221, in the amount of \$15,837.18, August Financial Report, August Monthly Activity Report, August 2009 salaries in the amount

of \$88,654.10 and August 2009 benefits in the amount of \$32,344.53. Mr. Raiter moved, and Mrs. Jollota seconded approval of the Consent Agenda. Motion passed.

Public Hearing

Mr. Jensen opened the public hearing for the adoption of SWCAA 400 Regulation Revisions. Mr. Jensen acknowledged no one from the public was present for the hearing. Mr. Jensen then recognized Mr. Elliott. Mr. Elliott explained the purpose of this public hearing is achieve streamlining and clarifications of regulatory language.

Mr. Elliott introduced Paul Mairose, SWCAA Chief Engineer to give a presentation on the SWCAA 400 Regulation Revisions. Mr. Mairose presented the SWCAA 400 sections that will be changed or updated. He said in SWCAA 400-030 various definitions were being clarified for consistency issues. He said SWCAA 400-040 replaces the use of “stationary source” with “source” in selected applications. He said SWCAA 400-045 raised the exemption threshold for Internal Combustion (IC) engines and lowers the application filing fee from \$600 to \$500 as well as adding language providing for expedited review of permit applications. Mr. Mairose said revisions to SWCAA 400-046 will update the application review process for nonroad engines. He said this action will include language requiring a professional engineer review the application. Mr. Mairose said permits for nonroad engines will have a term of 12 months only. He said in SWCAA 400-050 provides updates to emissions standards for combustion and incineration units with specific emission measurements. Mr. Mairose said SWCAA 400-052 was being completely removed because the rule section was redundant to newer rule sections and permit requirements. He said SWCAA 400-070 was being renamed to avoid confusion with the new SWCAA 400-072 rule section. He said the new name for this section is General Requirements for Certain Source Categories. Mr. Mairose said this section will also now prohibit the installation or reinstallation of perchloroethylene dry cleaners effective July 1, 2010. He said this section now includes requirements for outdoor wood-fired boilers. Mr. Mairose said the new SWCAA 400-072, Emission Standards for Selected Small Source Categories, will establish emission standards, work practices, and monitoring/reporting requirements to be used in lieu of NSR for selected equipment categories. He said SWCAA 400-074 would have revised language for consistency throughout the rule section. Mr. Mairose said SWCAA 400-075 would have updated references and an informational list would be moved out of the main body of the rule section to a separate appendix. He said minor updates for SWCAA 400-100 Registration Requirements would be made. Mr. Mairose said there is no increase in registration fees at this time. Mr. Mairose said SWCAA 400-101 would unlink exemption thresholds for the registration and NSR programs. He said the exemption for food preparation facilities was being removed. Mr. Elliott said removing the exemption for food preparation allows SWCAA to have dialog with char-broiler style restaurants in the event the restaurant is impacting neighboring properties. He said SWCAA is not planning to require permitting or control equipment on food preparation facilities at this time. Mr. Mairose said SWCAA 400-105 will have an updated list of inventory pollutants and reference SWCAA 400-107 for monitoring system malfunctions. Mr. Mairose said SWCAA 400-106 would require submission of test reports in both printed and electronic formats. He said monitoring record reporting requirements were being revised and would now include the required use of agency approved forms and/or formats. He said SWCAA 400-107 updates will reduce the reporting timeline for excess emissions that pose a potential threat to

human health or safety. Mr. Mairose said SWCAA 400-109 now establishes exemptions specific to the NSR program, revises the billing protocol for legal notices and revised the review fee tables (not a fee increase). He said SWCAA 400-110 for New Source Review contains several updates to streamline the process and improve efficiency for both the source and SWCAA. Mr. Mairose said SWCAA 400-115 now contains updated references and an informational list was moved to a separate appendix. He said SWCAA 400-131 now has a definition for “old actual emissions rate” and the term “equivalent document” was removed. Mr. Mairose said the term “Control Officer” was replaced with “Agency” in SWCAA 400-136. He said SWCAA 400-171 now clarifies the 15 day waiting period for public notice using a newspaper publication, process for public comment period requests and list of actions requiring a mandatory public comment period. Mr. Mairose said SWCAA 400-200 now clarifies the effective date of the vertical dispersion requirement adopted in the 2006 rule revision.

Mr. Jensen and the Board thanked Mr. Mairose for his presentation. Mr. Jensen then closed the public hearing.

Mr. Jensen asked for consideration of the SWCAA 400 Regulation Revisions. Mrs. Jollota moved to approve the SWCAA 400 Regulation Revisions and Mr. Blair seconded the approval. Motion passed.

Unfinished Business/New Business

None.

Control Officer Report

1.) Mr. Elliott reported carbon dioxide (CO₂) emissions have grown about four times faster since 2000 than during the 1990s, according to the Global Carbon Project. He said worldwide atmospheric concentrations of carbon dioxide are at 383 parts per million in 2007 which is 37 percent above the concentration at the start of the Industrial Revolution. Mr. Elliott said more than one-half of global emissions are now from developing nations, including China, India and Brazil. However, an Oak Ridge National Laboratory report notes that a recent study estimated that one-third of China’s carbon dioxide emissions in 2005 were related to the production of goods for export. He said worldwide growth in carbon dioxide emissions in 2007 was even higher than the most pessimistic scenarios envisioned by the Intergovernmental Panel on Climate Change (IPCC).

2.) Mr. Elliott reported the U.S. Chamber of Commerce released a report describing the potential burden caused by EPA regulation of greenhouse gas emissions. He said a U.S. Chamber of Commerce report concludes that over one million businesses involved in manufacturing, operating buildings and services, and farming could potentially be subject to Prevention of Significant Deterioration (PSD) permitting requirements under the Clean Air Act if EPA regulates greenhouse gas (GHG) emissions. Mr. Elliott said the Chamber of Commerce report states that such a regulation would result in devastating costs to the U.S. economy. He said no information on the projected costs of permitting was included in the Chamber report. Mr. Elliott said according to the Chamber, approximately one million mid-sized to large

commercial buildings, nearly 200,000 manufacturing operations and about 20,000 large farms would exceed the major source emissions threshold of 250 tons of carbon dioxide emissions per year.

3.) Mr. Elliott reported that Chicago released a Climate Action Plan which contains recommended measures for the city to reduce greenhouse gas (GHG) emissions to 25 percent below 1990 levels by 2020 and ultimately to 80 percent below 1990 levels by 2050. He said recommended measures include improving the energy efficiency of residential, commercial and industrial buildings, upgrading power plants, improving power plant efficiency, increasing renewable power, reducing vehicle miles traveled (VMT) by automobiles, improving fleet efficiency and reducing waste and industrial pollution.

4.) Mr. Elliott reported the hole in the ozone layer over Antarctica in 2008 was the fifth largest on record. He said in September 2008, the ozone hole covered an area of 27 million square kilometers while the maximum area reached in 2007 was 25 million square kilometers. He said the World Meteorological Organization (WMO) communicated that this observed change in the ozone hole may indicate a delay in the recovery of the ozone layer being brought about by the Montreal Protocol's phasing out of ozone depleting substances. Mr. Elliott said it may now take 50 years for the ozone layer to recover.

5.) Mr. Elliott reported regulations have been proposed to require emissions performance labels for all new cars sold in Massachusetts beginning with model year 2010. He said the labels, which are identical to the ones developed by California; score a vehicle's smog and global warming emissions on a scale of 1 to 10, with the highest scores going to the cleanest vehicles. Mr. Elliott said the smog score is based on smog-forming emissions from the vehicle's operations. He said the global warming score is based on the emission of greenhouse gases (including, but not limited to, carbon dioxide) from the vehicle's operation and fuel use. He said the average new car has a score of 5 on both scales.

Board Policy Discussion Issues

None.

Issues for Next Meeting

A. Public Hearing.

1. None.

B. New Business/Unfinished Business.

1. As Necessary.

C. Control Officer Report.

1. As Necessary.

D. Board Policy Discussion Issues.

1. As Necessary.

E. Meeting Date and Location

1. November 5, 2009 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 November 5, 2009 at 3:00 p.m., Southwest Clean Air Agency, Vancouver, Washington.

Board Meeting Attendance:

JURISDICTION	J 2009	F 2009	M 2009	A 2009	M 2009	J 2009	J 2009	A 2009	S 2009	O 2009	N 2008	D 2008
Clark County	+	+	+	+	+	+	C	+	+	0	+	C
Cowlitz County	+	0	0	0	+	+	C	+	+	+	0	C
Lewis County	0	+	+	+	0	+	C	+	+	+	0	C
Skamania County	+	0	+	+	0	+	C	+	+	+	+	C
Wahkiakum County	0	0	+	+	0	+	C	+	+	+	+	C
Cathlamet	+	+	+	+	+	0	C	+	+	0	0	C
Centralia	0	+	+	+	+	+	C	+	0	+	+	C
Longview	0	+	+	+	+	+	C	+	+	+	0	C
Stevenson	+	0	+	0	+	+	C	+	+	+	0	C
Vancouver	+	+	+	+	+	+	C	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 4:26 p.m.

Chair

Executive Director