



SPOKANE REGIONAL CLEAN AIR AGENCY  
BOARD MEETING MINUTES

May 1, 2008 9:00 a.m.  
SPOKANE COUNTY PUBLIC WORKS BUILDING  
LOWER LEVEL HEARING ROOM

BOARD MEMBERS PRESENT:

Chair Jeff Corkill  
Board Member Melissa Ahern  
Councilmember Steve Taylor  
Commissioner Bonnie Mager

STAFF MEMBERS PRESENT:

Bill Dameworth, Director  
Barbara Nelson, Finance & Personnel Admin.  
Lisa Woodard, Public Information Officer  
Matt Holmquist, Compliance Administrator  
Russ Neumiller, Air Quality Specialist  
Mark Rowe, Air Quality Technician  
Michelle Wolkey, Legal Council  
Tom Brattebo, Advisory Council Member  
Mary McDermott, Secretary

**WORK SESSION:** The work session began at 9:03 a.m.

**1. Production of Records by Turbo Burn – Michelle Wolkey**

Michelle stated that at the last meeting the Board determined to issue a Subpoena Duces Tecum for Records to the owner of Turbo Burn. They were served with the Subpoena Duces Tecum requiring Dwight Hamilton to appear today and he is not present. It appears that he has elected not to comply with our Subpoena so with the Board's direction Michelle will proceed forward to appeal at Superior Court with respect to that Subpoena. We included an action item later in the agenda so we can take action on it at that time.

**2. Asbestos Regulation Revisions – Russ Neumiller/Matt Holmquist**

Russ gave an overview of the proposed asbestos regulation revision. Spokane Clean Air would like to take the first step by distributing the proposed changes for public comment. The primary reason for the regulation revision is to accommodate a new online electronic notification process. Currently we receive notifications primarily by fax at a rate of approximately 380 per year. These notifications let the agency know the "who, what, where and when" of an abatement or demolition project. A transition to an online notification would require changes to the way our current regulation is written. For example, survey reports and alternate work plans will no longer be required to be submitted with notifications. Instead, these things will be specifically required to be posted on site and will be verified for compliance during field inspections. In addition to changes associated with notifications, other proposed changes include clarifying definitions such as: demolition includes removing any load supporting structural member of a facility; and that the definition of a structure includes mobile homes but excludes normally mobile sources such as, cars, trucks and RVs. Another proposed change would include extending the

waiting period for all commercial abatement and demolition projects to 10 days which is inline with federal regulations. This would eliminate the one current project category we have with a three day wait. This regulation revision would also expand the asbestos removal requirement section beyond just renovation and demolition to include commercial properties where poor maintenance or untimely repair may pose a public health hazard. An example of this would be an apartment with a water damaged popcorn ceiling that has fallen and created a potential asbestos exposure for the tenant. This revision would allow us to address the situation by requiring a timely cleanup and repair. Another proposed change would remove references to federal regulations associated with asbestos surveys and instead we would include minimum requirements in Spokane Clean Air's own regulation for asbestos surveys. With the Board's approval, the notice of proposed changes will be sent out next week and we will accept written comments through May 23.

Chair Corkill asked for the characterized differences between the federal regulations and what Spokane Clean Air is now proposing and will the regulation be stricter than the federal regulations. Russ replied that currently Spokane Clean Air references the federal regulations in its regulation and say that "asbestos surveys must comply with 40 CFR Part 763 Section 763.85." That would be taken out and we would include our own minimum requirements for what should be included in an asbestos survey. They would also be slightly stricter than the federal regulations. Chair Corkill asked if all the changes under Section 9.04 would make this system more efficient for the public. Russ replied that currently Spokane Clean Air receives a one page Notice of Intent (NOI) that gives all the information about the project that is taking place and the inspectors look at it manually to make sure everything is filled out. With the online version, the computer would require all needed areas to be filled in before they could proceed. Councilmember Taylor asked for clarification on the ten and three day notifications and is this so that the agency has more time to respond. Russ replied most of the project categories are 10-day waiting periods except for owner occupied single family residence (OOSFR) which is just prior notice. The 10-day waiting period begins when Spokane Clean Air signs off on the NOI and this gives the inspector 10 calendar days to inspect the site before the project begins. The one three-day waiting period category is for small amounts of asbestos and Spokane Clean Air would like to make that a 10-day waiting period also. There is an emergency category where the project can start right away. Councilmember Taylor asked if the inspectors were having problems being able to get the inspections done within the current three-day window for this type of work. Russ answered no, it is to fall more in line with the federal regulations so that Spokane Clean Air is more consistent with what is going on throughout the State. There was more discussion between the Board and Russ on the changing of the waiting period and the pros and cons of these changes. Commissioner Mager was concerned about how much of a problem it might create for a homeowner who is trying to get their project done. She assumes that going electronically would expedite some of the form permitting. Russ stated that for the OOSFR, it will make it easier for them to fill out the form online and it will go from prior notice to a three-day waiting period. Councilmember Taylor stated that he understands changing the waiting period if Spokane Clean Air is having a problem getting to the project sites to inspect them but if it is for the sake of being more in line with the federal regulations than he is not in favor of that portion on the notification but he doesn't see any problems with the other changes to the rules. Chair Corkill added that the tradeoffs with extending the waiting period on these two categories is that the application is on line and so it would require all of the lines to be filled out so there would be less time spent going over the application and sending or calling the person back because it was not a complete application.

Matt explained that Spokane Clean Air does not regulate OOSFR asbestos abatement activities, but Spokane Clean Air does regulate demolition activities. If the OOSFR was going to demolish their home, currently they could take out a permit and do demolition in one hour. That is a concern because it

does not give Spokane Clean Air an opportunity to go out and do an inspection prior to demolition. So this notice would go from prior notice to a three-day notice. The small amount of asbestos removal would still be a three-day notice, but with demolition it would go to a 10-day waiting period. There was more discussion between Matt and the Board on the process of asbestos removal and demolition and the asbestos survey and NOI.

Councilmember Taylor is fine with all of the changes except Section 10.09, extending the waiting periods. Commissioner Mager thinks that it is important to extend the OOSFR prior notice waiting period to the three-day waiting period to allow for inspections. Chair Corkill stated that the Board should wait to see what the comments are that come in during the comment period before moving forward on this.

**BOARD MEETING:** The board meeting was called to order at 9:43 a.m.

**1. Advisory Council Report – Tom Brattebo**

Tom Brattebo gave a report on the last meeting of the Spokane Clean Air Advisory Council. At the meeting, the Council reviewed the business recognition program, changing it to a two-tiered program where businesses get rewarded for going beyond the minimum compliance. The Council discussed and felt that businesses would like some positive publicity in this area if they've done something over and above the minimum compliance standard. Spokane Clean Air could possibly put something in the news or newspaper saying that they have done a good job helping improve the air quality in Spokane County. They also had a report on the inspection of the retail stove sales businesses in Spokane County. The inspections showed a high compliance of the wood stoves sold in Spokane County. The businesses that were selling stoves that did not comply with the standard were told to remove them from the sale floor.

**2. Director's Report for April – Bill Dameworth**

Bill met with EKW Law in Seattle and they have reviewed all of the files on Baker and held some conference calls with Spokane Clean Air Staff to discuss better control of rendering plant odors. Spokane Clean Air's lawyer is making sure that Spokane Clean Air doesn't do anything that is going to be overturned in court. There will be a meeting next week with Matt, Joe and Bill to go over what they think from their standpoint is appropriate to put in a regulation or order and then there will be communication between them and EKW Law. Spokane Clean Air's lawyer suggested giving Baker advance notification so they could hear what arguments Baker may have beforehand. The Wood Smoke Advisory Group talked of different ways to finance the replacement of wood stoves but the state budget doesn't look good for this scenario. The proposal to require disclosure of a non-certified wood stove upon sale of a house didn't make it through legislature, it died in committee. Bill would like to work with Senator Lisa Brown and see if she would sponsor this for the next legislative session. Board Member Ahern thinks that this is a very important issue because energy costs are going up and it is not going to go away and the use of wood stoves will probably grow. She thinks that Spokane Clean Air should be aggressive in pointing this out to the legislature. Bill added that the non-compliant wood stove would go on the sellers disclosure form. Another issue has come up about the selection of our small cities representative and Matthew Pederson who held this position on Spokane Clean Air's Board and Vicky Dalton are both interested in talking with Lisa Brown about improving the process for selection so that this seat does not have to be vacant for so long due to the lack of ballots being returned in a timely fashion. Last month the Board approved Spokane Clean Air's purchase of a Hybrid vehicle for the asbestos program, it turns out that it will be next year before one can be bought. Bill would like

to find a low emission vehicle that would not be a Hybrid but would meet the goal of being economical with a low emission footprint. Would the Board accept Spokane Clean Air going ahead and making this vehicle purchase? It would be half the money of the Hybrid at around \$13,000 and there was \$26,000 budgeted for the Hybrid. We have two Chevy Luminas that are bigger and need replaced so we could get the Escape Hybrid for that and it could be done for the next budget cycle. We would order one in time to get it for the next budget. The Hybrid gets approximately 34 miles per gallon on the average and the Ford Focus gets approximately 31 miles per gallon. Does the Board find this acceptable in light of the approval from last time? Chair Corkill stated that eventually Spokane Clean Air will need something like the Escape so that order should stay on for whenever it can be obtained and then get the Ford Focus as a replacement for the Luminas. Bill stated that there is the extra money in the Asbestos Program and that could pay for the Ford Focus and next year when the budget comes up Spokane Clean Air would propose to replace one of the Luminas and order it after the budget is approved and receive it in January. There was a consensus from the Board to move forward on Bill's proposal for the vehicle replacements. Councilmember Taylor and Bill met with Commissioner Richard to discuss the building purchase. Commissioner Richard thinks it is doable and suggested that they obtain information on how much money would be borrowed, for how long and at what kind of interest rate. Bill gave some approximate numbers to the Board for cost, interest, payments and when it would be paid off. He contacted Olympic Clean Air Agency who borrowed money from Thurston County at 2% interest and they sent over their contract that they used for that so Spokane Clean Air could use it as a template for County financing. The State Treasurer told Benton Clean Air that the local assessment is not considered guaranteed income and they would not fund any local air agencies with state money. Benton then went to Banner Bank and got a loan for just under 5.2%. The difference between having the financing at the same six or seven years would be over \$200 a month difference in interest and so it makes sense to borrow the money from the County if they will and can finance it. Spokane Clean Air would like to get on the agenda for the CEO meetings that are held every Tuesday. Commissioner Mager thinks that is a good idea so that it can be discussed with Marshall and all of the Commissioners. Bill asked if Councilmember Taylor should show up and Commissioner Mager said that would be fine. Bill added that a significant amount of cash would be put down from the supplemental environmental projects that came out of enforcement and this money should be returned to the tax payers and this is a great way to do that in Bill's opinion. In the future, if there is an excess in that account, Bill would like to reduce the local assessment by that amount as well. Bill added that the Board and Spokane Clean Air have discussed the idea of delegating agreements with the fire districts and the Spokane Valley Fire Department would like to do a fire hazard abatement delegation agreement with Spokane Clean Air. The Board directed Spokane Clean Air to pursue getting these agreements and getting out of the yard and garden debris burning business and this may be the first step. Spokane Clean Air also has not heard anything from the Auditor's Office on the recent agency audit.

### **3. Public Information/Education Update – Lisa Woodard**

Lisa gave a brief overview of the April events. Spokane Clean Air was at the Home Idea Show, Paint-a-Helmet, Earth Day Celebration, America's Kids Run, Arbor Day and West Central Community Center Day. We also attended a couple of City Council and County Commissioner's meetings and accepted proclamations for "Air Quality Awareness Week". We presented to Mt. Spokane High School's environmental science kids and presented air quality training to the County CTR's ETC basic training course. The CAP program consists of the newsletter printed and distributed and the recognition program expansion plans were presented to the Advisory Council and surveys to the businesses. The residential yard and garden debris burn season consisted of news interviews and articles regarding the burn dates. Staff members answered approximately 160 calls during the KHQ Call Center on April 2.

Nineteen “No Burn” area signs were posted at key locations in the County with the assistance of the County Road Department. The spring chipping and composting even was held on April 12 at Fire Station #49. Approximately 100 cubic yards of natural yard debris was collected, filling three of the four ABCO containers that were donated. Adams Tractor donated a tractor for loading the containers. There were 40 people, with some making more than one trip that showed up for the event. There were volunteers from the Fire Districts Explorers that did the manual labor. Special projects consist of the wood stove change-out program and to date there have been 175 rebate vouchers issued. The “Low Income” program started a couple of weeks ago and we have funding for 20 full replacements and it is based on income. The “No Idle Zone” school program continues to schedule programs at the schools and other community locations. Our agency was selected as a sponsor agency for a part-time AmeriCorps position for the 2008-2009 school year. The final planning for the May 8<sup>th</sup> Spokane Youth Environmental Conference is taking place. We have raised over \$4,500 from private company donations. These funds help offset conference expenses. Media activities consist of news releases on the Chipping and Composting event and the Air Quality Awareness Week. There was also two live morning news interviews conducted on the chipping event.

#### **4. Activity Report for March 2008 – Mark Rowe**

Mark gave an overview of the activity report. There were 27 outdoor burning complaints for March. The inspectors and engineers have been busy with inspections and new source reviews. The air quality was generally good in March, with the exception of a few days early in the month which was from dust off the roads that was leftover from winter road sanding. We have three new PM<sub>2.5</sub> monitoring stations located in Deer Park, Spokane Valley and Airway Heights. These stations are not set up on the telemetry system yet so the sites have to be visited every two weeks. Chair Corkill would like to see the wind speed along with the pressure plotted instead of the wind rose data so that it can be correlated with the PM<sub>10</sub>.

#### **5. Income/Expense Statement for March 2008 – Barbara Nelson**

Barbara stated that there is nothing specific to point out for March. Spokane Clean Air is on track to meet or exceed its budgeted goal.

#### **6. CONSENT AGENDA – ACTION ITEM – Approval of the April 3, 2008 Board Minutes and Vouchers for April 2008 Numbered 2562 through 2631 in the amount of \$88,590.75 and Payroll of \$120,201.34 for a Grand Total of \$208,792.09.**

Councilmember Taylor moved to approve the Consent Agenda and Board Member Ahern seconded it. Motion passed unanimously.

#### **7. Board Action on Production of Records by Turbo Burn – Michelle Wolkey**

Michelle stated that there was a possibility that Dwight Hamilton would not show up today. We did have an action item on the agenda as way of reminder when an individual does not respond to a Subpoena issued by this Board. We have the option of filing a report with Superior Court and then statutorily the Superior Court can address that issue as though the Superior Court issued that Subpoena. The question for the Board today is whether or not we want to move forward to report that to Superior Court and address that as a potential contempt issue. Alternatively, as the Board may remember, we have an actual hearing set for next month; we were going to take testimony based on the records that we

got today. We could also wait and see if he shows up next month and then go to Superior Court rather than have two issues going at the same time. She thinks it is also important to point out we have had some input from a member of the community who's had an issue here in Spokane with a unit that was purchased from this particular vendor. So we are making some progress in establishing that there are some sales going on within Washington, which was part of our concern in being able to prove that. She would be happy to answer any questions the Board may have, if the Board wants her to move forward at this time then someone would need to make a motion along those lines. Chair Corkill asked Michelle what she would recommend for the Board to do. Michelle stated that her feeling is that he's not going to show up next month either and Spokane Clean Air may as well take both of them forward next month. She doesn't think that we lose anything in that 30 day gap. So her recommendation would be to see if he shows up next month and then take them both forward. Commissioner Mager asked if Michelle thought there was any likelihood that he might show up next month if he gets a notification that we are proceeding to Superior Court at this point. Michelle replied that he might, that's valid. She understands he did have a conversation with Matt about two weeks ago. Board Member Ahern asked what the nature of that conversation was. Matt replied that the primary focus of that meeting was for him finally getting back to Spokane Clean Air on the Notices of Violation that were issued. We had issued one Notice of Violation (NOV) that he didn't respond to. We assessed a \$1,000 penalty, it went to collection. There is a second NOV that was for specifically not responding to Spokane Clean Air's limited records request, we were requesting records for a period of about eight or nine months. He had never responded to that, we assessed a civil penalty and he came in on or about day 30. He came in to plead his case with regard to his situation and eight records of reported sales that he had made during that specific limited time period. It is completely independent of this action that Michelle has been talking about.

Michelle Wolkey stated that she just needs the directive to pursue enforcement of the Board's Subpoena through Superior Court and whether or not the Board wanted her to do that now or wait until after the board meeting in June when he is to appear and provide testimony to the Board. Chair Corkill stated that the consensus of the Board is to follow Michelle's recommendation and wait until after the June board meeting.

8. **Board Concerns** – Bill stated that the retreat will be May 9<sup>th</sup> from 11:00 a.m. up to 5:00 p.m. if needed at the Spokane Valley Chamber and lunch will be served.
9. **Public Forum** – There were no public concerns.

Chair Corkill adjourned the meeting at 10:25 a.m.

The next Board Meeting will be June 5, 2008 at 9:00 a.m. in the lower level of the Public Works Building.

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JEFFREY CORKILL, CHAIR

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WILLIAM DAMEWORTH, SECRETARY