

Advisory Council Minutes
March 24, 2011
Spokane Regional Clean Air Agency

Members Present:

Jana McDonald, Air Pollution Control
Ray Kelleher, Business Community
Bernard Leber (Bud), Industry
Doug Pottratz, Citizen
Mark Roberge, Chemistry
Adriane Borgias, Environmental

Staff Present:

Bill Dameworth, Director
Ron Edgar, Chief of Technical Services
April Westby, Air Quality Engineer
Debbie Riley, Secretary

The meeting was called to order at 8:00 a.m.

1. Approval of the January 27, 2011 Minutes

Bud Leber moved to approve the January 27, 2011 minutes and Doug Pottratz seconded it. Minutes approved.

2. Proposed Indirect Source Rule – April Westby

April Westby presented the draft rule she has been working on that applies to a classification of sources Spokane Clean Air has not regulated in the past. The rule will pertain mainly to facilities that have a significant amount of diesel activity at their site. Reasons for the rule are that diesel particulate matter has been identified as a toxic air pollutant based on its potential to cause cancer, premature death, and other adverse human health effects; EPA has proposed a more stringent ozone standard; and EPA recently adopted a one-hour NO₂ ambient standard. The proposed rule will apply to indirect sources in Spokane County. An indirect source is any facility, building, structure, or installation which generates or attracts mobile source activity that results in emissions of air contaminants. These sources could include warehouses, industrial parks, rail yards, transportation centers, bus or truck storage facilities, entertainment venues, etc. Indirect sources are a category of sources mentioned in the Clean Air Act that have previously been unregulated by Spokane Clean Air. This does not include construction sites that generate activity for less than one year or facilities that are solely comprised of public roadways (i.e., does not apply to freeways). The rule does not place any tailpipe standards on mobile sources.

The applicability process to determine which sources will be subject to the rule is a two-step process. The first-step is to calculate on-site emissions from the mobile source activity at indirect sources. On-site emissions include those from idling engines, on-site travel or any other mobile source activity with emissions above the emission thresholds of: Actual or projected calendar year PM_{2.5} emissions above 0.5 tons per year; and/or actual or projected calendar year NO_x emissions above 25 tons per year. Emission thresholds will mainly be triggered by indirect sources with significant on-site diesel activity. To calculate emissions, Spokane Clean Air would need to calculate emissions, get information on the size and age of the engines, hours spent idling, amount of fuel used and the length of on-site trips. The second-step is to determine if the emissions are above the thresholds and then determine if a violation of one or more ambient air quality standards or an adverse human health effect is higher than average or the expected occurrence of cancer; or modeled levels of toxic air pollutants which exceed 1 in 100,000 cancer risk based on a 70 year exposure has occurred. To determine if an indirect source is in violation of the ambient standards or caused an adverse human health effect, we would make a determination by using a computer air dispersion modeling of emissions to predict ambient impact concentration at the nearest point of the unrestricted public access; use health information provided by the Washington Department of Health; and/or use a health risk assessment prepared by federal, state, or local agencies.

The applicability determination procedure would consist of the following: Give written notice to the indirect source of the intent to make an applicability determination. Perform emissions calculations, assess ambient impact and utilize health information to make an applicability determination. Provide the indirect source with written applicability determination. The indirect source can challenge the Agency's applicability determination. The source must submit a plan specifying additional information that the indirect source will submit for consideration. After reviewing additional information submitted by the indirect source, Spokane Clean Air will either modify or confirm applicability determination. The indirect source that is subject to the rule must submit an emission reduction plan. The plan must describe the emission reduction measures to be implemented by the source and the timelines. The plan can be flexible, but the goal is to reduce emissions to the greatest degree practicable in the shortest time practicable. The emission reduction measures must be completed within five years for existing indirect sources and prior to construction for new indirect sources. After Spokane Clean Air deems the emission reduction plan as acceptable, it will hold a 30-day public comment period. Spokane Clean Air would then consider all public comment prior to issuance of the final decision on the emission reduction plan. Once approved, the indirect source is required to implement the emission reduction plan.

Our Agency has been working on this rule for the last 6 months. Last month we notified about 35 potential affected sources of three stakeholder workshops held at Spokane Clean Air on February 23rd and 24th; there were 13 attendees total. The draft rule and workshop presentation were posted on the Agency's website and comments were accepted from the stakeholders until March 15th. The draft rule was sent to EPA and Ecology to review and give comments. The rule will be presented to the Board at the May 2011 meeting for their authorization to begin the formal rule making process. April asked the Advisory Council for any comments. Jana McDonald was concerned about a company being restricted if a source does fall into the new rule, would that limit their company to expand if a company had an Emissions Reduction Plan?

Mark Roberge wondered how our office would identify the sources that would fall under the new rule. Adriane Borgias expressed concern of a large source like the railroad company challenging the data. What would our agency do, what incentive do they have to comply and what kind of a budget strain would this put on the agency? Adriane encouraged the agency to propose a voluntary and collaborative approach. Bill pointed out that this approach had already been tried and was rejected by BNSF. Doug Pottratz asked if Puget Sound has a rule such as this indirect rule? Ron said that Puget Sound does not have such a rule at this time, however they are very interested. Bill said that we have taken the modeling and health data from a railroad that is quite similar to Spokane's in Stockton California. Bill thinks the health data and the cancer rate are of great concern. There was some discussion between staff and the Advisory Council

Ray Kelleher moved to adjourn the Advisory Council meeting and Mark Roberge seconded it. Motion passed.

The meeting adjourned at 9:00 a.m.

The next Advisory Council meeting will be scheduled for April 28, 2011 at 8:00 a.m. Spokane Regional Clean Air Agency office located at 3104 E. Augusta Avenue.

ADVISORY COUNCIL MEMBER

WILLIAM DAMEWORTH, DIRECTOR