

Southwest Air Pollution Control Authority

Board of Directors Minutes

October 15, 1996

The regular meeting of the Southwest Air Pollution Control Authority Board of Directors was held at the Southwest Air Pollution Control Authority office, Vancouver, Washington on October 15, 1996 at 3:00 p.m.

Those present were: Mark Miller, Chair, City of Centralia
Glenn Aldrich, Director, Lewis County
Mel Gordon, Director, Clark County
Linda Horowitz, Director, City of Vancouver
Ramona Leber, Director, City of Longview
Joel Rupley, Director, Cowlitz County

Excused: Mary Ann Duncan-Cole, Director, City of Stevenson
Linda Elliott, Director, City of Cathlamet
Dean Evans, Director, Skamania County
Doug Larson, Director, Member at Large
Ron Ozment, Director, Wahkiakum County

Also Present: Staff: Robert Elliott, Executive Director
Thomas Tabor, Operations Manager
Paul Mairose, Chief Engineer
Virginia Fry, Office Manager

Guests: Robert Dreyfuss, Citizen
Rebecca Francis, Citizen
Len Dozier, Citizen
Dale Jensen, Department of Ecology
Dan Johnson, Department of Ecology

Call to Order

Mr. Rupley called the meeting to order at 3:00 p.m. A quorum was confirmed to not exist.

Financial Report

Mr. Rupley opened discussion of the September 1996 financial report. Mr. Elliott commented that the CO Grant variance is due to a timing lag related to invoicing the Department of Ecology and we are awaiting reimbursements. He also stated that PacifiCorp may not be willing to pay additional RACT fees for the Centralia Plant process (i.e., to set a new emission limit, litigation costs, etc.). They want SWAPCA to continue relying on its Title V fees. With the arrival of Mr. Miller, a quorum was confirmed to exist and discussion of RACT fees continued. Mr. Rupley requested that a summary be prepared on the RACT fees issue for the Board including possible sources for payment, the impact on the budget, and what pressures could be applied to collect the appropriate amount. This report would provide a full disclosure of the potential impacts on the agency.

Minutes

Minutes of the September 17, 1996 meeting and September 18, 1996 Continuation of Hearing were discussed. Mr. Gordon moved, and Mrs. Horowitz seconded the minutes be approved. Motion passed.

Public Comment

Mr. Miller recognized Mr. Robert Dreyfuss, Citizen. Mr. Dreyfuss asked if PacifiCorp was trying to have SWAPCA litigate at the public's expense. Mr. Miller responded that the litigation is a result of citizen lawsuits that seem inappropriate and are disrupting the process. Mr. Elliott also responded that the fee reimbursement issue has arisen due to a different interpretation of the RACT law by SWAPCA and PacifiCorp. The litigation relates to the defending of SWAPCA's RACT Order.

Mr. Miller recognized Mrs. Rebecca Francis, Citizen. Mrs. Francis read a letter to the Board from Linda Poer who had an unsatisfactory experience with the vehicle testing program. Mrs. Poer's vehicle was tested twelve times before passing. Mrs. Francis said she had approached Mr. Williams, WDOE, and he offered no help. Mrs. Francis stated that Mr. Pitsch, WDOE, at Clark College was very helpful and he explained his telephone number should be given to citizens when they fail the second time. Mrs. Francis requested that additional information be provided to citizens who fail a second time. There is no charge for the second test, however further testing is paid for by the citizen. She further stated that these injustices are causing real life problems for the public, and she gave information on a renter who had to choose between getting his car repaired to pass the test or paying his rent. Mrs. Francis stated her hope that the Board could help to make this process a little less disagreeable. Mr. Elliott responded that about eight months ago, SWAPCA indicated that they would act as a go-between for the citizens with WDOE and would forward complaints and seek answers from the Department of Ecology (WDOE) on their behalf. Mrs. Horowitz commented that the (WDOE) should run their program more efficiently and be more consumer friendly, and recommended that WDOE revisit the practice of charging for repeat testing. Mr. Elliott suggested that SWAPCA take the necessary steps to install a sign at the testing stations with appropriate telephone numbers to help the public voice their complaints, including SWAPCA's and Mr. Pitsch's telephone numbers. The Board requested a copy of Ms. Poer's letter be forwarded to WDOE and the Board receive a copy of WDOE's response to Ms. Poer. Mrs. Francis refrained from providing SWAPCA a copy and entering the letter into the record until she obtained permission from Mrs. Poer.

Mr. Miller recognized Mr. Len Dozier, Citizen. Mr. Dozier stated that he believes that the plan to cancel the November and December Board meetings means that any action to get coverage for next year's work on the

ozone upwind study needs to be taken at this meeting if it is to be effective. He said next year's state budget is already being planned and items that are requested by the first of December have a much better chance of being funded and supported in the upcoming session of the legislature. Mr. Dozier commented that he was not aware of any request for continuation of the ozone study being submitted to the legislature. If this has not been done already, he requested that the Board initiate action at this meeting to get estimates and approve their submittal to the proper authorities before December 1, 1996, even if that requires a November meeting. Mr. Dozier then stated that at the September Board meeting Mr. Elliott indicated that any report dealing with the two exceedances at Milwaukee would not be made to the Board or the Technical Advisory Committee (TAC) for another five or six months. He said that would mean next March or April. Mr. Dozier commented that Mr. Elliott's remarks indicated that he was thinking primarily about controls. Mr. Dozier said he was not advocating at this time any controls to deal with the Milwaukee exceedances beyond those already planned. However, he said it is important to analyze these very high exceedances to determine what is the most likely main cause of them, which may be quite different than the exceedances in Clark County. That work should begin immediately, not five or six months later, and he said the TAC should be convened as soon as possible to consider this. If additional instrumentation and measurements are needed, such as wind vectors, there is a lead time of several months to procure and install it before next summer. Mr. Dozier, therefore, requested that the Board direct that the TAC be reconvened as soon as possible and that SWAPCA staff along with the Oregon Department of Environmental Quality (DEQ) report to the Board and the TAC on progress in determining the most likely main cause of those exceedances at all Board and TAC meetings until the problem is solved. Mrs. Horowitz responded that she is uncomfortable with the TAC being a long term commitment for members of the public. She believed SWAPCA's TAC was convened with one goal and this request would now broaden the TAC's responsibilities. She said if a long term committee is going to exist, they should be addressing different issues, and individuals asked to serve should understand these parameters at the beginning of the process. Mr. Elliott concurred and stated that the TAC was convened in January 1994 had a clear mission to develop the Carbon Monoxide and Ozone Maintenance Plans. He said that does not preclude calling together another TAC to review the two ozone exceedances this summer. Ozone exceedances could occur again over the next several years. Mr. Aldrich concurred with Mrs. Horowitz and Mr. Elliott. Mr. Elliott further reported that a temporary employee has been hired to gather data and serve as liaison between DEQ and SWAPCA on the exceedance study. This data should be gathered and available for analysis the latter part of November 1996. The information would then be available to share with a TAC as to why the two exceedances occurred and what we believe is a good way to deal with it next summer. Following the TAC's review, the recommendations could then be brought to the Board at the January or February 1997 meeting. Mr. Miller commented that the exceedance report is coming together and a TAC will be put together with a specific life to address these issues and then report to the Board. Mr. Elliott then addressed the dollar issue. He stated that there are two phases to the ozone study. Monitoring is the first stage and this equipment has been bought and installed as well as arrangements made for personnel to run the equipment. The second phase will be the development of an air pollution model specific to the Portland-Vancouver area. It is called an Urban Airshed Model and will be able to analyze inputs and what is happening in the mixing bowl within our area. The cost could be up to \$200,000. Following further discussion, the Board directed Mr. Elliott to draft a letter to be reviewed by the Board as soon as possible, notifying the local legislators of what has been accomplished and what still needs to be done in the next year or two with the issue of ozone air pollution in the Portland/Vancouver area, and the estimated project cost along with other options that are being explored.

Public Hearing

SWAPCA 400, 490, 491, and 492 Regulation Changes

Mr. Miller opened the public hearing on proposed changes to SWAPCA 400, 490, 491, and 492 regulations and asked Mr. Elliott to make his introductory remarks. Mr. Elliott commented that the main purpose of the regulation changes are to support actions initiated as part of the Carbon Monoxide Maintenance Plan and Ozone Maintenance Plan which were adopted by the SWAPCA Board of Directors in late 1995 and mid 1996, respectively. These are actions that have been decided on at previous public hearings. SWAPCA 490 "Emission Standards and Controls for Sources Emitting Volatile Organic Compounds" modifications clarify the applicability of the rule to address the maintenance plan area. It adds language to incorporate revised federal requirements for leak testing and certification sticker issuance for gasoline tankers. SWAPCA 491 "Emission Standards and Controls for Sources Emitting Gasoline Vapors" modifications clarify the intent, add reference to the registration fee, removes the compliance schedule section, revises Stage I and II requirements for consistency, adds federal requirements to limit fuel flow, provides reference for sources to comply with CARB certification, and revises the equipment or systems failures section for consistency with federal requirements. SWAPCA 492 "Oxygenated Fuels" modifications clarify the applicability of the rule to address the maintenance plan area, revises the control area and control period, and results in immediate discontinuation of the oxygenated fuel requirements upon EPA approval. SWAPCA 400 "General Regulations for Air Pollution Sources" modifications add definitions for clarification, update the effective date of adoption of federal delegation, adds a new section describing requirements for new sources in maintenance plan areas, adopts by reference federal Maximum Achievable Control Technology (MACT), adds reference to federal requirements to prohibit lead in gasoline, revises nonattainment area requirements, adds a new section to address the requirement for maintenance of equipment, adds a provision to provide concurrent approval for installation of equipment under certain conditions, and adds reference to 40 CFR 2 "Public Information." Mr. Elliott further commented that SWAPCA mailed out notification of these changes to all industries and received no written comment.

Mr. Miller opened the Public Hearing on 400, 490, 491, and 492 to proponents. Mr. Miller recognized Mr. Dale Jensen, Department of Ecology. Mr. Jensen commented that Ecology recently went through rule making to add two additional sections to WAC 173-400-105 to provide reference to language in RCW 70.94 regarding false material statements and falsifying monitoring records. These changes were necessary to satisfy EPA Region 10 to get full program approval for delegation of the Title V program. In December of 1993, EPA provided interim approval of the Washington Title V program including WAC 173-401 and the additional changes made to WAC 173-400 to support that program. Subsequent to that interim approval, a law suit was filed by Western States Petroleum Association against EPA for certain interpretations involving the Title V program. That law suit has been settled and Ecology has made minor changes in their regulation to clarify some of the language. Because the SWAPCA regulations are similar and in most cases identical to the Ecology regulations, he suggested SWAPCA consider incorporating sections 7 and 8 of WAC 173-400-105 to ensure SWAPCA's final full program approval for the Title V program. The text of these sections are as follows: "(7) No person shall make any false materials statement, representation or certification in any form, notice or report required under chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit or order in force pursuant thereto; and (8) No person shall render inaccurate any monitoring device or method required under chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto." Further comments by Mr. Jensen were relative to SWAPCA 491. WDOE recommended Section 5a be reworded as follows: This section shall apply to the refueling of motor vehicles

for the general public from stationary tanks at all gasoline dispensing facilities located in Cowlitz, Lewis, and Wahkiakum Counties with an annual gasoline throughput greater than 1.2 million gallons. For Clark County this section shall apply to gasoline dispensing facilities with annual gasoline throughput greater than 0.6 million gallons. These facilities shall install Stage II controls by December 31, 1998 or at the time of a facility upgrade. Skamania County is exempt from Stage II requirements as provided in Substitute House Bill 2376 as passed by the Washington State legislature in 1991.

Mr. Elliott stated that SWAPCA staff supports WDOE's requested changes.

Mr. Miller asked for opponents. There were none.

Mr. Miller closed the Public Hearing and opened Board discussion. Following discussion, Mr. Rupley moved, and Mrs. Horowitz seconded approval for adoption of the SWAPCA 400, 490, 491 and 492 regulation changes. Motion passed.

Unfinished Business

Mr. Miller opened discussion on updating the Civil Penalty Schedule. Mr. Elliott commented that the Civil Penalty Schedule is being changed to meet the theme of Washington's Regulatory Reform Act of 1995 which is to educate companies prior to the use of enforcement action. SWAPCA began this practice immediately after the law was passed in 1995, but has not updated its penalty schedule to reflect this practice until now. The penalty amounts on the table are essentially unchanged. A new footnote was added to explain how repeat violations should be handled. Following discussion, Ms. Leber moved, and Mrs. Horowitz seconded adopting the updated Civil Penalty Schedule. Motion passed.

Mr. Miller opened discussion on cancellation of the November and December 1996 Board of Directors meetings. Mrs. Horowitz commented that work on the car testing problem experience of Linda Poer commence and the Board be copied with any significant response from WDOE. Following further discussion, Ms. Leber moved, and Mrs. Horowitz seconded canceling the November and December Board meetings and authorized Mr. Elliott to call a special Board meeting if necessary.

Vouchers

Mr. Miller asked for consideration of the vouchers. Mrs. Horowitz moved, and Mr. Rupley seconded that voucher numbers 201 through 255 in the amount of \$6,078.96 by the Executive Director and voucher numbers 256 through 271 in the amount of \$13,106.54 and the September payroll in the amount of \$48,844.33 be approved. Motion passed.

Committee Reports

None.

New Business

None.

Control Officer's Report

1. Mr. Elliott noted that he had previously commented on the Centralia Power Plant collaborative process. He added that he hoped the legal issues will become more clear and simplified within the next 30 days. Following discussion, Mr. Elliott was directed to share at the October 28, 1996 CDM meeting the Board's concerns relative to SWAPCA's legal fees. Mr. Miller directed Mr. Elliott to contact PacifiCorp regarding the legal fee issue and if Mr. Elliott feels it is necessary, Mr. Miller will attend the October 28, 1996 meeting to convey the Board's feelings at that meeting.

2. Mr. Elliott reported that EPA final approval may be received as early as next week on the Carbon Monoxide Plan. He will continue to update the Board on the collection and analysis of the data relative to the exceedances. Mrs. Horowitz requested that the approval of the Carbon Monoxide Maintenance Plan be very visible and widely distributed throughout the community. Mr. Elliott confirmed that this will be done.

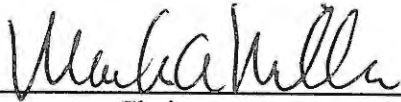
Issues for Next Meeting

1. Unfinished business as necessary.
2. Control Officer's Report.

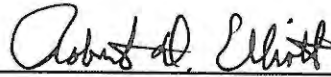
The next Board of Directors meeting will be held on January 21, 1997 at 3:00 p.m. in the Southwest Air Pollution Control Authority office, Vancouver, Washington.

Adjournment

The meeting was adjourned at 5:00 p.m.



Chair



Executive Director

Southwest Air Pollution Control Authority
Board of Directors Meeting
October 15, 1996

NAME (Please print)	REPRESENTING
R G Dreyfuss	
Rebecca K. Francis	
Len Dozier	Self
Dale Jensen	Ecology
Paul Marino	SWAPCA

Oct. 15, 1996

To: SWAPCA Board of Directors

Re: Actions Needed to Avoid Ozone Problems

NEXT YEAR'S BUDGET

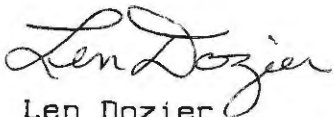
The plan to cancel the November and December Board meetings means that any action to get coverage for next year's work on the ozone upwind study needs to be taken at this meeting if it is to be effective. Next year's state budget is already being planned and items that are requested by the first of December have a much better chance of being funded and supported in the upcoming session of the legislature. I am not aware that any request for continuation of the ozone study has been submitted or even estimated.

If this has not been done already I request that the Board initiate action at this meeting to get estimates and approve their submittal to the proper authorities before December 1, 1996, even if that requires a November meeting.

ANALYSIS OF OZONE EXCEEDANCES AT MILWAUKEE

At the September Board meeting Mr. Elliott indicated that any report dealing with the two exceedances at Milwaukee would not be made to the Board or the TAC for another 5 or 6 months. That would mean next March or April. His remarks indicated that he was thinking primarily about controls. I am not advocating at this time any controls to deal with the Milwaukee exceedances beyond those already planned. However, it is important to analyze these very high exceedances to determine what is the most likely main cause of them, which may be quite different than the exceedances in Clark County. That work should begin immediately, not 5 or 6 months later, and the TAC should be convened as soon as possible to consider this. If additional instrumentation, such as wind vectors, is needed there is a lead time of several months to procure and install it before next summer.

Therefore, I request that the Board direct that the TAC be convened as soon as possible and that SWAPCA staff along with the Oregon DEQ report to the Board and to the TAC on progress in determining the most likely main cause of those exceedances at all Board and TAC meetings until the problem is solved.



Len Dozier
Registered Professional Engineer
Citizen Member, SWAPCA Technical Advisory Committee