



SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY
BOARD MEETING MINUTES

February 1, 2007 9:00 a.m.
SPOKANE COUNTY PUBLIC WORKS BUILDING
LOWER LEVEL HEARING ROOM

BOARD MEMBERS PRESENT:

Board Member Jeff Corkill, Ph.D.
Board Member Melissa Ahern
Mayor Matthew Pederson, Chair
Commissioner Bonnie Mager
Councilmember Mike DeVleming
(arrived ~ 9:11 a.m.)

STAFF MEMBERS PRESENT:

Bill Dameworth, Director
Matt Holmquist, Compliance Administrator
Deirdre Fitzgerald, Air Quality Specialist II
Lisa Woodard, Public Information Officer
Ron Edgar, Chief of Technical Services
Barbara Nelson, Finance & Personnel Admin.
Brenda Smits, Air Quality Specialist II
Michelle Wolkey, Legal Counsel
Mary McDermott, Secretary II

WORK SESSION: The work session began at 9:07 a.m.

1. Advisory Council Report – Ray Kelleher

Three topics were discussed at the last Advisory Council meeting and they were contingent on the resources and approval. The first one was collocation of PM_{2.5} real-time monitors so that SCAPCA can have a better feeling of when an inversion is happening rather than 24 to 48 hours after the fact. The second was discussion on expanding some of the monitoring sites to include the West Plains area and possibly Deer Park and any others that SCAPCA thinks may be necessary. Third was seeing if SCAPCA should get some monitors for hydrocarbons, NO_x, and ozone. The Council is to come back at the next meeting with how they want to have the monitoring area expanded and if we want to improve those monitors.

2. Yard & Garden Burn Expansion Update – Brenda Smits

Every three years SCAPCA has to determine if there are changes that need to be made to its residential yard and garden burning no-burn area. We need to determine if there are areas where there are reasonable alternatives to burning and if there are, ban residential yard and garden burning in those areas. The WAC further goes on to define reasonable alternatives as a method for disposing of organic debris within a reasonable distance, reasonably economical and less harmful to the environment. SCAPCA's residential yard and garden debris burning program is eight days only, in the spring; except Fire Districts 2, 5, 11 and 12 that have delegated agreements. The fires are one 3' x 2' fire at a time, between the hours of 9 a.m. and 5 p.m. only, and only dry, natural vegetation from the improved area of the yard.

Bill Dameworth and Brenda Smits have talked to several Fire Districts about areas within their jurisdiction where possible no-burn expansions could be delegation agreements and draft fire hazard abatement agreements. At the December meeting, there was talk about including the Hangman Hills area and the Brown Mountain area which is adjacent to the no-burn area on three sides. Those areas were supported by Fire District 8 which has jurisdiction and the Hangman Hills area has an enlarged population from large developments that would have potential smoke impacts and the same with the Brown Mountain area. Looking at how to incorporate those areas would be using Range 43 East and the current smoke control zone boundary. Another way would be to use the same Range line and use the Palouse Highway as a southern border instead of the smoke control zone line.

Board Member Corkill stated that the boundary that uses the Palouse Highway would be the easiest one to administer and it would be easy for the people to know if they are inside or outside of the no-burn area.

3. Asbestos Rule Revisions – Deirdre Fitzgerald

The purpose of this today is to find out whether or not the Board wants to move forward with asbestos rule making changes. This was discussed at the last board meeting. So this will be a brief overview. Right now, SCAPCA still regulates non-friable roofing and would like to change that. Non-friable roofing isn't regulated on the west side of the state other than the NESHAP or federal requirements. In its non-friable state, roofing doesn't pose a health risk, it's only when it becomes friable. So the only regulatory oversight would be watching people to make sure that they don't render it friable and if they were to render it friable, other regulations would kick in. Another thing that was done with the regulation is clarify some of the sections in the Asbestos Control Standards; make the survey requirements more user friendly for small contractors and homeowners. The question to the Board is whether or not SCAPCA should put this out for public comment and then address those public comments with the Board.

Councilmember DeVleming stated that this should be put out for public comment and Chair Pederson agreed. The consensus of the Board was to move ahead.

4. Waste-to-Energy Plant/Special Waste – April Westby

This is a quick overview of the current agreements that are in place with SCAPCA and the WTE plant. This came to light after the excess opacity emissions, the purple haze, at the plant several months ago. Questions have been posed as to what types of waste the facility is permitted to accept and which types of wastes SCAPCA is consulted on prior to acceptance.

In 1998, there was a mediated agreement between SCAPCA and WTE and it involved several agencies including Ecology, Washington Board of Health and Environmental Health. It was mediated by Ecology and one of the main components of the agreement was what types of waste the facility can accept and it went into detail on out-of-county waste that can be accepted. Basically what the agreement says is that the facility can accept waste that is normally collected at the curb, drop box, or transfer station and industrial waste generated within Spokane County without consulting SCAPCA. There is a set of criteria that has to meet the definition of solid waste so they can't take hazardous waste or those kinds of thing. The agreement does say that they do not consult with SCAPCA for industrial waste. The waste that did cause the purple

smoke several months ago was from an in-county industrial waste, so that was not something that SCAPCA would review. The mediated agreement talks about out-of-county waste, which is identical to residential and commercial waste normally collected in Spokane County can be accepted (e.g., airline food waste, confidential documents). Historically, SCAPCA has not been consulted for this type of waste either. After the agreement was signed, several months later there was a question as to the quantities that WTE could accept of out-of-county wastes and so a supplement was drafted to the mediated agreement in early 1999. What that agreement said was that they can accept larger quantities of out-of-county waste if it does not contain higher concentrations of constituents that are toxic, could survive combustion or escape the emission control system. There are criteria that have to be met like the waste cannot have high metals content, high chlorine content, etc. Solid Waste System is required to consult with SCAPCA for the acceptability of larger quantity wastes.

The term “special waste” is not used in the mediated agreement, permits and air regulations; the term is used because it is understood. The facility does have their own screening criteria for what they term special waste and that includes in-county and out-of-county wastes. These are the things that are not typical; people call up and say “I have this waste can you take it”. The industrial waste that caused the purple haze was considered special waste by the facility. After the purple haze incident, WTE added wastes containing bromide and iodine to the list of screening criteria because those were not there and iodine was the compound that caused the purple smoke.

In order to settle the purple haze opacity exceedances, SCAPCA required WTE to implement a written plan outlining how future wastes will be screened (who is responsible, what procedures will be used, etc.). SCAPCA sent comments on a draft plan submitted by the City and are waiting for a revised version.

Commissioner Mager asked what kinds of wastes were determined to have iodine in it; what kinds of waste were being accepted. April replied that there are not many. It was from an industrial user within Spokane County, the City has kept the name of the facility confidential. It was from a pharmaceutical type application, it's not something that you would expect to occur. SCAPCA wants to make sure that it doesn't happen again, so we want WTE to implement something so that SCAPCA knows what kind of process they go through when they screen any special wastes before they're accepted.

Board Member Corkill asked if under the agreement SCAPCA should have heard about the Hollister Steer iodinated compound. What they are doing is using the WTE plant as a dumping plant. There are other ways to get rid of dilute solutions. April stated that she doesn't think that they thought it was a problem and that they weren't aware that there were high amounts of iodine and when they called up to ask the plant if they could accept it, iodine was not on the list of screening criteria. So the question was not asked if it contained large amounts of iodine and they didn't know to look for that until after it happened. Under the agreements, the only waste that SCAPCA's consulted with before they can accept it is larger quantities of out-of-county wastes. Board Member Corkill stated that the quantities that were given contained the equivalent of about 500 pounds of iodine which is not insignificant. Also, on your special wastes the two things that you have are bromide that ends in a “d” and iodine ends in an “n” and that doesn't make sense chemically since iodine is an element and bromide is an ion and it should be chlorine, iodine and bromine. April replied that they already have chlorine as part of the list.

Board Member Corkill added that normal waste contains carbon, hydrogen, oxygen and nitrogen, and he would suggest what SCAPCA needs to do is control anything which just contains an element other than that, so that would include sulfur, phosphorus and things like that which should be added to that list. April stated that this list of screening criteria that the WTE has is really not part of SCAPCA's jurisdiction, this is their own set of screening criteria and it does contain things like that. The way the agreement is drafted, SCAPCA doesn't have the authority to review the waste before it comes in if it does meet the definition of municipal solid waste. SCAPCA is more interested in the criteria but also how that criteria will be implemented. Board Member Corkill added that he would encourage SCAPCA to keep going on this agreement but he thinks if they are burning these special wastes and it comes out into the air, then that becomes SCAPCA's responsibility. So he thinks that in this agreement there should be a full disclosure from the WTE plant if it is considered a special burn or special waste it could be defined for Spokane County so that SCAPCA would know that something was coming. April replied that this is after the fact but they do submit, every six months, a report of all their special handling loads; it wouldn't include a lot of the special waste but it would include things like drug wastes and confidential documents; because some of the things they take go directly into the hopper and some go into the pit and that industrial waste that caused the problem went into the pit where it is mixed with other waste. Board Member Corkill stated that he thinks what they need to do to protect people's health is be pro-active. There has to be something where SCAPCA hears about what they are going to do and has some say over whether that should happen or not. April added that SCAPCA is trying to work with WTE to develop a procedure so that we can have some confidence that they are doing some of the work of scrutinizing special waste before it is just accepted. The plant has been in operation for a good 15 years and we are hoping the iodine incident is just an unfortunate incident. Doing some research, it doesn't seem like iodine is too frequent in wastes that are accepted. Board Member Corkill added that the only reason we know that it went up there was because it was purple, what about all the compounds which are colorless and they don't know about until six months after the event. That's why it would behoove SCAPCA to know what's going to be burned rather than waiting for the next purple plume. April replied that the good thing is that they monitor some of the criteria pollutants and opacity and there are compounds that are measured once a year only or some that are not measured if there's not a reason for them to be.

Bill Dameworth added that SCAPCA is constrained by these previous agreements. They are signed, legal documents and the only way SCAPCA has of changing anything is through an agreement like this to negotiate instead of issuing a NOV. In exchange for not issuing a NOV, we would get a management plan from them that details how they are going to be doing the screening. The only other way is if for some reason SCAPCA had to issue them another permit, then we could put some permit language in. Our hands are tied except for trying to work out something on this management plan.

Councilmember DeVleming stated that he would like to clarify Mr. Dameworth's language, he doesn't think it is kind of hands tied, we are hands tied and the best this Board can do is make that suggestion or recommendation to the WTE plant and this Board has done that.

Damon Taam, Spokane Regional Solid Waste System, stated that the items they take from a meth lab situation is the incidental items (carpeting, furniture, etc.) that DOE doesn't manage itself, but yet the Health District wants us to manage. We do not take the meth per say, we do provide services for the Sheriff, Police, etc., in many jurisdictions throughout Washington

State because they do not have the means to dispose of that in a DEA type facility of which we are. WTE provides these services to other communities in the State of Washington with respect to those types of waste. We did stop taking some of those wastes for a period of time until Washington State rules were modified and changed. At that time it was a very big problem in their evidence rooms. We don't need to take these items it is a service for someone that desires to do so. For instance, the DOE is bringing us pharmaceutical waste that it has collected in its pilot program. We take the puff waste that we worked with SCAPCA on, for the environment, those are insulating products of refrigerators that have a lot of refrigerant in it and that's a program that the Utilities are doing. That program has won international awards with the WHO. These are items that the Department of Agriculture requires destruction of as it comes through the ports because they do not want it as a risk to our crops and that cross the border that the DEA confiscates. These are items that these corporations don't want in landfills, petroleum contaminated products. They pay extra money, \$165.00 a ton to do this and they drive it here from where ever they are. These are services that WTE provides because it is the only facility in the State of Washington. The pharmaceutical waste that we brought was locally generated, they didn't even know they had the iodine, the paper work that was received doesn't have that listed as a specific item, you would have to do a lot of research to find that out and ask them many questions before you found that out. Even if you have the literature, you wouldn't know it and we have taken items from them in the past and there has not been a problem.

To make sure that these wastes do not become a risk to our general public, we will work with SCAPCA in developing these criteria and have stated so. Board Member Corkill asked when WTE found out that it had iodine in it, when it made the purple haze. When those 250 liters of solution came, all you had to do is put the name into Google as he did and found out it is an iodine agent. WTE didn't check before they burnt it. Damon replied that they did check, it went through their process, however that was a trade name and the trade name wasn't listed as iodine. Board Member Corkill replied it begins with "IO" isn't that a clue. Damon replied yes, but typically it was listed as a preservative that was used for an item that they were trying to market, it didn't sell and they needed to dispose of it and primarily it was more of a sterile solution, it was mostly water. Board Member Corkill replied with 500 pounds of iodine in water. Damon stated that it was less than 500 pounds. It is something that they need to address and are addressing more. They are having more people other than himself and his staff look at the products that are coming in. They have developed a procedure that is enhanced in order to accommodate that. Board Member Corkill added that he would encourage WTE to work with the Director of SCAPCA on a policy so that what ever WTE burns doesn't eventually end up in the air of Spokane County because the plant is up wind of a lot of people and it is WTE's responsibility to look after their health and not just to satisfy yourselves. Damon stated that he works for the City of Spokane so it is not a shareholder operation, the City does not receive any additional benefits and WTE is working with SCAPCA on a plan.

Commissioner Mager asked what are the risks to the public with this kind of iodine. Damon replied that modeling was done with respect to the iodine. The fact that it was purple meant it was in elemental form versus an acid of any sort, WTE did model that assuming that the total amount was discharged and did not see any additional health risks associated with it and that was provided to SCAPCA. Commissioner Mager added if it was in a higher concentration than was anticipated what does iodine when it's burned and dispersed over the population, what could be the side effects of this kind of thing. Damon stated that he didn't do that analysis and he could provide Mr. Brewer to answer that question. Board Member Corkill added that it is a

mild irritant. Bill Dameworth stated that SCAPCA reviewed the modeling study and compared the results with the State of Washington limits on what is necessary to protect public health and they were below that and in SCAPCA's estimation there was no harm caused to the public other than some alarm. SCAPCA does not believe there was any adverse public health impact. Councilmember DeVleming stated that in his recollection, in 15 years of the WTE plant operating, have we had any other events that have caused a major concern. The point is that with a plant operating all year long for 15 years, he thinks Mr. Taam has done a pretty good job of keeping and running a responsible plant. Commissioner Mager replied you are wrong, there have been other events. Councilmember DeVleming replied such as? Commissioner Mager replied "Ice Storm" for one and burning of pesticides containers for another and burning of medical waste which was in violation. April Westby added that the mediated agreement came about because of those things and for the last 10 years that she has been with SCAPCA, they have been pretty good. Councilmember DeVleming added that the client has been responsive through the concerns of the community and made the necessary adjustments which he is sure Mr. Taam will lead the group through this now. Chair Pederson asked if this waste is coming from specifically Spokane County or the State of Washington. Damon replied specifically Spokane County and a requirement of the FAA and the Department of Agricultural is that any type of waste originating from a foreign country needs to be incinerated to protect our food supply and other items which is what the Federal Government requires. We do get waste from the South Pole, the Myrtle Research Facility, it becomes the United States waste, but because of the origin of the food which is New Zealand, it needs to be combusted. We are unique in the sense that our facility is able to effectively manage that kind of waste.

5. SCAPCA Goals – Bill Dameworth

For the short term goals, one of the first things is achieving financial stability. Second is that we have historically had quite a few odor complaints from specifically one company and it has been an on going problem. So SCAPCA is working on getting the company to do something pro-active on this issue. Third is to provide additional compliance assistance to small business. Fourth is that the EPA has adopted a new PM_{2.5} standard which has gone from 65 micrograms per cubic meter down to 35 which puts Spokane County on the verge of non-attainment and we would like to avoid that. Last SCAPCA would like to improve relations with the business community.

Since July 2006, SCAPCA has adopted new fee schedules and the goal is for full-cost recovery on fee based programs. It has been an arduous time for the Board having to go through all of these fee schedules and SCAPCA staff explaining exactly how we calculated the cost recovery and what the impact is on businesses. It has been a long time since the fees have been reviewed and modified and SCAPCA is continuing on getting all of the fees up-to-date and with full-cost recovery. The remainder of the fee schedules will be presented to the Board within the next six months. There have been a couple of sit down discussions with Baker Commodities and at the last meeting there was a gentleman's agreement that they will try four or five different operational changes to reduce odors from their facility. They have already experimented with some and the odor complaints are down. This is the time of the year when we don't have that many odor complaints but we have been at zero for the last couple of months. It looks like they are doing a better job than before and that is something positive. When we get to spring and summer, we will see how effective they are then. We are also enhancing our small business assistance program and have added a part-time person. Margee Chambers will be doing some

training with the compliance staff and when she goes out to visit people, it will be for business assistance not issuing tickets. She will be primarily advising people of what they need to do to stay in compliance or get into compliance with no threat of enforcement. It is a program to help small businesses comply with regulations that are very complex; larger companies usually have a professional staff on hand to address these issues.

SCAPCA has implemented and advertised a voluntary wood stove curtailment program. We have talked to all of the news media to get the word out that when we reach 30 micrograms per cubic meter we are asking the public to voluntarily cease burning in their wood stoves. Many people are still unaware that we have this voluntary program. We've only had two or three instances where we have invoked this voluntary program. SCAPCA has applied for a \$100,000 EPA wood stove replacement grant. We have been recommended to get the grant and it will be used for a combination of public education, low income stove replacements and a rebate/coupon program where SCAPCA provides some finances towards replacing the wood stove but not buying them completely.

On the PM_{2.5} and the burn bans, the State law establishes a burn ban at 35 micrograms per cubic meter and this was done when the standard was 65 micrograms per cubic meter. Now the standard is 35 and the state laws are of no use to us because by the time you call a burn ban, you are already over the limit. SCAPCA would like some authority to call the bans earlier and we have contacted Senator Lisa Brown's office and other air agencies to change state law triggering burn bans. The Senator has agreed to sponsor some legislation to allow SCAPCA to do that. It would only be SCAPCA and we would maintain the two stage situation where the yellow light would mean the non-certified stoves could not be used and the red light would mean the certified stoves could not be used. Also, by rule this Board will establish what the trigger values would be for the burn bans.

SCAPCA has taken the lead on enforcing the state emission regulations for outdoor wood fired boilers. There is a facility here in Spokane that is manufacturing these and state law says that they have to meet the same standards as the wood stoves. There is no way to enforce it because there isn't a test procedure laid out and there is no way for certification to occur, and this puts a brick wall up for the manufacturers. We have worked with them and said this is how we will go about approving the device; we will approve the use of these if they pass these tests. Whether or not this can be done remains to be seen but at least it gives them an option and a time period in which they can deal with it. The second thing is the sale of these devices through the internet and through trade shows; we need to work on a legal solution for that because it is going on right now. We don't know if they need a building permit or not, but they are being installed and it is a serious step backwards for us to have these devices in our air shed because they emit approximately what 20 wood stoves emit. We have been trying to get other air agencies and state offices involved with this subject. These devices are mostly for home use. They are a fire box with a water jacket around it that pumps warm water into your house. The device idles for a long time which causes the wood to smolder and emit a lot of emissions. Also, SCAPCA has joined the Spokane Regional and Valley Chambers of Commerce for business community issues.

For the long term goals, as the population expands away from the population center, SCAPCA needs to expand its air monitoring network to go where the people are. SCAPCA is thinking of ways to upgrade the air monitoring network to include places like Deer Park, West Plains, and maybe upgrade the monitoring station in Liberty Lake. We are going to be looking at

ozone because we are getting close to the ozone standard. Components that make up the ozone are oxides of nitrogen and hydrocarbons and we should be measuring those as well. We have a settlement with Goodrich and they have asked us to direct as much of the money as possible into this project. We would develop a plan for where these air monitoring sites would be and what to do as far as air monitoring and then put together a budget and bring it to the Board for approval.

Another goal is to develop an attainment plan in the event that a standard is exceeded. We need to upgrade the employee review and handbook and there will be more documents submitted for the agency name and logo change. SCAPCA would like to improve communication with the Board on the budget process. SCAPCA is reviewing the monitoring network with the Advisory Council and updating the emission inventory. The supervisory staff is working on employee review and feedback forms and procedures. In the budget presentation, the source of the funding and what the agency is doing in each program to provide a benefit to the taxpayers will be explained. This presentation may be fairly lengthy but the Board will understand what is being done with the federal dollars, fee money, and local assessment money. For 2007, this will include a request to the Board to fill the vacant Air Quality Specialist position because the compliance back log has gotten a lot bigger since the last person left and the position has not been filled because of money issues. Chair Pederson stated that most of these topics need to be discussed during the retreat and any others that the Board may want to bring up at that time.

6. Memos for Informational Purposes – Matt Holmquist
a. Notice of Construction/Intent Fee Amendments
b. Penalty Worksheets

In summary, the NOC fees with the Board's concurrence, we will initiate the formal rule making as early as this afternoon or tomorrow. He will follow-up with the Code Reviser's Office. It will initiate another public comment period that would go through March 21st and the proposal and public comments would be brought back to the Board for review at the end of that period. We should be able to come back to the Board around April for a public hearing and try to get a cost recovery fee schedule for the NOC program. We have accomplished that for asbestos, registration and AOP fees.

The EPA plans to get SCAPCA comments on the Civil Penalty Worksheet by February 16th. We should be able to bring EPA's comments back along with any changes to the forms if necessary in March or April. Following the public hearing, we could adopt those penalty worksheets which are policy worksheets not a regulation change.

Councilmember DeVleming is a little concerned about the NOC program and the letter received from Fairchild Air Force Base. Is this an isolated situation that their fees would triple? Matt replied that the example they used, for them it would triple; he thinks in general you will see a doubling or tripling of fees for most types of permits and that is a broad generalization. In order to get to full-cost recovery, there will have to be a fee increase that would be a doubling or tripling in many cases. Councilmember DeVleming stated that he understands the importance of cost recovery, but he still has a lot of concern about fees that double and triple. Bill added that it has been approximately 10 to 15 years since these have been looked at and if you don't want a doubling or tripling, there could be a gradual increase the next three years. If it is the Board's wish that we recover SCAPCA's actual costs, SCAPCA can show that it isn't spending anymore

time or agency resources on issuing permits than anybody else is. If we want to achieve cost recovery, we will have to double or triple the fees; there is no way around it. Board Member Ahern asked if there was a plan to begin a systematic approach to increasing fees rather than waiting and then having ourselves opened to criticism because the fee increases are so dramatic. Bill replied yes, SCAPCA would then review these fees every year and the proposed rule says the Board would review them every year and compare the actual costs of administering the program with the fees collected and adjust the fees accordingly. Matt added that SCAPCA is at about 31% fee based cost recovery on the NOC program and that is why roughly the fees would have to be tripled to get to 100%. Right now the NOC program is being subsidized by local assessments or grants, etc. to keep the program running. As mentioned, we could phase it in over time if that would be easier. Councilmember DeVleming added that during the retreat, when they are talking about the budget, etc. they can get a better handle on what's going on. The huge jump is tough and maybe they should analyze the process also to see if there are some adjustments that can be made in that. Matt asked if he should move forward with the formal rule making on the NOC fees or hold off. Councilmember DeVleming stated that he prefers holding off until the Board gets a better handle on what's going on with this. Board Member Ahern asked if there would be any problems with holding off on this. Bill stated that this is being subsidized a lot by the local assessment which he was hoping we could return some of the local assessment back; we have the highest local assessment of any agency in the state and the concept of the polluter pays is reflective in the higher permit fees. If you want a permit, you need to pay for the cost of SCAPCA to process and issue it and review it to insure that the company is in compliance with the law. Board Member Corkill stated that he knows that the Air Force isn't a small business and an increase of \$5,000 to the operation at Fairchild is not a significant amount of money but for small businesses it may have some effect. SCAPCA is mandated to have full-cost recovery and we have let it slide for so long something has to be done and if you could point out to the people that send in comments that the tax payers are subsidizing their permits as a rationalization. Matt added that he will be sending out another direct mailing to over 800 stakeholders directly affected by this. Chair Pederson stated that he would prefer to hold off for the time being and in the meantime, he would like to see a spread sheet where these costs could be spread out over the next couple of years ramping up to the increases that we see necessary for full-cost recovery. When we get to the point where we are doubling and tripling fees, that creates a substantial budgetary problem for a lot of corporations and especially small businesses. He would like to see that information to see if that's a viable option or if the steep increase is the way to go. He would like to do some comparables. Also, with the local assessments he would like to see that compared to other jurisdictions in Washington State. Board Member Corkill asked if there was any way of trying to solicit more public comments in the interim. Matt replied that he can still continue with the direct mailing that runs approximately \$200 to \$300 and seek comments through the next month or so. The Board agreed with the mailing for comments.

There was an eight minute recess from 10:12 to 10:20 a.m.

BOARD MEETING: The board meeting was called to order at 10:20 a.m.

1. Director's Report – Bill Dameworth

SCAPCA learned more about this incident with Goodrich late last year; it is one of those unintended consequences where the vacuum equipment that they had installed to incinerate the off gases from their furnace which contained cyanide has a liquid seal ring that is used to

maintain vacuum and the seal water was being stored and recycled back into the seal pumps so that you could reduce the amount of fresh water being used and wouldn't have a disposal of water issue. When SCAPCA learned that this was going on we asked the company to provide a hazardous waste assessment on the liquid seal water because hazardous waste is an issue with EPA and there are regulations dealing with it. SCAPCA's permit did not authorize the incineration of hazardous waste. Hazardous waste or materials in a gaseous form are not legally hazardous waste but then in liquid or solid form they are. This was a liquid and it was being incinerated and the permit did not authorize that and the company was issued a NOV and SCAPCA was working with them on figuring out how to resolve this issue. They also had other issues with DOE on hazardous waste disposal of other wastes and some water quality issues. They have resolved all of these issues with each agency and each agency has assessed a penalty of about \$250,000. In assessing this penalty, SCAPCA evaluated their cost that they didn't spend to be in compliance, which would be to put a different system in for conveying these gases over to the incinerator along with a gravity penalty telling them not to do this again. EPA contacted SCAPCA on this case telling us if we don't handle it properly, they will do what is called an over filing, which means if the agency doesn't take the appropriate action EPA will step in and do it for SCAPCA. SCAPCA has the staff and resources to handle it and told EPA if help is needed, we will let them know. SCAPCA will proceed on this and EPA will review how it is being handling. That review was conducted with EPA and they did suggest that if they were handling it they would probably be charging more than SCAPCA is but this is acceptable to them.

We have signed a major enforcement agreement with Goodrich involving the burning of liquid hazardous waste in their incinerator without meeting EPA regulations. SCAPCA is hoping to use the penalty money to upgrade the air monitoring network. Goodrich wanted this money to go towards something environmentally responsible. The emissions from the facility are not a public health problem, SCAPCA conducted a modeling study of the emissions when we first permitted the facility and it's within Washington State standards for acceptable environmental impact. The tests that they have done indicate it is still within acceptable environmental impact, in spite of the fact that they are burning hazardous waste. The problem was that the process equipment that they had generated hazardous waste as opposed to just having a gas that could be treated in the incinerator. They are going to be eliminating that waste handling equipment to put in steam eductors which don't generate any liquid materials to be dealt with. They are hoping to have everything done by July 1st but there is some flexibility built into the arrangement so that they have time after that if needed, but they will make every effort to be done by July 1st. They will not be generating the hazardous waste anymore. It was an unintended consequence of their process. It is unfortunate the way everything happened and it's unfortunate the way the rules in EPA penalty procedures work that the assessment has to be a pretty hefty assessment for the penalty and there is no way around it. Board Member Corkill asked what happens to that cyanide after the agreement. Bill replied the same thing as before, it goes into the incinerator. They were not inappropriately incinerating the cyanide; the problem was they were incinerating a material that they didn't have a permit to incinerate. Commissioner Mager reiterated that they still get to incinerate it but it will be in gas form instead of liquid. Bill replied that is correct. Commissioner Mager asked why there is discrepancy between gas form cyanide and liquid. Bill replied that it is EPA regulations for hazardous waste which are only affecting hazardous materials in liquid or solid form. Hazardous waste regulations do not apply to gaseous compounds. Commissioner Mager asked if it is in a gas form then wouldn't there be some kind of filtration process that would capture it. Bill replied right, it then becomes a local

air quality issue and the air regulations deal with that. The State of Washington has source impact levels that are designed to protect the public and you do a modeling study. One was done with this and it showed that the impact levels were well below the acceptable limits. Board Member Corkill asked if it is in liquid form before it becomes a gas. Bill replied no, it is just volatilized when the furnace is used to make the brake pads and the cyanide comes from the carbon that's in it, so it's a gas all the way and then the gas goes straight into the incinerator and it breaks down the cyanide well over 99%.

- 2. Public Information/Education Update – Lisa Woodard**
- 3. Activity Report for December 2006 – Ron Edgar**

Chair Pederson stated that in the interest of time, the public information/education update and the activity report for December 2006 will be bypassed.

- 4. Approval of Minutes of the January 4, 2007 Board Meeting**

Councilmember DeVleming moved to approve the January 4, 2007 minutes and Chair Pederson seconded it. Board Member Ahern wanted the word detriments to be changed to determinants in two places on page 11. Motion passed with Commissioner Mager abstaining.

- 5. Income/Expense Statement for December 2006 – Barbara Nelson**

SCAPCA is on track with both revenue and expenses. There were no questions.

- 6. Voucher Approval for January 2007 - \$146,786.02**

Board Member Corkill asked what the money paid to DOE was for. Barbara Nelson replied that this is money that SCAPCA collects when it issues agricultural burning permits and a portion of the money we collect goes to DOE according to state law. Board Member Ahern asked about the VERP program. Barbara replied that it is a Vehicle Emission Reduction Program and it has been in place for four to five years. It is money that was received on an AOD which is a Memorandum of Agreement where a company had a problem, paid money and this program was set up to use that money in lieu of a violation. Board Member Ahern asked what the components of the program were. Ron Edgar stated that it is a low income repair program. SCAPCA is working in conjunction with DOE and SNAP to fix cars of individuals of low income when their vehicles won't pass emissions. This program fixes their car and reduces emissions instead of them just paying enough money for a waiver. Councilmember DeVleming moved to approve the January 2007 voucher for \$146,786.02 and Board Member Corkill seconded it. Motion passed unanimously.

- 7. Resolution 07-02 – Fire Delegation Agreement with Fire District #12**

Ron Edgar stated that this delegation turns over the permitting of yard and garden waste burning to the local Fire District. Board Member Corkill moved to approve Resolution 07-02 and Councilmember DeVleming seconded it. Motion passed unanimously.

8. Resolution 07-03 – Reappointment of Advisory Council Positions

Bill Dameworth stated that the Advisory Council positions go for a fixed term and the individuals whose terms expire are interested in going forward and continuing on for another term and we concur with that. Board Member Corkill made a motion to approve Resolution 07-03 and Councilmember DeVleming seconded it. Board Member Corkill stated that if Jana McDonald and Chet Jahns have been on the advisory council for a while and have made a valuable contribution, it would behoove the Advisory Council to let them stay on. Chair Pederson asked if there was any interest in seeing if there is additional public interest in serving on the Advisory Council. Councilmember DeVleming asked what the process has been when the term expires. Bill replied that that was done in this case because they are both good contributors and SCAPCA values them on the Council. Chair Pederson asked if under SCAPCA rules of procedures, under whose authority are the Advisory Council members. Bill replied it is up to the Board's approval. In the past, SCAPCA's Director would recommend someone to the Board and the Board approves or doesn't approve. Board Member Corkill added that he was on the Council for a long time and traditionally what happened was if a person had paid a valuable contribution and wanted to stay on they stayed on. If people didn't show for the meetings very often and other things like that then we would look for another person. It was an informal process. Chair Pederson stated that unfortunately, informal doesn't work in government and there needs to be a set process in which to adhere to. Barbara stated that SCAPCA has rules and procedures in place for the Advisory Council that were approved by the Board but doesn't know if the reappointment is specifically addressed in those rules of procedure. She will look them up and bring them back at the next meeting. Barbara added that in her experience, any advisory council person that wished to remain on the council, unless there was some objection, have been reappointed in the last 17 years she has been employed with SCAPCA. Any time SCAPCA has reappointed or replaced someone, SCAPCA has advertised in the paper and the internet and the Director interviews the applicants and brings back a recommendation to the Board. Chair Pederson would like to seek clarification on what the process is and how it operates and then advertise for those positions. His concerns go deeper with the organization as a whole, the informality of it all does not provide for public transparency and he would like to see a formalized process and procedure and if there isn't one that exists currently, he would like to make sure that we take the appropriate steps and make sure that the public is well informed of what positions are available and opportunity to serve is extended to all qualified applicants.

Board Member Corkill made a motion to table his motion, awaiting further input and clarifications and Councilmember DeVleming seconded it. Commissioner Mager added that the Solid Waste Advisory Committee has a process something like this and if you've been on and you aren't to limited off, you reapply and then and unless the County Commission does not want to reappoint you, you get reappointed. She thinks it is a waste of time and money to advertise if that person is in good standing and is going to be reappointed. If there is a problem and they don't want to reappoint, then they open it up and advertise the position. Chair Pederson added that he disagrees with that process. The notion that someone can do the job as long as they are willing and a warm body to show up to a meeting does not sit well with him. We have appointment and election processes for a purpose and that is to insure that the public is being represented properly by individuals that they feel are qualified to make representations of their views and values. Board Member Corkill asked if in the interim, we can ask the Director to advertise these positions. The Board agreed.

A friendly amendment to proceed with advertising on the positions was made by Board Member Corkill and Councilmember DeVleming accepted it. Motion passed unanimously.

**9. PUBLIC HEARING:
Resolution 07-04 – Amendment to Sec. 4.02, 10.01 and 10.02 Registration**

Ron Edgar reviewed how the proposal would address the untimely submittal of annual registration data and how it will address untimely payment of fees. Each year 650 facilities must complete and return a registration form. One of the key pieces we collect is throughput data (i.e. dry cleaners report gallons of perchloroethylene used, gasoline stations report gallons of gasoline dispensed and auto body shops submit the amount of paints and solvents used). The data is used to maintain a current and accurate record of regulated air pollutants emitted and is used in calculating the facility's annual registration fee. Currently a facility has little incentive to submit registration data on time. About 125 facilities submit their data late each year. As a result billing is delayed and considerable staff time is spent on following up on these. Under the proposed regulation which was adjusted following Board input in October, the facility that submits their registration data within 45 days will avoid a \$100 processing fee. Facilities that submit their data after 45 days but within 90 days will avoid having their annual registration fee based on maximum potential production rate. Those facilities where it is necessary to estimate the emissions, the fee increase could vary.

Currently, untimely payment of fees can consume considerable staff time over a period of up to six months; therefore we want to streamline the process. We initially proposed a 30, 60, 90 day timeline but we followed the Boards recommendation in October and proposed a 45, 90, 120 day timeline. Each year about 10 to 20 invoices don't get paid within 30 days and 2 to 4 of these have a late fee applied to them.

SCAPCA posted the proposal on its web site beginning October 17, did two direct mailings with the first one in the form of an article in the Compliance Assistance Program Update newsletter which was sent out on November 3, and the second mailing consisted of a summary which was sent out the week of December 11. Comments were accepted through the 19th of January. Written comments were sought on the proposal during the period of October 17 through January 19 and we received two comments. PIP Printing's comment was received on December 12, 2006 and was in agreement with the proposals. Auto Credit 3 comments were received on December 27, 2006 and understand why SCAPCA is proposing the fees.

Board Member Ahern was curious about whether these additional transaction costs do to late fees and late registration were and/or if this is changed and these transaction costs are lowered then those calculations of the new fees, do those calculations incorporate these lower transaction costs under this change. Ron stated that these calculations took into account all of the costs and did not account for this being adopted. If this does improve SCAPCA's costs per registration ratio, that will be taken into account by the Board in future setting of the fees. If it does improve and the costs go down, the fees will follow suit.

There were no public comments. Board Member Corkill moved to approve Resolution 07-04 and Board Member Ahern seconded it. Motion passed unanimously.

10. Resolution 07-05 – Bio Fueling Facility / Freeman School District

12. Resolution 07-06 – VERP Agreement for CY 2007

Ron Edgar stated that the funding for both of these projects is from the State of Washington's School Bus Retrofit program. The legislation that set up the funding allowed the use of these funds for fueling facilities as in Resolution 07-05 and the low income Vehicle Emission Repair Program as in Resolution 07-06. The VERP program has been a very effective program and has helped the community. It has also reduced the emissions of CO, nitric oxide and hydrocarbons into the atmosphere.

Councilmember DeVleming moved to approve Resolution 07-05 and Commissioner Mager seconded it. Motion passed unanimously.

Chair Pederson had some question about funding repairs for private individuals and not for a private company. Michelle Wolkey, legal counsel, stated that the only difference that she can see off the top of her head is that a private individual isn't a commercial enterprise. It is an individual person that has got to meet certain state set criteria of low income in order to get that benefit from the state. Where as, someone like Laidlaw a commercial enterprise in the business of making money, does not have the inability to make these retrofits or corrections themselves. Ron Edgar has been looking at several options in trying to do some work with Laidlaw and there are probably enough funds to still do Laidlaw. The legal way to do it would be to have the School District require when they renew their contract with Laidlaw that the vehicles have these filters on them and that in order to cover the additional costs of the contract and having that done, SCAPCA would give the money to the School District and they would pass it on to Laidlaw. Then SCAPCA would not be giving the money to a commercial enterprise. Board Member Corkill added that the VERP program is a tremendous contribution to the County and the citizens for clean air.

Board Member Ahern moved to approve Resolution 07-06 and Commissioner Mager seconded it. Motion passed unanimously.

13. Selection of 2007 Board Chair & Vice Chair

Commissioner Mager nominated Jeff Corkill for the SCAPCA Board Chair and Board Member Ahern seconded it. Chair Pederson nominated Michael DeVleming and Councilmember DeVleming seconded it.

Jeff Corkill stated that he welcome's the opportunity to do this. He was on the SCAPCA Advisory Board for quite a while and knows how SCAPCA works. Michael DeVleming stated that in his time on the Board he has seen some ways that they could probably streamline and improve the process with the agendas. One of the things that he would like to create is an advanced agenda that will help staff and the rest of the Board see what's coming and how they can better manage the time and the resources that we have. Also, one of the reasons he would be a good Chair is because he understands the role of a Board Chairman as just a presiding officer and keeping the flow of what's going on moving along. Also, because of the six or seven Boards and Committees he is on right now, he understands Robert's Rules of Orders, but most importantly because this is such a public board, and being an elected official, he is more reachable from the public and the media and because of that he could do a really fine job. Chair

Pederson added that his support for Michael DeVleming is that there is tremendous amount of responsibility with the Board Chairman that are dictated through parliamentary procedure, public participation and accessibility to the Board, staff and public. It is very important to have a good understanding of the Washington State laws and especially those governing the protocol and accountability of a board. It is the responsibility of the Chair to control the meetings so that they don't get out of control and stay in an orderly fashion so that the information and the dialogue can be freely expressed without disruptions. Not that Jeff Corkill would be a poor Chairman but the Advisory Council is far more informal than the actual board of directors and the Board Members have not had significant education and training on the way the Board is expected and audited by law to precede. More time on the board would be advantageous to Jeff and Matthew would like to appoint Jeff to the Vice Chairman position, which would help Jeff to understand the role better and give him a solid hold on the board and the procedures.

Commissioner Mager stated she has known Jeff Corkill for 20 years, his commitment to public health is not in question at all. He has been tremendous and is a professor at EWU and is sure Robert Rules of Order, with all due respect, is not a problem for him. He has been to many meetings in his career and she would still like to continue her support for him. Jeff Corkill added that he was president of the Faculty Organization and the Academic Center which is a meeting run under Robert's Rules of Order and it has approximately 40 members so he has had to keep a group of 40 members with movement through a fairly hefty agenda for a year and after that he was president of the Faculty Union for four years where they also operated under Robert's Rules of Order and had to keep the meetings flowing smoothly.

Those in favor of the motion for Jeff Corkill as Chairman of the Board of SCAPCA were Board Member Ahern, Commissioner Mager and Board Member Corkill. Those opposed were Chair Pederson and Councilmember DeVleming. Motion passes.

Board Member Corkill nominated Michael DeVleming as Vice Chairman and it was seconded by Board Member Ahern. Motion passed unanimously.

14. Executive Session – Director's Six Month Performance Review

Chair Pederson moved the Board into executive session with Michelle Wolkey, legal counsel, attending at 11:25 a.m. for approximately 10 minutes. The board meeting reconvened at 11:36 a.m. No action was taken during this session. There will be an agenda item which will be an action item on March 1st.

15. Board Concerns

Councilmember DeVleming asked if there was a date and location for the retreat. His preference would be a Saturday because it would be a more relaxed schedule that would allow more time and flexibility. Chair Pederson agreed with Councilmember DeVleming. Bill Dameworth replied that his thought was to have the supervisory staff and himself and that would be it. The Board agreed with Bill on the supervisory staff. Board Member Ahern asked what is the cost differential with having supervisory staff on Saturday. Bill replied that they would get comp time for the time spent on Saturday and take the time off someplace else. Commissioner Mager added that Saturday's don't work as well for her so she would prefer to do it on a Wednesday and Board Member Corkill agreed. Bill added that the place that has been picked

out is a relaxing kind of place, it is not a commercial place with people running in and out and they could have the whole day if the Board wanted to take it. His thought was to start it later in the morning so people would have a chance to get things done for the day and start around 11:00 a.m. Have introductions and talk about some general things from the past and have lunch with some informal discussion and then continue as long in the afternoon as necessary to get things taken care of that need to be. Commissioner Mager asked if a time frame could be set for 5:00 p.m. Bill added that this is something that Councilmember DeVleming mentioned. Board Member Ahern and Chair Pederson stated they would go with the majority.

The Board came to a consensus that Wednesday the 18th of April would be good for the full board. Councilmember DeVleming also suggested that the Board should e-mail Mr. Dameworth some suggested topics and then Bill and Jeff could work towards creating an agenda that is comprehensive yet allow room enough to have actual discussion. These retreats are better if the agenda is light to allow more room for discussion and to be finished by 5:00 p.m. The Board agreed to start at 11:00 a.m. Chair Pederson pointed out that this will be an open public meeting and all advertising necessary to assure that the public is fully aware of the time and location and who will be present.

16. Public Forum – There were no public comments.

17. Recognition for Michele Pope

Chair Pederson read an award presented to Michele Pope commemorating her for 14 years of service to SCAPCA. Eight years were on the SCAPCA Advisory Council and six years on the SCAPCA Board of Directors in the Member at Large position. Michele Pope was very appreciative and stated that over the years people would ask what it was like to be on the SCAPCA Board and she could only say with a great deal of pride that it was an extremely well run agency that had excellent staff and a very conscientious board and she was glad to be a part of it.

Board Member Corkill wanted to thank Matthew Pederson for being the Chair for two years. Jeff added that Matthew did an excellent job running the meetings and sometimes some meetings that were pretty controversial.

The meeting adjourned at 11:51 a.m.

The next Board Meeting will be March 1, 2007 at 9:00 a.m. in the lower level of the Public Works Building.

JEFFREY CORKILL, Ph.D., CHAIR

WILLIAM DAMEWORTH, SECRETARY