

Moses Lake

Melanie Forster: I'm Melanie Forster hearing's officer for this hearing. This evening, we're to conduct a hearing on the proposed amendments to Chapter 173-400, General Regulations for Air Pollution Sources and 173-455 WAC, Air Quality Fee Rule. Let the record show it's 10:57 am on July 25th, 2018 and this hearing is being held at the Best Western Plus Lakefront Hotel, 3000 West Marina Drive, Moses Lake, Washington 98837. Legal notices of this hearing were published in the Washington State Register on June 20, 2018, Washington State Register Number 18-13-109. In addition, notices of the hearing were mailed to about 530 interested people. Email notices were sent to 270 interested people. And a news release was issued on June 25th, 2018. I will be calling people up to provide testimony based on the order your name appears on the sign-in sheet. Once everyone who has indicated they would like to testify has had the opportunity, I will open it up for others. When I call your name, please step up to the front, state your name, and if you haven't given us your contact information, you can give your address as well. You can also provide this after the hearing if you prefer. Please speak clearly so we can get a good recording of your testimony. So the only person who has indicated that they wish to testify is Jack Field. Would you please come up?

Jack Field: For the record, Jack Field, Executive Director of the Washington Cattle Feeders Association, PO Box 10831 in Yakima, Washington. I would like to thank the department for the opportunity to testify for the work group that had met through the summer. The cattle feeders would like to have a request entered into the record that the budgetary drivers, in terms of the general fund appropriation for the program be included in their synopsis or response to questions. Any federal funds that are received from EPA region 10 for the Department of Ecology's efforts that they do on behalf of EPA, so the regulated entities and members of the public have the opportunity to see the amount of general fund dollars and federal dollars currently that are in the program. So we can then see going forward the difference. We would also like to see the written and clear direction that dictates that the program become 100 percent fee-supported. Whether that is something from the governor's office or the legislature or if this is a decision made within the program. The Washington Cattle Feeders also does not believe that the PM10 calculations that the Department of Ecology uses on cattle feedlots is accurate for our facilities here in the Columbia Basin. We implement a variety of best management practices to mitigate fugitive emissions off pens. And that is one of the largest drivers that goes into our fee calculation. We also believe that the fee increase is quite dramatic and will have a negative impact on new facilities being sited here in Washington State when we look at some of the regulatory challenges that we face that neighboring states such as Oregon, Idaho, or international neighbors don't face. The Washington Cattle Feeders would like to see the appeal process clearly defined in the rule for any individual, whether it be any of the regulated sources have an opportunity to understand how they could challenge their fee. We're also quite concerned that taps, even though they're not considered part of the regulatory mechanism at the moment, we believe they may, in the future and this causes great uncertainty to cattle feeders as, again, we don't believe there is accuracy in the PM 10, let alone the taps calculation since we're dealing with live animals. We are firmly opposed to any changes in the process in which the fees are

changed. We do believe they need to be maintained in-rule with administrative hearings, advertisings, and opportunities for the public to engage. We believe it would be too easy for fee increases should the rule be changed to allow the agency to automatically increase fees. We're also concerned about the impacts that any new source may have as existing sources may rely upon emission inventories. New sources are calculated on estimates and those estimates are based upon the worst-case scenario for any individual operation in their six specified tiers. We believe this could and may create an unfair regulatory framework on that initial year for businesses and would ask the department to consider an alternative approach, if possible, by allowing individuals to bring actual data forward rather than the estimates. We, again, would like to see a clear breakdown of the administrative workload that the program has on each of the -- on the current tiers and on the soon-to-be six specified tiers to see how the proposed fees break back -- or actually go to the delivery of the services, in terms of the amount of hours that a specified entity at tier one, two, et cetera would see in terms of service versus the fees that they would pay. And let's see, at the moment, I think that's it other than I guess one final thing, in looking at the fees, the Washington Cattle Feeders believe that, again, the component of PM 10 and a fugitive emission for a registered source, we'd like to see that component removed based upon the efforts that we're doing and with the passage of substitute Senate Bill 5196 two years ago where it said fugitive emissions were exempt as an agricultural activity as long as a fugitive dust control plan was implemented and best management practices being employed on the ground. We certainly are committed to work with the department on this but again, believe that the switch in fees from general fund to 100 percent fee-driven is far too great a burden to place on the less than 600 regulated sources when we look at clean air being a state-wide benefit. We would strongly encourage the department to look further and harder at general funds or federal dollars to do this, to ease the burden on businesses large and small here and ensure that we can maintain viable industries. We'll look forward to working with the department on this and thank you for the chance to testify.

Melanie Forster: Thank you very much. No one else has indicated that they wish to provide testimony. Is there anyone else who's changed their mind and would like to come up and testify? You're welcomed to do so. Okay. So if you would like to send Ecology written comments, please remember that they're due by August 3rd, 2018. We accept written comments in the following ways: here at the hearing, by mail, or online using our online comment form. And to get instructions on how to comment by mail or online, please pick up one of the flyers on the back table. And this information is also available on our website or you can also contact the rule writer Jean-Paul Huys. All testimony received at this hearing as well as the hearing that was held in Wenatchee on July 25th, 2018 along with all written comments received no later than August 3rd, 2018 will be part of the official hearing record for this proposal. Ecology will send notice about the Concise Explanatory Statement or CES publication to everyone that provided written comments or oral testimony on this rule proposal and submitted their contact information, everyone that signed in for today's hearing and provided an email address, and other interested parties on the agency's mailing list for this rule. The CES will among other things, contain the agency's response to questions and issues of concern that were submitted during the public comment period. If you would like to receive a copy but did

not give your name or contact information, please let the staff at this hearing know or you can contact Jean-Paul Huys at the contact information provided for submitting written comments. The next step is to review the comments and make a determination on whether to adopt the rule. Ecology Director Maia Bellon will consider the rule documentation and staff recommendations and will make a decision about adopting the proposal. Adoption is currently scheduled for October 17, 2018. If the proposed rule should be adopted on that day and filed with the Code Reviser, it will go into effect 31 days later. If we can be of further help to you, please do not hesitate to ask or you can contact Jean-Paul Huys if you have other questions. On behalf of the Department of Ecology, thank you for coming. I appreciate your cooperation and courtesy. Let the record show this hearing is adjourned at 11:07 am.

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