



SPOKANE REGIONAL CLEAN AIR AGENCY
BOARD MEETING MINUTES

February 7, 2008 9:00 a.m.
SPOKANE COUNTY PUBLIC WORKS BUILDING
LOWER LEVEL HEARING ROOM

BOARD MEMBERS PRESENT:

Councilmember Taylor
Chair Jeff Corkill
Commissioner Mager
Board Member Ahern

STAFF MEMBERS PRESENT:

Bill Dameworth, Director
Barbara Nelson, Finance & Personnel Admin.
Ron Edgar, Chief of Technical Services
Lisa Woodard, Public Information Officer
Matt Holmquist, Compliance Administrator
Joe Southwell, Engineer
Michelle Wolkey, Legal Council
John Hjaltalin, Advisory Council Member
Tom Brattebo, AmeriCorp
Mary McDermott, Secretary

WORK SESSION: The work session started at 9:28 a.m.

1. Presentation by Architect on Property at 3104 E. Augusta – Troy Bishop

Troy Bishop, ALSC Architects, gave an overview of the proposed schematic floor plan and a cost estimate associated with the proposed space analysis for Spokane Regional Clean Air Agency's possible purchase of the building at 3104 E. Augusta.

Bill Dameworth added that if Spokane Clean Air is going to go forward with this, the whole deal depends upon financing. Financing would generally be done through the City or County. Bill's idea on how to return some of the money from NOVs to the public would be to use some of the money for the improvements and maybe paying down part of the loan initially. Then the amount to be borrowed would be less. Bill stated that if the Board is interested in pursuing this, it would be appropriate to make an offer with contingencies in it. They are asking \$530,000 with approximately \$63,000 for the remodel.

2. Follow-up Regarding Enforcement for Open Burning – Matt Holmquist

Matt gave an overview of the outdoor burning program as it is now. Several options Spokane Clean Air can take regarding residential yard and garden debris burning are keep doing

what it is doing, improve the existing program or drop the existing program. This was discussed at the Advisory Council meeting and there was a general agreement to consider dropping the yard and garden debris burning program. Key considerations that Spokane Clean Air looked at were: would it be more in line with the mission of Spokane Clean Air and that is to “preserve, enhance and protect the quality of Spokane County’s air resource for the benefit of current and future generations; time and money could be spent on other agency programs (it is an optional program that Spokane Clean Air implements); it could be picked up and offered by fire protection districts if they choose (Fire Districts 2, 5, 11 and 12 already implement residential yard and garden debris burning programs, the residents would not be limited to Spokane Clean Air’s current eight day fixed burn season and burn piles could be larger than a three foot diameter limit, the Fire Districts are located within the communities they serve, they are fire safety experts and would have more of a 24/7 response capability regarding these issues); Spokane Clean Air could continue to work with Fire Districts and continue to issue tickets for illegal burning and be able to reimburse Fire Districts for the cost of response and suppression; and residential yard and garden debris burning would remain prohibited in the designated no-burn area and all UGAs and Spokane Clean Air would continue to respond to illegal burning in those areas. Recreational, social event, noxious weed abatement fires and agricultural burning would remain allowed. Fire hazard abatement burning could also be taken up by Fire Districts if they are interested. Burning silvicultural debris on unimproved property outside of UGAs would also remain allowed.

Bill added that Spokane Clean Air wants a good working partnership with the Fire Districts and Spokane Clean Air could work out some kind of language with them for an agreement. There was a consensus of the Board for Bill and Matt to continue to work with the Fire Districts.

BOARD MEETING: The board meeting was called to order at 10:00 a.m.

1. Director’s Report for December and January – Bill Dameworth

All of the personnel performance reviews for 2007 are complete and the Supervisors have goals established for 2008. We have sent out for statements of qualifications for law firms to assist us with the Baker Commodities odor issues and developing regulations requiring them to do a better job. We have done research on all three firms and Puget Sound Clean Air and Ecology have both recommended two of the firms. One firm has an attractive rate that is less than the other and both of their primary law offices working on this are located in Seattle.

Work has begun on legislation to implement the recommendations of the Wood Smoke Advisory Group. This will supersede the authorization for Spokane Clean Air to set its own criteria for trigger values. The Realtors are sponsoring a legislation that is for homeowners to disclose if their wood burning device is non-compliant. Commissioner Mager made a motion to give Bill Dameworth the authority to address these items in a timely manner during legislative session as long as it fits Spokane Clean Air’s mission and Board Member Ahern seconded it. Motion passed unanimously.

The South Coast Air Quality Management District is having an issue with emissions from ships in ports and is talking about a national program. Although we have no port in Spokane County, the emissions do travel inland towards us. One of the issues is the sulfur dioxides from the

burning of high sulfur fuel in the ships. Sulfates (fine particulate matter) are produced in the air and are transported all the way into the Grand Canyon and some will find its way to Spokane County. Bill would like to be able to lend support when Puget Sound decides to make a move on this issue and has a plan. There was some discussion between the Board Members and Bill on lending Spokane Clean Air's support on this issue. Chair Corkill asked the Board to wait and see what Puget Sound is going to do before they take any action. The Board members agreed to wait and see what type of plan and regulations are being proposed before Spokane Clean Air lends support.

Advisory Council Report

John Hjaltalin gave a report on the last meeting of the Spokane Clean Air Advisory Council. At the meeting, Ron Edgar gave a report on the new monitoring systems that have been approved and are being installed through the county, along with a demonstration of one of the new samplers. Spokane Clean Air is also working on the telemetry so we can have real-time input from those systems and eventually put it on the web site. Matt presented the open burning scenarios and the consensus of the Advisory Council was to support stepping back from this program since it is a conflict of interest to be the sponsor of open burn days when the mission of Spokane Clean Air is to stop burning and stop air pollution. There was also an update on the legislation pending for the disclosure statement for non-conforming solid fuel burning devices in homes being sold, and it would then become a negotiation between the buyer and seller.

2. Public Information/Education Update – Lisa Woodard

An e-mail notification system is now on Spokane Clean Air's web page for the daily air quality, burn bans and information on regulation changes. Things are going well with the wood stove rebate voucher program. Six of the nine retailers for the voucher program kicked in towards advertising to free up more money for rebates. We issued 100 vouchers in the first three weeks. The grant funding will cover between 125 and 150 vouchers and the vouchers have expiration dates so that we can void the ones that won't be used and reissue them. Whatever money is not spent this season for the rebate vouchers will carry over till next season. The grant money for the Low Income full-replacement program will be launching in April and should pay for 20 replacements. The Board approved a special project and we applied for an AmeriCorp position and our request was approved by AmeriCorp. Tom Brattebo was awarded that position for six months. Tom is also on our Advisory Council. We checked with our attorney about conflict of interest because Tom does serve on the Council and it was recommended that we view Tom as a municipal officer for purposes of conflict of interest, but because the compensation he receives from AmeriCorp, the exemption would apply. We need to make an official mention to our Board that the potential of conflict exists and that it's recorded in the official minutes. Tom is heading the "No-Idle Zone Program" for Spokane Clean Air. One thing that Tom will do as an Advisory Council Member is if the issue of the "No-Idle Zone Program" ever comes before the Council, he will refrain from any type of vote on that. Michelle also suggested that if the Board wants to take it a step further, he could take a leave of absence from the Council. Chair Corkill said with Tom's experience, it is an ideal situation. The Northwest Air Communicators Group is a networking group of people who do what Lisa does at agencies in Canada, Washington, Oregon and Idaho. They meet three times a year and pool resources for projects when it is a project they all want to do. They pooled resources for the "No-Idle Zone Program" and to also have a television and radio spot on idling. The break point for idling is 30 seconds.

3. Activity Report for November and December 2007 – Ron Edgar

In November, there were about 55 complaints regarding solid fuel burning devices and over the Thanksgiving Holiday there was a wood stove ban. In December, there were 22 complaints regarding solid fuel burning devices and a short period of stagnation during the first part of the month and another one in January but a ban was not called because conditions were showing a change in the weather. We continue to meet the standard. Carbon monoxide does not seem to be an issue much anymore because of fleet turnover and vehicles are much cleaner than they use to be.

4. Income/Expense Statement for November and December 2007 – Barbara Nelson

Spokane Clean Air is about half way through its current fiscal year and on track in all areas as far as revenue and expenditures.

5. CONSENT AGENDA – ACTION ITEM – Approval of the December 6, 2007 Board Minutes, Approval of Vouchers for December 2007 - \$180,577.14 and Approval of Vouchers for January 2008 - \$171,207.74.

Councilmember Taylor moved to approve the Consent Agenda and Commissioner Mager seconded it. Motion passed unanimously.

6. Resolution 08-01 – Approval of a MOA with Central Valley School District for Bio Diesel Fueling Infrastructure – Ron Edgar

This resolution would allow Central Valley School District its own facility for ultra-low sulfur diesel which is necessary for some of the special pollution control equipment that is being retrofitted on the buses. There was a section added to the Memorandum of Agreement which is under hazardous substance. Legal Counsel recommended this section which essentially holds Spokane Clean Air harmless for any future leaks in the steel tanks. Chair Corkill asked if the Board should wait until the School District approves it before they approve it. Michelle Wolkey stated that the Board can approve what is being proposed and if Central Valley School district wants to do something different than that, it would come back to the Board again. There was discussion about the ultra-low sulfur diesel and bio-diesel by the Board and staff.

Councilmember Taylor moved to approve Resolution 08-01 and Commissioner Mager seconded it. Motion passed unanimously.

7. Resolution 08-02 – Approval of Amendment to the Employee Handbook – Barbara Nelson

Barbara Nelson stated these are basically house keeping issues that have come up on some items that could be made clearer. Changes have been made to the comp time explanations; the personal holiday is to be used each calendar year and not carried forward; and under bereavement leave the word consecutive has been removed so that a person could use the days separately (i.e., death bed visit or related issue).

Councilmember Taylor moved to approve Resolution 08-02 and Board Member Ahern seconded it. Motion passed unanimously.

8. Resolution 08-03 – Memorandum of Understanding with DOE and SNAP – Ron Edgar

This is the Vehicle Emission Repair Program (VERP) for low income individuals. In 2007, the Board approved \$75,000 from the school bus retro-fit monies to be used for the VERP. In 2007, DOE and SNAP assisted 97 individuals with repair of their vehicles who had not passed the emission testing program. They spent \$33,201 doing those repairs and the average cost of repairs was \$342. This reduced the amount of emissions by 16.1 tons which is about \$2,000 a ton of emission control. The only changes to this Memorandum of Understanding are the name to Spokane Regional Clean Air Agency and the expiration date to the end of this year.

Councilmember Taylor moved to approve Resolution 08-03 and Board Member Ahern seconded it. Motion passed unanimously.

9. Resolution 08-04 – Reappointment of Advisory Council Member – Bill Dameworth

Tom Brattebo's term on the Advisory Council expired and Spokane Clean Air is recommending approval of Tom to be reappointed for another four year term.

Councilmember Taylor moved to approve Resolution 08-04 and Board Member Ahern seconded it. Motion passed unanimously.

10. PUBLIC HEARING – Resolution 08-05 Amendment to Regulation I, Article II – Source Test Rule – Joe Southwell

Per direction from the Board, staff has proceeded with the formal rule-making process for adoption of a new regulation which establishes notification, performance and reporting requirements for source tests performed in Spokane County. The initial draft source test regulation went through many comment periods. Revisions to the source test regulation from comments and Board comments were made and it went through the comment period again. No written comments were received but Beth Hodgson of Spring Environmental called with a couple of comments: a couple of typos and a clarification regarding the term of measurement on the combustion test analysis in regards to average load (e.g. fuel feed rate). With Beth's change, K. 4. d) would now read "Average load for the fuel burning equipment tested or parametric conditions which correlate to load (e.g. fuel feed rate)."

Beth Hodgson, Spring Environmental, thanked Spokane Clean Air and the Board for looking at her comments and figuring out how to incorporate them into the regulation change. All of her comments and concerns have been incorporated and she has no additional comments.

Kelle Vigeland, Wheelabrator of Spokane, offered comments. They contract with Spokane Regional Solid Waste System (SRSWS) to operate the Waste-to-Energy (WTE) facility. They appreciate Spokane Clean Air's willingness to consider their comments and revise the rule. They have addressed a lot of their issues but she wanted to share their main comment from the very beginning. The WTE plant is one of the few facilities in the County and maybe the only one that

does annual source testing so this rule has a direct impact on our facility. In her first letter Kelle brought up an issue about using guidance versus a rule. In her letter she wrote "A better approach might be to have written guidance that could be provided to sources to use when preparing their source test plans. This is the approach EPA has taken and using guidance offers benefits over rule including as discussed in EPA's guidance. Guidance provides the opportunity to do periodic revisions without having to go through the source test or the rule revision process which is cumbersome. Guidance allows agency discretion to address case by case situations that differ from those anticipated. Guidance allows sources to raise questions or objections and they can work with the agency and come to a resolution. Guidance provides a strong basis for source test programs and improves the agencies ability to oversee testing programs." Guidance would give Spokane Clean Air everything they need. Source testing is a very expensive process and Wheelabrator has no reason that it would want to go through a test and then have to repeat it. So there is a lot of motivation other than having a rule in front of us. Spokane Clean Air did a lot of work with us and has addressed some of our other comments. There are still some flexibility issues and as a major source under the AOP program, we're required to go through annually and certify compliance with every requirement that applies to us. Spokane Clean Air isn't always open and we typically source test on a very long day and there are a few situations where approval is required and this could lead to some situations. One other concern is that source testing is done under representative conditions and there are conflicting messages in the rule. You're suppose to do it under representative conditions but you have a maximum cap when you come out of the source test; you can operate up to 110% so those two may actually conflict. There are some sources that would have higher emissions at lower rates so setting a maximum cap doesn't make sense. There is some flexibility to adjust that where Spokane Clean Air can write an Order or something; but I am not sure that 110% maximum is an appropriate thing to put in a rule like that. There's a wide range of sources and that is a hard thing to set. We have a 110% cap under rule so it isn't something that is going to affect us directly. It seems to make sense at first glance but it's going to be problematic down the road. Also, there is an advanced notification requirement and it's currently 15 days in the rule. Any source that's doing a source under a new source performance standard is required to notify at least 30 days in advance; so if the source only has access to your rule, they're going to be misled. It is kind of buried in the new source performance standards and so if you're not really reading and paying attention, then you don't have a heads-up notice on that and it might be easily addressed just by saying "unless a longer time frame is required somewhere else (e.g. in the new source performance standards). Thank you.

Chair Corkill stated that guidance is okay until things go wrong and then the guidance set of rules don't really work very well and what we're trying to do here is just have a more formal process of what happens when the testing process go as awry as it did in one of the cases with WTE. Commissioner Mager agreed, but Kelle's suggestion about adding the indicator for the additional time that might be required, the 30 day notice as opposed to the 15 might be a good idea to incorporate. Bill stated Spokane Clean Air could put that in if the Board would like. Michelle Wolkey stated that she thinks the proposed problem is that somebody will be thinking they have 15 days when they really should have done something under some other rule at 30 days and a simple language change shouldn't delay Spokane Clean Air sending this rule to the code reviser. Chair Corkill asked Michelle to state the language for clarification. Michelle Wolkey stated that the insertion "This notice requirement does not relieve the applicant from any other notification requirements under state or federal law" would be put in, in paragraph E. immediately after the end of the first sentence.

Commissioner Mager moved to approve the language that Michelle Wolkey proposed and Board Member Ahern seconded it. Motion passed unanimously.

Councilmember Taylor asked to have the change to the parametric comment approved. Michelle Wolkey stated it is a non-substantial change as far as having to go back to the code reviser but the Board still needs to approve that particular comment.

Councilmember Taylor moved to add language to the end of K. 4. d) “or parametric conditions which correlate to load (e.g. fuel feed rate)” and Board Member Ahern seconded it. Motion passed unanimously.

Board Member Ahern moved to approve Resolution 08-05 as amended and Commissioner Mager seconded it. Motion passed unanimously.

11. Resolution 08-06 – Contract for Legal Assistance to Develop Odor Control Regulation – Bill Dameworth

This resolution would authorize Bill to enter into a contract agreement with EKW Law, in Seattle, to assist Spokane Clean Air to develop odor regulations for the rendering plant.

Board Member Ahern moved to approve Resolution 08-06 and Commissioner Mager seconded it. Motion passed unanimously.

12. Resolution 08-07 – Authorization for the Director to Negotiate the Purchase of an Office Building – Bill Dameworth

If this is approved, Bill will enter into negotiations to purchase this building subject to passing all inspections and obtaining whatever financial backing is needed to go forward. Spokane Clean Air would be asking the County to assist it with purchasing the building and if this fails, Spokane Clean Air would have to withdraw its offer. There was some discussion by the Board and Bill. Commissioner Mager’s concerns are that Spokane Clean Air would need to go through some County financing and they would need to look at that because she is not sure what that entails. Commissioner Mager stated that she and Bill should have a conversation with Marshall Farnell for the first step. Also she would like to keep agencies that should communicate with one another close together and it seems like the building location is quite a way from the County buildings. Bill replied that Spokane Clean Air doesn’t really have a lot of dealings with other County Agencies and it is not part of the County. Also, this area is a high rent district and something like this building would probably cost almost twice as much. Chair Corkill stated that if the Board agrees to this Resolution, it just gives Bill the authority to go down the road further with this, and the Board would ultimately need to approve a Resolution to buy this building. Commissioner Mager asked if there was a cost associated with that. Bill stated that what the Board would be doing is giving him permission to make an offer on the property subject to the Board’s approval and the Board wouldn’t be obligated to spend any money unless everything goes according to plan, then Spokane Clean Air would be obligated to buy it once a resolution is approved. There was a lot of discussion on the Board about the building, its location, the cost and the financing. Councilmember Taylor stated that the decision should be based on “does Spokane Clean Air need the space, is the office space going

to be lost in a short time period, what space can be acquired that allows for the best work environment for the employees and the best access to provide its service to the public.” Michelle Wolkey stated that if the Board wanted to talk about a price for this building, this would be allowed in an executive session. Councilmember Taylor stated that he is in support of the Resolution because it allows the Director to enter into those negotiations and come back to the Board for a final approval of any offer.

Councilmember Taylor moved to approve Resolution 08-07 and Board Member Ahern seconded it. Motion passed unanimously.

13. Review of Request by SCAQMD on Control of Emissions from Ports and Approval to Send Correspondence in Support – Bill Dameworth

Councilmember Taylor moved to table this item and Board Member Ahern seconded it. Motion passed unanimously.

14. Executive Session – Legal Matters – Michelle Wolkey

Councilmember Taylor moved to table this item and Board Member Ahern seconded it. Motion passed unanimously.

15. Board Concerns

A) Appointment of a Board Chair and Co Chair

Board Member Ahern moved to continue with Jeff Corkill as the Chair for another term and Commissioner Mager seconded it. Motion passed unanimously.

Councilmember Taylor volunteered himself as the Co-Chair and Board Member Ahern seconded it. Motion passed unanimously.

16. Public Forum - There were no public concerns.

The meeting adjourned at 11:37 a.m.

The next Board Meeting will be March 6, 2008 at 9:00 a.m. in the lower level of the Public Works Building.

JEFFREY CORKILL, CHAIR

WILLIAM DAMEWORTH, SECRETARY