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## SPOKANE REGIONAL CLEAN AIR AGENCY BOARD MEETING MINUTES

**June 3, 2010                      9:30 a.m.**  
**Spokane Clean Air's Conference Room**  
**at 3104 E. Augusta Ave.**

### **BOARD MEMBERS PRESENT:**

Mayor Edward Crockett  
Councilmember Rose Dempsey (Chair)  
Board Member Jeff Corkill  
Board Member Tom Brattebo

### **STAFF MEMBERS PRESENT:**

William Dameworth, Director  
Ron Edgar, Chief of Technical Services  
Barbara Nelson, Finance & Personnel Admin.  
Matt Holmquist, Compliance Administrator  
Lisa Woodard, Public Info. Officer  
Charles Studer, Engineer  
Michelle Wolkey, Legal Council  
Mary McDermott, Secretary

### **WORK SESSION:** Began at 9:30 a.m.

#### **1.      Review of Spokane Rail Yard Study – Charles Studer**

This is a study, not a risk assessment; it is more of an approximation than anything. California's Air Resource Board (ARB) entered into a memorandum of understanding with Union Pacific (UP) and Burlington Northern Santa Fe (BNSF) in June, 2005 intending to reduce emissions and health impacts at 17 rail yards. They had to phase-out non-essential idling within three years; identify and expeditiously repair locomotives with excessive smoke and ensure that at least 99 percent of the locomotives operating in California pass smoke inspections; Maximize the use of ultra low sulfur (15 parts per million) diesel fuel by January 1, 2007; conduct health risk assessments for 17 major rail yards and use these studies to identify risk reduction measures; and by January 2006, prepare a progress report on plans to implement feasible mitigation measures at the 17 major rail yards.

Bill requested staff to do a risk study of Spokane's rail yards after he attended an ARB presentation concerning health impact studies performed for 17 of California's rail yards. Bill has concerns about what health impacts Spokane's rail yards could have on the Spokane public. Spokane Clean Air is concerned about diesel PM emissions because diesel exhaust has been



strongly linked to many major chronic and/or terminal ailments. These include cancer, emphysema, auto-immune disorders, asthma, stroke, heart and lung conditions of all types and the underdevelopment of children's lungs. Diesel Particulate Matter (DPM) is now a state toxic since 2008 and it has one of the most stringent acceptable source impact levels. Chuck went over the criteria pollutants of concern: Carbon Monoxide (CO), Nitrogen Oxides (NO<sub>x</sub>), PM<sub>10</sub>, PM<sub>2.5</sub>, Sulfur Dioxide (SO<sub>2</sub>) and Volatile Organic Compounds (VOCs). Spokane Clean Air performed an emissions inventory for the BNSF rail yard and submitted it along with other Spokane information to ARB and asked ARB to match the information with one of the rail yards that they studied. ARB determined that Stockton's UP rail yard closely matched Spokane's BNSF rail yard in numerous areas.

Spokane Clean Air found numerous similarities between the two cities such as: the number and size of rail yards, size and topography of rail yards and both cities, annual emissions, location and proximity of rail yards relative to industry and residential areas, rail yard activities and equipment and wind speeds and directions relative to residential areas. This is an approximation of what Spokane Clean Air thinks BNSF in Spokane would look like. There were four studies cited in the study: ARB's UP risk impact assessment applied to Spokane's BNSF's rail yard, DOH Lung Cancer Study of 1992 to 2003, DOH Lung Cancer Cluster Assessment of 1992 to 2006 and Toxic Monitoring Study in 2005.

ARB's risk impact assessment resulted in a mapping of equal risk (called isopleths) around the centroid of UP's Stockton rail yard. Spokane Clean Air imposed ARB's isopleths over the area surrounding BNSF's Spokane rail yard, adjusting for wind speed and direction and the orientation of the rail yard. Findings of ARB assessment applied to Spokane: Approximately 150 residences (500-600 people) reside within 900 feet to the north of BNSF. This population resides with the 50 to 100 in a million risk zone. Approximately 1,050 residences (3,150 people) reside with the one-mile radius which approximates the 25 in a million risk zone. This leaves 900 residences (approximately 2,600 people) that reside within the 25 to 50 in a million risk zone. Approximately 7,500 residences (22,000 people) reside within a two-mile radius. The two-mile radius approximates the 10 in a million risk isopleths. This leaves 6,450 residences (18,700 people) that reside within the 10 to 25 in a million risk zone. On September 29, 2009, the Director requested in a letter that the DOH perform a lung cancer cluster assessment for the study area and compare it to the DOH's expected occurrences. Findings of DOH Lung Cancer Studies (1992-2003 and 1992-2006): Results show that there were 260 cases of lung cancer in the study area in the 11 year period, averaging 24 cases per year. This area falls mostly within a two-mile radius around BNSF and corresponds quite well with the areas of the isopleths surrounding the BNSF rail yard. Based on the results of the above two studies, Spokane Clean Air was concerned for the health of the public residing in the area within a two-mile radius of the Spokane BNSF rail yard.

Procedures of 1992 to 2006 DOH Cancer Cluster Assessments: The DOH used a ratio of the observed number of cases of cancer to the expected (O/E) to compare the Washington State and the City of Spokane's O/E ratios to the Hillyard area in Spokane County. If an O/E is greater than 1, then that indicates that there are more cancer incidences than would be expected according to the State's expectation for the study area.

Findings of 1992 to 2006 DOH Cancer Cluster Assessments: Using Washington State as a reference population, DOH expected 72 people would have developed lung cancer in the Hillyard area from 1992 to 2007. However, a total of 97 cases of lung cancer occurred within a two-mile radius of the BNSF rail yard. Hillyard makes up the majority of the residential area within the two-mile radius. The number of occurrences of lung cancer for the City of Spokane minus the study area was 82 people. Both of the actual occurrences of lung cancer were adjusted by a 95 percent confidence interval. DOH found that the population living in the Hillyard Area adjacent to the BNSF rail yard resulted in a significant O/E of 1.4 for lung cancer when compared to the overall population of Washington State. In addition, the O/E for the City of Spokane minus the study area surrounding BNSF was 1.2.

DOH Procedures for continued investigation concerning Cancer Cluster Assessments: The DOH considers an O/E over 1 to be “significant”. Based on the DOH’s criteria in its “cluster guidelines”, the O/E needs to be at least 2.0 when there are 50 or more people with the same type of cancer to carry an investigation forward. Since Hillyard’s O/E was 1.4 for the period of time investigated, the DOH determined that it would not continue the investigation.

The rebuttal of DOH’s list of possible contributors to Hillyard’s higher O/E: In addition to the rail yard’s contribution to the Hillyard O/E, the DOH listed a number of other possible contributors that might affect the significant O/E for lung cancer. Spokane Clean Air agrees that the contributors in DOH’s list do affect the incidence of lung cancer. It is important to understand that the focus of the O/E is the fact that the risk is higher for the Hillyard area relative to the State and the Spokane metroplex. Therefore, we are looking for factors that would differentiate the Hillyard area from the State and the Spokane City/County metroplex. Spokane Clean Air investigated each listed contributor and found in every case that there is no evidence supporting the assertion that the listed contributors would predispose Hillyard’s O/E being higher than in any other area of the Spokane City/County metroplex. The one factor identified that does differentiate Hillyard from the rest of the Spokane City/County metroplex is its close proximity to BNSF’s rail yard.

Spokane Clean Air conducted a 2005 toxic monitoring study within the Spokane City/County multiplex where levels of 24 toxics were measured at four monitoring sites: Spokane School District’s maintenance facility (SD) 2.5 miles to the northwest of BNSF; Crown Z (CZ) 1.5 miles to the southwest of BNSF; Orchard Center Elementary School (OC) 1.5 miles to the northeast of BNSF; and Spokane Regional Health District (SRHD) which is located 4.6 miles to the southeast of BNSF. The BNSF rail yard would have an insignificant impact on SRHD due to its distance from BNSF. Therefore, we used SRHD as a base for comparison. The conclusion was based on the four studies; there is a strong indication that the BNSF rail yard poses a significant air quality risk to the areas within two-miles of the BNSF rail yard, especially the Hillyard area.

Activities that could reduce diesel emissions and public health risks are: Partnering with BNSF to evaluate ways to obtain funding to reduce emissions from the BNSF rail yard using different existing technologies to either alter or replace existing equipment; and participating in the West Coast Diesel Collaborative (Collaborative) which is partnership between leaders from

federal, state and local government, the private sector and environmental groups committed to reducing diesel emissions along the west coast.

Technologies and methods to reduce diesel emissions are: Reduce locomotive idling by automatic stop-start equipment on newer locomotives and retrofitting older locomotives to eliminate unnecessary idling (older locomotives are being retrofitted with similar technology); install a shore power plug-in grid connection which would keep electric powered trailer refrigeration unit (eTRU) cold; and an ancillary equipment powered by internal combustion engines could be replaced with electric powered equipment (e.g., forklifts, trucks, etc.). New switcher technologies consist of the following: Diesel driven heating systems (DDHS) by Kim Hotstart for small on-board diesel heating systems; diesel particulate filters (DPF) for high-temperature (silicon carbide blocks filter  $PM_{2.5}$  from exhaust and periodically burn it off as  $CO_2$ ); Oxicat which is oxidation catalyst converter device similar to catalytic converters in cars; the genset switcher (GS) is equipped with multiple gensets that operate only when additional power is needed; the Hybrid switchers and line haul locomotives that depends entirely on its small, diesel-powered engine to charge onboard storage batteries to provide all propulsion power to electric traction motors; fuel cell Hybrid (experimental) replaces the diesel generator in the hybrid above with a 250 kW fuel-cell power plant; and Dynamic braking Hybrid locomotive is a hybrid diesel/electric line haul locomotive that will capture the energy dissipated during braking and store it in a series of sophisticated batteries.

Some of the technologies listed above are cost effective for BNSF and would pay for themselves in less than a year because of reduced diesel usage alone. Spokane Clean Air has sent the Health Risk Study to BNSF twice and had not received any comments or any other kind of communication from BNSF prior to preparation of this presentation. We eventually received a letter from BNSF on May 28<sup>th</sup>. This letter questioned some of the study's methodology. That is why this is a health risk study rather than an assessment because the confidence level is probably between 50 and 75 percent. Bill stated that for Spokane Clean Air to replicate the California work would take a lot of time and a lot of money. So given that they've already done the work, it made sense for Spokane Clean Air to tee off of what they've already done and find something similar to our situation here. Though it's not identical, it can be indicative of the kind of problems the BNSF rail yard can cause. The cluster study backs up the risk assessment. Councilmember Dempsey does not see what Spokane Clean Air can do without any hard facts. Chuck stated that it is an obvious thing that the rails do affect the health of people. Board Member Brattebo asked what Spokane Clean Air can legally do. Board Member Corkill asked the staff if they could find out why BNSF thinks Spokane is different from Stockton and do they have any suggestions of why there are these clusters and what are they doing for Spokane. Bill stated that he thinks we can do all of that but what has driven the whole thing in California is the fact that the ARB basically said that if you don't do this on a volunteer basis, we are going to adopt what is called indirect source regulations to require you to do something in your rail yard. Councilmember Dempsey asked if Spokane Clean Air can do this. Bill replied yes we can. Bill suggested that the ARB staff prepared some regulations to deal with the rail yard and Spokane Clean Air can get copies of those and see if we can amend them to fit our situation here and then we can consider them. There was a little more discussion between the Board, Bill and Chuck on this subject and trying to work with BNSF to move forward with this project. Bill stated that he would rather work with BNSF without the rule than with the rule to tailor some sort of an

agreement with them. The ARB agreement is very specific about the kind of things they will demonstrate, the kind of reductions they will make and the time lines and verifications are in the agreement. Councilmember Dempsey would like a letter sent asking BNSF to give us specifics as to what they have done here in Spokane to reduce emissions since 2005 and give a certain date and also stating that other wise we will move forward with this. Board Member Corkill stated that maybe getting in touch with the Spokesman-Review would also be a plus. The Board agreed that they would like to see Spokane Clean Air staff move forward with this subject.

**BOARD MEETING:** The board meeting was called to order at 10:28 a.m.

**1. Advisory Council Report – Mark Roberge**

At the last meeting it was proposed that the Board have a single billing for the year occurring in advance at the beginning of the year instead of providing the billing throughout the year. The main concern of the Advisory Council was businesses having an appropriate amount of time to budget for that and they were assured that there would be proactive notification prior to changing to the once yearly schedule. Numerous rule changes were proposed to the Advisory Council, most of them were administrative in nature causing not a whole lot of questions, but really increasing the efficiency of the agency. The last part of the meeting was opened up for concerns. The largest concern was raised by Bud Leber concerning the PSD model when considering natural backgrounds and the agency's knowledge and approach to calculating current actual versus future potential emissions with this PSD model from EPA and the Agency is going to follow up with that gaining knowledge and experience on that. Other issues brought up were the Agency's activities for long term planning and requesting updates on the effect of the odor ruling on the rendering plant. We haven't had the high season for the rendering plant and the odor issues, so we are waiting for the summer to see how the odor rule changes affect that.

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

As discussed earlier, we will prepare a response to the BNSF. As far as the statutory authority to adopt rules and regulations to address the rail yard issue, I have talked with Ecology and Puget Sound, both of whose legal counsels tell them that you don't need any changes to state legislation; it states in the Washington Clean Air Act that we can do something along this line. In fact, both of them were talking about using this sort of thing for some other program besides this by adopting their own indirect source regulations for a similar purpose, but they weren't really too clear about that. But they had already gone ahead and done a back ground check on it so, our next step would be to find out what the ARB's staff proposal was and then respond to this letter.

We have begun the process of converting our registration billing to January 1 of each calendar year. Currently, some sources pay in advance and some in arrears. We have notified registered sources that all emissions data will need to be reported on a calendar year basis beginning this year. Beginning in January, 2011, all registered sources would pay a year in advance under this system, which is the same as Puget Sound's billing practice. To ease the

transition, all billings scheduled for the last quarter of calendar year 2010 would be sent out by the middle of the third quarter.

### **3. Public Information/Education Update for May 2010 – Lisa Woodard**

Lisa gave an overview of some of May's activities. There was a compost giveaway with outdoor burning information with Solid Waste, Master Composters and KHQ on May 1<sup>st</sup>; the No-Idle Zone program is at St. Charles School; Airway Heights CC had their wellness fair, with our display and materials provided; No-Idle Zone program was presented to East Valley School District as part of the Health District's Safe Routes to Schools workshop.

Print materials and web site updates consist of the following: Ongoing website work, including news and feature articles. There were some final edits made to a couple of Guidebooks for registered source categories and the guides will be printed next month. The 2011-2012 biannual Business Recognition Program new window stickers have been designed and are being printed for delivery in June.

Special projects consist of the Spokane Youth Environmental Conference that is going on today. The summer ozone campaign is underway for the July "Mow Down Air Pollution". I am doing work on a committee for a statewide wood smoke outreach project. The expansion plans for chipping/composting events is underway with the Spokane County Conservation District, DNR and Fire Districts to address community wildfire protection plans. I am submitting a grant to DNR for some funds that are available that would enable us to add three more events for a total of five events of chipping/composting. The five events would occur on one day to create a lot of buzz, which will require a lot of volunteer support from all agencies. A 30-second asbestos spot was produced in May to run in June and again in the fall.

### **4. Activity Report for April 2010 – Ron Edgar**

Ron gave a brief overview of the complaint summary, enforcement action summary, burning permits issued, inspections, surveillance, asbestos, NOCs, registration and air quality issues for the month. Complaints are up a little from burning and dust. NOVs are up and source inspections are down a little. Asbestos notifications are up along with inspections on the sites. The engineering staff has been fairly busy with revisions, NOCs and NOIs. April was a very good month for air quality and in May we will be monitoring ozone. EPA has revised their SO<sub>2</sub> Standard (new one hour standard of 75 ppb), NO<sub>2</sub> Standard and the Lead Standard.

### **5. Treasurer's Report for May 2010 – Barbara Nelson**

I have been reviewing each program and their individual budgets for their funds and making sure that Spokane Clean Air will be within the budget for each of those. Some are reimbursable grant projects and reimbursement has been requested for those. The permitting program funding will be made up through the local assessment money.

**6. CONSENT AGENDA – ACTION ITEM** – Approval of the May 6, 2010 Board Minutes. Approval of Vouchers for May 2010 – Numbered 4804 through 4875 totaling \$29,247.31 and May Payroll of \$120,187.25 for a Grand Total of \$149,434.56.

Board Member Corkill moved to approve the Consent Agenda as amended with Lee (regarding the testimony of Les Stone) being replaced with Les and Board Member Brattebo seconded it. Motion passed unanimously.

The Board Chair, Councilmember Dempsey requested a break at 10:51 until 11:00 a.m.

**PUBLIC HEARING OPENED AT 11:00 A.M.**

**7. Resolution 10-07 – Adopting a Budget for State Grant PM<sub>2.5</sub> Monitoring Operation Project – Ron Edgar**

This is essentially pass through money; it is EPA money given to DOE to run a couple of the PM<sub>2.5</sub> monitoring sites.

There were no public comments. Board Member Corkill moved to approve Resolution 10-07 and Mayor Crockett seconded it. Motion passed unanimously.

**8. Resolution 10-08 – Adopting a Budget for SRCAA Staff to Perform Audits of DOE's AOP Program – Bill Dameworth**

This is a situation where DOE used to hire a contract Auditor, but this will save DOE and Spokane Clean Air money from these audits by performing them ourselves. DOE and Spokane Clean Air pretty much know each other's programs so we are more capable of doing these audits than a consultant that doesn't really know what's happening.

There were no public comments. Board Member Corkill moved to approve Resolution 10-08 and Mayor Crockett seconded it. Motion passed unanimously.

**9. Resolution 10-09 – Adoption of the FY 2011 Budget – Barbara Nelson**

Barbara gave an overview of the revenue, expenses, grant monies, local assessments and programs. Spokane Clean Air is able to balance the budget this year without appropriating any of the fund balance. There was a little discussion between the Board Members and Barbara.

There were no public comments. Board Member Corkill moved to approve Resolution 10-09 and Mayor Crockett seconded it. Motion passed unanimously.

**PUBLIC HEARING CLOSED AT 11:28 A.M.**

**10. Board Concerns** – Board Member Brattebo will not be attending the July Board meeting.

**11. Public Forum –**

Les Stone wanted to know if the Board was going to reinstate the yard and garden burning. Chair Councilmember Dempsey stated that the Board would need to address this with a regular meeting rather than to respond immediately. Les would like the Board to allow him to work with Matt Holmquist, the Fire Districts and the Board on this subject. He would like them all to come up with something that would be acceptable to the Board and Staff and that he would be willing to take it to the Fire Districts to get them onboard to do something that would alleviate the accumulation of yard debris that will occur. He would like to be the liaison between the Board, Staff and Fire Districts to help alleviate the accumulation problem and not violate any laws or intent of the authorities. There was a little discussion between the Board and Les. Board Member Corkill suggested that Board Member Brattebo and Matt could have preliminary discussions and see if there is any way of resolving this, but he doesn't feel that the burning ban should be rescinded. Bill stated that Spokane Clean Air is willing to work with Les to take messages back to the Fire Districts and to try to work something out. Matt stated that he could work with Les on looking at something different as far as the agreements in place with some Fire Districts to try to customize the agreements as needed by other Fire Districts. There are some requirements that cannot be left out of the agreements. These agreements would have to be agreed upon by both the Board of Directors and the Fire Districts Commissioners. Matt stated there are a number of things like fire hazard abatement permits, etc. that could be talked about and he believes something can be worked out with the Fire Districts. There was some discussion between the Board, Matt and Les. The Board was in agreement for Staff to work with Les and the Fire Districts to come up with something that could be brought back to the Board at a later date.

**The meeting adjourned at 11:46 a.m.**

The next Board Meeting will be July 1, 2010 at 9:30 a.m. – Spokane Regional Clean Air Agency office at 3104 E. Augusta Avenue.

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COUNCILMEMBER ROSE DEMPSEY, CHAIR

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WILLIAM DAMEWORTH, SECRETARY