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Spokane, WA 99224

SpokaneCleanAir.org

SPOKANE REGIONAL CLEAN AIR AGENCY BOARD MEETING MINUTES

February 2, 2023 9:30 a.m.
Spokane Clean Air in Person and Remotely

BOARD MEMBERS:

Al French, County Commissioner (Chair) Remote
Jim Simon, City of Spokane Representative
Tom Brattebo, Member at Large
Kevin Freeman, Mayor of Millwood, Small
Cities & Towns Representative (VC) Remote
Rod Higgins, City of Spokane Valley

STAFF MEMBERS:

Scott Windsor, Executive Director
April Westby, PE, Supervisory Engineer
Lori Rodriguez, Compliance Section Manager
Michelle Zernick, Finance & HR Section Manager
Mark Rowe, Monitoring Section Manager
Lisa Woodard, Communication/Outreach Sect. Mgr.
Margee Chambers, Rule Writer/SIP Planner, Remote
Mary Kataoka, Administrative Assistant
Calie Maki, Administrative Assistant

OTHERS PRESENT:

Michelle Fossum, Legal Counsel
Ron Edgar, Advisory Council

PUBLIC PRESENT:

Mark Collins
Brett Emmert

WORK SESSION: There was no work session.

BOARD MEETING: 9:30 a.m.

1. Advisory Council Report – Ron Edgar gave a brief overview of the January advisory council meeting. The advisory went over changes in the designations of the by-laws procedures, etc. Scott spoke with the advisory on the Northwest Air Director’s meeting that he had attended. There was discussion about the proposed PM_{2.5} standards that are coming up and where the county stands on meeting their standards. Scott added that the advisory will be bringing the rules of procedure to the board next month for approval.

2. Executive Director’s Report – The EPA is recommending and going forward with a PM 2.5 annual standard revision from 12ug/m³ to between 9-10ug/m³. The Agency has begun budget review and planning for the next year. The EPA is looking into potential health effects from leaded aviation fuel in overburdened communities. The Executive Director and Staff would like to begin planning a retreat with the Board and Advisory Council. Agency staff has paid close attention to the NWS forecasts. Air quality has been good for the most part. The agency had an online discussion with representatives of State Parks, Department of Ecology, and Mt. Spokane ski park vendor concerning a potential request for a variance; none received to date. The Agency is waiting to hear back from the

state auditors concerning our audit. Changes to the Marijuana Registration program has been open to public comment. To date, one comment has been received.

3. Public Comment – There were no public comments.

ACTION ITEMS/POTENTIAL ACTION ITEMS:

4. Consent Agenda – Action Item:

- a. Approval of the January 5, 2023 Board Minutes
- b. Approval of Vouchers for January, 2023, numbered 13037 thru 13056 and 13058 thru 13069 with Claims totaling \$75,322.55 and Payroll numbered 13035, 13036 and 13057 and EFTs totaling \$191,153.60 – for a Grand Total of \$266,476.15

Rod Higgins moved to approve the Consent Agenda as presented and Tom Brattebo seconded it. Motion passed unanimously.

5. Election of the 2023 Chair and Vice Chair of the SRCAA Board of Directors.

Rod Higgins nominated Al French as Chair and Kevin Freeman as Vice Chair. Tom Brattebo seconded it. Discussion ensued.

Jim Simon stated that he would be interested in serving as the vice chair position. Kevin Freeman made a motion to nominate Jim Simon as vice chair. Al French amended the motion to appoint Jim Simon as Vice Chair.

Rod Higgins approved the amended motion to approve Al French as Chair and Jim Simon as Vice Chair. Tom Brattebo seconded it. Motion passed unanimously.

6. Resolution 23-01 – Removing Marijuana Producers and Processors from the Annual Registration Program, Amending SRCAA Regulation I, Articles IV, V and X.

Margee gave an overview of removing Marijuana producers and processors from the registration program and amending SRCAA Regulation I, Articles IV, V and X. Discussion ensued between Al French, Margee Chambers, Lori Rodriguez and Brett Emmert.

Public Comments:

Mark Collins: Thank you. Good morning, everybody. I appreciate the time in front of this board. I am glad to see this issue isn't as contentious as it was back in 2016. That was an interesting time period. Mr. French, I got to sit down with you in your office back in that time period and have a discussion with you. I don't know if you remember that or not. But, as we've gone through these years the complaints are going down, I think just because the industry is becoming more established. Right? It's just continuing on making revenue, creating jobs; all these different things for our communities. Over constantly under these burdens that are imposed on us financially, whether its fees from the state, local, county and city. The way we have to pay our taxes, all these different things. Now each time we get another one of these fees though, that takes away from employment opportunities and building in our communities. We want to see our communities grow just like everybody else in this room. And we

appreciate what we do for our community. Now, we don't want to rub people the wrong way either or create problems, have unnecessary things with your neighbors, all these things that other people have to go through as well. But we would like to be treated like any other agricultural industry in this state. You know, I think to myself the Christmas tree farms we have out here in Spokane, how would we treat those companies or how would those companies feel if we told them they had to pay a fee each year just cause of the smell of those Christmas trees. Plus essentially how we feel about this situation because we are not creating any type of pollutant or putting anything negative back into our air, it's the same exact smells as those Christmas trees made by the same exact chemicals. We just want to continue doing business and do good by our communities. All these fees are excessive at times and feel like a burden. And I'll tell you anecdotally, we bought a business in 2019 that was well behind on this fee from the Spokane Clean Air Agency. I had to come deal with you all and you're a wonderful staff, by the way. I appreciate everything you did to help at the time. But they were well behind. They hadn't paid anything because they couldn't afford it, and then that was just part of the reason they went out of business. We took that company over, bought all these fees, right, and made it good and have kept paying each year. But I know there's plenty of cannabis companies out there that are not. They're constantly late on their fees, they're not paying their fees, not because they don't want to, but more than likely cause they can't afford to. Now, seeing the cities rev or the agencies revenue is also lacking, it seems like we are having two separate sides losing money in this situation. So why does it help to keep doing it if the Agency already has ways to sit there enforce codes on us and make sure that we're not... (Scott Windsor stopped Mark at his three-minute mark). Thank you for your time. I appreciate it.

Brett Emmert: Hi everybody. Thanks for having us today. I just kind of wanted to think back on what Mark stated there, I feel very much the same. I haven't really seen any benefit to the public through enforcement or a reduction in odors. I know that my farm personally outside of the Agency showing up early on just to collect fees, no one has ever come to actually tour the farm, see where we can make improvements or have a reduction. So, we've been paying the fees but have not seen anything back and in our particular area, we're in an industrial complex, nobody's ever really made any complaints that I am aware of anyway. But I just don't see the benefit, it's just one more burden for companies to handle as far as the fees go, the added expenses. Not sure if all of you know or not, but since it is an agricultural crop, it's treated a lot like a commodity. There's not a whole lot of revenue made on on cannabis. On paper it looks great, in reality with overhead it's not great. You can ask anybody that's in the industry and they'll tell you the same thing. So anyway, a long story short, I just don't see the benefit to it. I think it would be good for that to pause and then address the individuals as needed when complaints do come up on individual situations, I'm not opposed to that. Thank you for your time.

Rod Higgins moved to approve Resolution No. 23-01 as presented and Jim Simon seconded it. Motion passed unanimously.

7. **Executive Session(s)** – There was no executive session.

NON-ACTION ITEMS:

8. **Activity Reports** – December

- a. Lisa gave an overview of the following activities: Website/Social, Clean Air Calendar/Annual Report, Asbestos, Compliance Assistance/Business Recognition, Rulemaking Outreach, Wood Stove Changeout Grant, and Prevent Nonattainment (PNA) grant.

b. Lori gave a brief overview of the inspector’s work. Complaints have been down for the month. There are no appeals. Enforcement is up. The source inspections are caught up after the year we had with Covid. Asbestos is low, but that is normal for the season.

c. April gave a brief overview of the permitting activities. There were only three NOC applications received, which included a large NOC from the Louisiana Pacific Wood Siding facility that has many kinds of equipment. Portable Source Permits are picking up. The inspectors are providing work with permit questions and follow up with sources for the engineers. The annual registration forms, reports and invoices are starting to come in. That brings up questions, change of ownership and business closures to the table for the engineers as well. Al French asked if April could look over the bills for Olympia’s WASAQC permitting department to see if she had any suggestions regarding their timeline for review periods for permits, specific timelines and consequences that could help or hinder the permitting department.

d. Mark gave a brief overview of the air monitoring activities for December. Based on a 24-hour time frame average for PM_{2.5}, the highest AQI was on the 7th at 64. There were three days in the low to moderate range, the rest were good days.

e. Michelle went over the budget. The retreat was helpful last year with budgets and that would be helpful again this year. In March they will go over the general fund and discuss and get feedback on local assessments and a few more items. She would like to have a couple sessions or breakdowns on the budget with the board members before the final budget is due in June. Kevin Freeman would prefer to start with the funds that are significantly out of balance between revenue and expenditure. The highest priority funds should be presented in March so that Michelle and the board have more time to make any adjustments and come up with ideas and/or solutions. Michelle stated that the general fund and the registration fund are the ones that need focused on. A discussion ensued with the board members on a date for the retreat that would work for all of them. The Board decided to come back to the retreat discussion at a later date.

f. Michelle Fossum gave an overview of the groups that filed an action seeking a declaratory judgement that the Board could not delegate decisions on NOCs to technical staff, but that the Board had to make each of those decisions on NOCs. That matter has proceeded through the court system, we were successful at the trial court level. It went to Division One and the Court found that the Environment Coalition did not have the requisite standing to be able to seek a declaratory judgement of that particular issue. There is a similar challenge to an actual decision that was made by Puget Sound.

9. Board Concerns – There will be a quorum for the March 2, 2023, board meeting. Mayor Freeman will be absent.

Next Board Meeting – 9:30 a.m., Thursday, March 2, 2023.

10. Adjournment – The board meeting was adjourned at 10:30 a.m.

COMMISSIONER AL FRENCH, CHAIR

SCOTT WINDSOR, EXECUTIVE DIRECTOR