



SPOKANE COUNTY  
AIR POLLUTION  
CONTROL AUTHORITY

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SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY  
BOARD MEETING MINUTES

November 2, 2006 9:00 a.m.  
SPOKANE COUNTY PUBLIC WORKS BUILDING  
LOWER LEVEL HEARING ROOM

BOARD MEMBERS PRESENT:

Michele Pope  
Mike DeVleming  
Jeff Corkill

STAFF MEMBERS PRESENT:

Bill Dameworth, Director  
Ron Edgar, Chief of Technical Services  
Matt Holmquist, Compliance Administrator  
Joe Southwell, Engineer I  
Barbara Nelson, Finance & Personnel Admin.  
Lisa Woodard, Public Information Officer  
Mary McDermott, Secretary II

**WORK SESSION:** The work session of the board meeting was called to order at 9:03 a.m.

**1. Waste-to-Energy (WTE) Source Tests – Ron Edgar**

Ron briefly summarized the source tests for the last few years. The tests are done for many pollutants such as metals (mercury, arsenic, beryllium, cadmium, chromium, lead, nickel, selenium and zinc), hydrogen chloride, ammonia, hydrogen fluoride, particulate, sulfuric acid, dioxin/furans, PAH and PCB and non-methane hydrocarbon. Additional pollutants tested are carbon monoxide, sulfur dioxide and nitrogen oxides, of which, during the source tests are not specifically to determine whether the plant is in compliance but to determine the accuracy of the continuous emission monitors (CEMs) that SCAPCA does use to determine compliance with the standard. Pollutants with a permit limit are mercury, cadmium, lead, hydrogen chloride, hydrogen fluoride, particulate, dioxin/furans and non-methane hydrocarbon. The only one SCAPCA has concerns about is the non-methane hydrocarbon emissions. The emissions jumped up this year and WTE had some problems with the testing. It appears that they met the standard but there are some problems with the testing and there maybe some actions taken for some improper procedures with the testing for unit 2. They stopped the test because they thought there was a problem that needed to be corrected and they should not have stopped the testing and then invalidated the data had it shown that the plant was not operating properly. The last two runs of the tests show WTE to be well within the standard.

Jeff Corkill asked who sets the standards and who conducts the tests. Ron replied there are Federal, State and SCAPCA standards involved in their permit. An independent contractor hired by

the City does the testing and SCAPCA staff observes for part of the test and then reviews the source test. Bill Dameworth added that SCAPCA is planning on issuing a Notice of Non-Compliance for stopping the testing because the one test that they did was over the limit and there is every reason to believe that if they would have continued doing the testing, they probably would have gone over the limit. But they were unable to find anything wrong and when they continued the testing later on, they were well within compliance and it looks like this was some sort of a blip that is unexplained, but never-the-less it's still a violation of their permit. Ron added that WTE has a special pilot project coming up which is the incineration of outdated pharmaceuticals. Michele Pope asked what the capacity limit is that the incinerator runs at and are they at full capacity. Ron replied that they are close to full capacity most of the time and there is discussion on adding a third boiler to the facility.

## **2. Rule Making Update – Matt Holmquist & Joe Southwell**

Joe summarized the coffee roasting exemption rule making. SCAPCA initiated a public comment period for the purposed rule changes for the small coffee roasters. The period for accepting written comments on the proposed changes goes through November 9<sup>th</sup> and SCAPCA intends to hold a public hearing at the next Board meeting on December 7<sup>th</sup>. Pending the comments, SCAPCA proposes to have the Board vote on a Resolution to adopt those proposed rule changes. SCAPCA has not received any comments to-date.

Matt added that the second round of public comments is being accepted on the proposed amendments to the registration fees through November 9<sup>th</sup>. The public hearing for achieving full-cost recovery on the registration program is scheduled for December 7<sup>th</sup>. To date SCAPCA has received one written comment from a facility. In December, SCAPCA will present proposed revisions to its asbestos regulation. The proposed amendment focuses primarily on the non-friable asbestos containing roofing and a lot of clarification of the remaining existing regulations. In January or February, SCAPCA will present proposed revisions for achieving full-cost recovery on its Notice of Construction permitting program. The first round of public comments is being accepted on proposed revisions to the annual registration reporting and late fees through December 6<sup>th</sup>. The second round of comments will be accepted through February 27<sup>th</sup> and the public hearing will be in March. Finally, today's presentation is on civil penalties and with the Board's concurrence Matt will bring back a Resolution in December for adoption of the revised Civil Penalty Worksheet and look at a minor revision to amending the maximum daily civil penalty which will be piggy backed onto something else that has gone through rule making.

## **3. Civil Penalty Worksheet – Matt Holmquist**

Matt gave a presentation on Civil Penalty Worksheets and the maximum daily civil penalty. Each year SCAPCA responds to about a 1,000 complaints, performs about 300 facility inspections and about 100 renovation or demolition inspections regarding asbestos compliance. Inspectors routinely observe a large range of compliance issues, most issues result in warnings but Notices of Violation (NOV) are issued when appropriate. Approximately 100 NOVs are issued annually and they range from commercial dust and odor violations to residential outdoor burning and asbestos violations and a civil penalty or fine is assessed 31 days after receipt of a NOV. In calculating the fine, we believe the 2002 penalty worksheet could be revised to better account for the days of violation, the size of the business or type of project and commercial dust and odor and nuisance

violations. SCAPCA is currently proposing that a small business be defined as one with less than 10 employees. SCAPCA has reviewed penalty worksheets and schedules used by other local clean air agencies in Washington and the Department of Ecology (DOE) and there are a variety of worksheets being used but SCAPCA concluded a general penalty worksheet and an asbestos penalty worksheet should be adequate. CEM stands for Continuous Emission Monitoring, AOP is for Air Operating Permit sources or SM is for Synthetic Minor sources and woodstoves are mostly residential and a warning letter usually takes care of those. In assessing fines, SCAPCA accounts for gravity and benefit and the gravity or severity of a violation accounts for a variety of things including whether it was emission related or administrative, prior knowledge of the applicable requirements, the responsiveness in correcting the violation, the past compliance history and the duration of days of violation. The benefit component to the fine accounts for whether or not the violator experienced any financial gain from non-compliance. For asbestos violations, there is also a records component to the civil penalty because notifications, surveys and disposal records are an important part of complying with asbestos requirements.

Matt briefly talked about the maximum civil penalty. SCAPCA has used the State's maximum civil penalty of \$10,000 per day, per violation since 1991 as the potential maximum. The State allows the maximum to be adjusted annually for inflation. The adjusted 2005 maximum is \$ 14,915 and SCAPCA is looking at increasing its maximum to \$12,500. In general, SCAPCA is trying to be more stringent in regards to penalty assessment for odor and dust violations because they are the types of violations that most noticeably impact and affect the public. Michele Pope asked if when we look at complaints, sometimes it is just a matter of the neighborhood getting together and pushing forth that effort; how detrimental is an odor to anybody health wise? Jeff Corkill added that there could be toxic compounds released. Michele replied but we don't know that, like the coffee roasters or things like that, she thinks to just base a decision on the number of complaints for something like that can sometimes be over emphasized. Bill Dameworth stated that these are not responses to complaints; these are violations of their permit or rules. The number of complaints does not necessarily play into what kind of assessment they are given. Matt added that SCAPCA has over 100 dust complaints each year and out of those 100 complaints, SCAPCA writes approximately three NOVs. For odors, there are more than 300 complaints each year and they result in about one NOV.

Matt stated that the current definition that SCAPCA is looking at as a small violator is either a residential type situation or a business with less than 10 employees and the large would be the AOP sources. Jeff Corkill stated that it should be stated as less than 10 full-time equivalents as opposed to straight number of employees because there are a lot of part-time people. Mike DeVleming asked if when SCAPCA is assessing whether it is a small business or not, is this at the time of the violation. Matt replied that it would be at the time that the civil penalty is assessed. Mike then asked what SCAPCA does if a business has a lot of seasonal employees. Matt stated that SCAPCA would have to use appropriate discussion and questions in trying to account for that type of thing. Mike asked if SCAPCA is looking to bump the proposed increase for the civil penalties up because of inflation and what inflationary issues are directly impacting these penalties. Matt stated that he doesn't know that he can answer that, but SCAPCA looks at the maximum penalty only on occasion and it is just a matter of whether the Board wants to increase that maximum; the concept being that the penalty is a deterrent to future violations and \$1.00 today isn't what it was years ago. If we don't increase it we can leave it as is, it is one of those things where SCAPCA is trying to adjust for the cost of everything being different than what it was in 1991. Mike added that inflation

really isn't impacting the penalty. Matt replied that State law just says that you can adjust for inflation based on the CPI values, but it's just picking a dollar figure, it is all about what the Board wants to have someone pay, inflation or not. Mike asked if violators are getting more casual about writing \$10,000 checks. Matt stated he wouldn't say so because it is extremely rare that SCAPCA has anything that is that close. Mike added that the \$10,000 is still a good deterrent. Matt replied he doesn't think anyone wants to get to that level. Michele Pope would support continuing with the \$10,000 for the maximum penalty limit and would oppose changing small businesses from 10 to 5 and why couldn't it be 20 or 25 employees. Matt stated that if we go 20 to 25 employees, most of SCAPCA's sources will be in that category. Bill added that SCAPCA was trying to differentiate between the mom and pop gas stations that have between 5 and 10 employees and the Costco gas stations that probably do have 20 to 25 employees. Mike DeVleming stated that a violation is a violation, whether it's the mom and pop's gas station or whether it's a Costco, it is still a violation. Why would we be lighter on the same violation just because it came from a business that had fewer employees? Michele Pope added that they take into account the income also. Bill stated that SCAPCA takes into account the ability to pay and their likelihood of knowing better. The smaller operations often have a hard time just figuring out the rules and regulations and traditionally in the environmental field this is taken into account. Jeff Corkill stated that he would agree with the 10 full-time equivalents. The Board Members present agreed on the 10 full-time equivalents for employees in a small business and leaving the maximum penalty at \$10,000.

**BOARD MEETING:** The board meeting was called to order at 9:53 a.m.

## **1. Director's Report**

Bill Dameworth stated that SCAPCA has been having some ongoing discussion and research efforts on odor issues. Joe Southwell, SCAPCA Engineer, took a look at three rendering plants on the west coast, two in the Seattle area and one in the Vancouver BC area, and came up with a comprehensive staff report. SCAPCA invited Baker Commodities (Baker) in to share this information with them and they are interested in doing some research work to see if they can make some improvements. Baker sent a letter to SCAPCA outlining five trials the company wants to conduct in order to improve the odor situation. One of them we felt might have some adverse effect on their employees, but the other four were approved. They will be doing some work on their scrubbing solution and the boiler controls and how they operate them. One of the problems is this is an up and down operation in Spokane, it starts up and shuts down quite a bit, which makes it very difficult to run properly. They have two facilities elsewhere that are spoken pretty highly of by the regulatory authorities and we told Baker we know the company can do better. SCAPCA has written Baker a letter on the approval of these and said that in the next six months, they should have all of this work done. They will communicate with SCAPCA to give it the opportunity to go out and assess the success of these possible process changes. We will keep the Board informed on the progress. Michele Pope stated that the ability to work with Bill and the SCAPCA staff is good because this has been an ongoing issue and there has been friction in the past as far as finding a solution and Bill deserves the credit for that also as far as working with them. Bill added that there is really no reason for this to not work out if they work together. Jeff Corkill asked what kinds of things they will be using or doing. Bill replied that they will be changing the scrubbing solution; there is a proprietary scrubbing solution that is being developed just for odor reduction. They had been using sodium hypochlorite which is household bleach and they switched over to chlorine

dioxide which is a more powerful oxidizer. The proprietary scrubbing solution has been tried elsewhere with some success. Another item is the shutting down of the process, SCAPCA is asking them to keep their process boiler on even though they're not making steam because that is being used as an air pollution control device and incinerating these odors is probably the best way to get rid of them. They are using their process boiler to do that but when they shut the process down the boiler goes down and it costs money to continue operating it. They are asking if we can do some experiments on the temperature the boiler has to maintain in order to destroy the odors. They have a 1200 degree limit in their permit right now and are claiming that they could actually do an adequate job with a lower temperature so there are some experiments that SCAPCA will be doing along those lines.

As far as the penalty process goes, one of the reasons SCAPCA wants to pursue this is that it has been negotiating down a lot of the penalties that are issued. People file complaints about the excessiveness of the fine so SCAPCA negotiates a lower penalty because some of the penalties are high and there are a few that are low. Bill believes that SCAPCA should still try to be kinder to the small, beginning businesses just starting up and so the business size has been incorporated into it. If you are an Air Operating Permit (AOP) source and you have a full-time environmental staff, there is no way you shouldn't know exactly what you should be doing. So your knowledge of the violation is a lot higher than if you were a small dry cleaner that didn't fill out a form properly. SCAPCA wants to have a little more flexibility in the penalty policy than what is in the current one.

The asbestos regulation is going to be reviewed at next month's board meeting. SCAPCA has also been working with the local Fire Districts to see about supporting an expansion of the no-burn area for yard and garden debris. One Fire District supports an expansion of the zone and the rest of them haven't. This will be reviewed at the next board meeting also.

Bill attended the semi-annual NACAA meeting and they discussed that the EPA is going to be looking at a decrease in the ozone standard from .08 to .07 or .06 which will put Spokane County close to the standard. If Spokane County gets close to the standard, SCAPCA will have to develop an attainment or maintenance plan of some sort. The EPA's science advisory committee has said that there is science out there that says the current ozone standard is too high. Another thing that was mentioned is that EPA is taking all of the non-compliant wood stoves out of Libby, Montana to see if they can see a decrease in the fine particulate levels, of which are very high in Libby. If they can show a big reduction, this would help Spokane County get grants to help replace wood stoves here.

Another issue is going to be a fairly contentious battle on funding for air quality monitoring, which is one of the basic functions of this agency, to monitor the air quality and tell people how healthy the air is outside. There are some agency personnel who believe if the EPA isn't going to pay for it then they will say they just won't do it and Bill believes then you're abdicating your responsibilities if that's the case; he thinks SCAPCA's responsibility is to do air quality monitoring. We'll get into some arguments over funding and the distribution of funds; the states in the southeast are claiming that there is more population and more industry moving there and they have more air quality problems and they're going to get a bigger piece of the pie than they have in the past and the Northwest is likely to get a smaller piece of the pie. There is going to be a lot of discussion about what kind of a policy we advocate from EPA, all of the air directors in Washington have a meeting next month to discuss this funding issue with EPA, so we will see how that goes. Bill doesn't

believe it is going to be a very pleasant discussion. Jeff Corkill asked if a possible change in the ozone would require phase-two vapor recovery at gas stations. Bill replied that he would think so and that is the first thing he would look at.

## **2. Advisory Council Report – Ray Kelleher**

Ray gave a brief overview of the October Advisory Council meeting. The Council discussed the PM<sub>2.5</sub> standard going from 65 to 35 micrograms and weather or not more of these monitors should be placed throughout the County (West Plains, Deer Park, etc.) and if SCAPCA does, how will it be funded. Ray attends the West Plains business meetings and the West Plains Chamber meetings and has talked to them about this and some of them were concerned about how it would affect them because of wood burning and they were asked weather or not what they thought about expanding. This afternoon he will bring it up to the West Plains Chambers to see weather or not they would be interested in having one in their area. There were two issues on the PM<sub>2.5</sub>: you have real-time data so that they can be more responsive or you wait the 24 hours till after you run a 24-hour test and weigh it, but you really need the 24 hours to have assurance that the real-time monitors are working. He will present this to the West Plains Chamber and see what their reaction is. Bill Dameworth added that Ray also informed SCAPCA and its Advisory Council that Avista is donating a couple of ambient ozone air quality monitors to SCAPCA.

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

Lisa gave an overview of the communications and education activity for the month of October. The events consisted of the chipping and composting event held at Valleyford Fire Station, Lights On/Car Care Fair, an annual program at Chewelah Peak with 100 Spokane area 6<sup>th</sup> graders, Home Idea Show booth, hosted a Girl Scout's Expanding Your Horizons event, Fall Leaf Festival, winter air quality promotion presentations to ETC and the Air World traveling kiosk moved to Telect.

SCAPCA's asbestos staff person presented to a group of local property managers and the Compliance Assistance Update newsletter was developed and mailed out. Print materials consist of a new fact sheet on the new voluntary burn curtailment program and a brochure insert developed to be put into the current wood burning brochure. SCAPCA is moving forward with its logo design contest: solicited input from graphic design industry and art instructors, and the rules were reviewed by SCAPCA's attorney.

With wood heating there have been news releases and media visits with Bill Dameworth and Ron Edgar; mailings to wood retailers and wood fuel sellers; and a wood stove give-away promotion with radio sponsors and a partnership with Dura Flame to add to SCAPCA's advertising dollars. Lisa is working with a television station to develop some scripts for the wood heating season. Media activities were related to the October events and the up coming wood heating season. Lisa added that she has had visits with the TV stations on the voluntary curtailments for this wood heating season because the PM<sub>2.5</sub> standard has gone from 65 to 35 which will make it harder to stay in attainment.

## **4. Activity Report for September 2006 – Ron Edgar**

Ron pointed out that agricultural burning permits being requested and issued has increased quite a bit and SCAPCA will have to keep an eye on that depending on air quality so that we don't overload the air shed and get smoke problems from that. At this point the air quality number is fairly low compared to other areas of the state and has not been a problem. SCAPCA has set the air quality PM<sub>2.5</sub> trigger limit for the voluntary curtailment at 30 micrograms.

**5. Approval of Minutes of the October 5, 2006 Board Meeting**

Jeff Corkill moved to approve the October minutes and Mike DeVleming seconded it. Motion passed unanimously.

**6. Income/Expense Statement for September 2006 – Barbara Nelson**

Barb stated that SCAPCA is right on track for both revenues and expenses as budgeted.

**7. Voucher Approval for September 2006 – \$127,775.08**

Mike DeVleming moved to approve the September 2006, vouchers and Jeff Corkill seconded it. Motion passed unanimously.

**8. Resolution 06-18 – Approval of a Memorandum of Agreement with Central Valley School District**

Bill Dameworth stated that SCAPCA would like to pull this item off of the agenda because the Central Valley School District has had some changes in how they want to approach this and it might mean there would be a difference in the total cost. There are some insurance issues they have to deal with and SCAPCA is going to look at revising this resolution and present it at the next board meeting.

**9. Review of Bids for Legal Services – Bill Dameworth**

SCAPCA had a request for quotations this summer on legal services and received one bid from Michelle Wolkey. The question is what is the pleasure of the Board? Mike DeVleming asked what the timeline is. Bill replied that there isn't a particular timeline, SCAPCA has a current contract with Michelle Wolkey and if the Board would like, this can be deferred until there is a full Board present. The Board Members present agreed to wait until there was a full Board in attendance.

**10. Discussion of Board Terms Expiring December 31, 2006**

Bill Dameworth stated that there are two terms that expire at the end of the year: Mike DeVleming who is filling out Phil Harris' term which expires December 31, 2006 and Michele Pope's term also expires then. What and how would the Board like to go about filling Michele's position? Barbara Nelson stated that for Mike's position, SCAPCA would need a letter from the City of Spokane Valley appointing him for a full four-year term. SCAPCA did get a letter when Mike was brought onto the Board and it didn't have any designation for the length of term, so for record keeping's sake, it would be best to get a letter if they want to appoint him for that length of

time. Michele's position is the member at large position which is appointed by the Board at the Board's pleasure and in the past SCAPCA did advertisement in the local paper and accepted applications and went through a review process with the Advisory Council and then a number of people were selected and brought before the Board for a decision. In the past, that position has been filled with the same person if they desired to continue in that position, but that is all up to the Board. Bill added that if Mike is interested in continuing, SCAPCA could send a letter to the City of the Spokane Valley and have them send SCAPCA something. We would probably need to have more people here than now to go forward with Michele's position. If Michele is interested in continuing on, then the rest of the Board can vote on it at the next meeting. Michele Pope stated that that would be fine with her. Jeff Corkill asked if SCAPCA should re-advertise the position legally. Bill stated that he would ask legal council, but in the past SCAPCA has had this position continue on at the Board's pleasure as long as the person wants to do it and SCAPCA hasn't been challenged on it. Barbara added that the makeup of the Board is described in the RCWs. The new bill change that affects that position addresses the background that that person has to have. Ron Edgar stated that it requires a background in public health or environment and it did not change anything as far as how that person is appointed. Mike DeVleming stated that for the sake of fairness, the position should be opened up and hopefully Michele Pope still wants to step forward and hold the position. Jeff Corkill added that the Board can make changes at anytime, so the position can be extended until we go through the advertising of this position to the public as long as they meet the specifications of the position. Mike DeVleming stated that his recommendation would be that SCAPCA advertise for the position at large being open and then see what applications show up by a certain deadline and the Board can review that and make its choice. The consensus of the Board was to advertise the position and then bring the issue back at the next meeting.

**11. Board Concerns:**

Jeff Corkill asked what the status of SCAPCA's audit was. Bill Dameworth replied that the exit interview is tomorrow and Michelle Wolkey and he worked on a letter to the Auditor's Office telling them where they stepped over the boundaries of the law and asked them to fix the audit report. Barbara Nelson asked if anyone on the Board had received a letter from the Auditor's Office. None of the Board has received a letter to date.

**13. Public Forum:** There were no public concerns.

**The meeting adjourned at 10:34 a.m.**

The next Board Meeting will be December 7, 2006 at 9:00 a.m. in the lower level of the Public Works Building.

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MATTHEW PEDERSON, CHAIR

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WILLIAM DAMEWORTH, SECRETARY