



3104 E. Augusta Avenue, Spokane, WA 99207 ♦ (509) 477-4727 ♦ Fax (509) 477-6828 ♦ www.spokanecleanair.org

**SPOKANE REGIONAL CLEAN AIR AGENCY
BOARD MEETING MINUTES**

May 6, 2010 9:30 a.m.
Spokane Clean Air's Conference Room
at 3104 E. Augusta Ave.

BOARD MEMBERS PRESENT:

Councilmember Rose Dempsey (Chair)
Commissioner Bonnie Mager (VC)
Mayor Edward Crockett
Board Member Tom Brattebo

STAFF MEMBERS PRESENT:

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

WORK SESSION: The work session was called to order at 9:31 a.m.

1. **Update on Asbestos Rulemaking – Matt Holmquist**

Following the April 1, 2010 board meeting, notice of proposed amendments to Spokane Clean Air's asbestos regulations and fee schedule was sent to approximately 30 asbestos consultants, asbestos removal contractors and demolition contractors and about 150 people that have subscribed to Spokane Clean Air's e-mail distribution list for regulation updates. The deadline for submitting written comments was April 22, 2010. No written comments were received on the proposal. However, on April 19, 2010, Robert Reed with IRS Environmental recommended that staff review the language and intent regarding amending notifications after the asbestos removal completion date on record and clarify the language if necessary. The language was reviewed and revised for clarification. If the Board concurs, there will be a second public comment period (ending in July) followed by a public hearing at the board meeting on August 5, 2010. There was some discussion between the Board Members and Matt. The Board Members agreed for Matt to move forward on this rule making.

2. **Proposed Revisions to Fees and Charges in Article X – Matt Holmquist**

Staff is proposing to amend portions of Article X – Fees and Charges. A summary of the changes proposed are as follows: Indicate that the Board “may” amend the fee schedule to more



accurately recover program costs versus “shall” amend the fee schedule; for units covered under acid deposition standards, reference the hourly fee of \$67 per hour in the fee schedule versus \$65 per hour to more accurately reflect actual costs; remove the fee waiver for financial hardship; clarify that the per stack/per point fee may include sources of fugitive emissions; adding a complex permit condition revision fee for occasions when dispersion modeling, impact analysis, or emission calculations are required; reference agricultural burning permits set by the agricultural burning practices and research task force in Chapter 173-430 WAC so that Spokane Regional Clean Air Agency doesn’t need to revise its fee regulation at later dates (the maximum fee set by statute may be increased from the 1991 rate of \$2.50 per acre to \$3.75 per acre and the maximum fee may be phased in over time); decrease the hourly review fee from \$65 per hour to \$55 per hour to better reflect actual hourly costs for staff that perform this review; and leave the filing fee at \$50, but increase the hourly review fee from \$50 per hour to \$55 per hour after the first hour of review to more accurately reflect actual costs. There was some discussion between the Board Members and Matt. The Board Members concurred for Matt to move forward with public comments.

3. FY2011 Draft Budget – Barbara Nelson

The fee based programs have been established as separate funds and stand alone as far as their own budget including revenue, expense and fund balance. Until full-cost recovery is achieved, the Local Assessment and Unreserved Undesignated Fund Balance will continue to be used to balance these fund budgets. The State and Federal Grant dollars in the out years in the draft have been reduced with the expectation that those grants will be reduced; this is only a guess at this point. Otherwise, revenue remains the same over the period. Expenses consist of salary/benefits for current staff. A COLA of 1.6% is included per the CPI U West figure of March 31 and there is an expected increase in the rates for PERS, L&I and Unemployment. General expenses are status quo for all funds and additional funds have been reserved for the designated fund balances. There was some discussion between the Board Members and Barb on the cost recovery programs and the next five years out.

BOARD MEETING: The board meeting was called to order at 9:58 a.m.

1. Advisory Council Report – Bud Leber

During April there was one agenda item meeting and it was on the concept of “Complete Streets”. It was a presentation by the Health District. Basically it overviewed what “Complete Streets” entails. Essentially it is getting multiple forms of transportation (pedestrian, bicycles, public transportation and private automobiles) to co-exist on one street and incorporate all of that in. Most of the presentation focused on the health impacts, meaning the benefits of having more people walking and riding bikes to improve their health. From an air quality standpoint, getting more people out of cars is the correct direction. There was some discussion and observation of how that would work in an area such as north Monroe, north of the river where you have a really confined space there with buildings close to the edge of the roadway. How do you accommodate areas like that that you need to spread out to get the wide enough sidewalks and everything accommodated? Would that pinch down on traffic and potentially slow it down and then you

would have a little bit of a reverse effect? There is no real data on whether the impacts would be positive or negative from that type of situation. This was an observation that was made by the Council Members as to how to deal with something like this in a narrow, confined area. There was some discussion between the Board Members and Bud.

2. Director's Report for April – Bill Dameworth

We sent our draft assessment of rail yard impacts on air quality and health in Spokane County to the BNSF. We requested comments on the study and asked them to partner with us in reducing their emissions of diesel particulate. The letter was sent to BNSF management locally and to the EHS manager in Seattle. We did not receive a response by the end of the month, so I sent the report to their corporate headquarters. There was discussion between the Board and Bill on this BNSF project and jurisdiction.

Beginning May 1, we are putting all the engineering staff on 80% time until further notice. Engineers will have the option of conducting compliance inspections for all or part of the one day per week they are not assigned to engineering duties. This will provide for more compliance inspections and also allow for more complaint investigation.

We are looking at converting our registration billing from a hodge-podge of different dates to January 1 of each calendar year. Registered sources would pay a year in advance under this system, which is the same as Puget Sound's billing practice. Currently, some sources pay in advance and some are in arrears. Conversion to this billing method would result in a one-time windfall for the agency of approximately \$300,000 in FY-2011, making the registration program full-cost recovery for that year. The Board did not have any issues on this change for the registration billing.

We sent out the "Concise Explanatory Statement" for the amended odor/nuisance regulation adopted by the board in April. This statement consists of the following: a. Reasons for adopting the rule and the effective date; b. Differences between the initial proposal and the final rule including relevant history; and c. Response to comments. This information was sent to all who commented on the rule and all who attended the board meetings where it was discussed.

3. Public Information/Education Update for April 2010 – Lisa Woodard

Community outreach presentations and events consisted of booths at the Home & Garden Show and at the Spokane Home Builders Premier Home Improvement Show. There was a yard debris collection event and composting fair held in partnership with Spokane Regional Solid Waste, Fire District #4 and the Spokane County Master Composters. We participated in three Earth Day related events (Spokane Valley Earth Day and Earth Day at Downtown Spokane). There were air quality booths at the Kids' Safety Fair and Expo (over 150 kids visited our booth), Arbor Day and Compost Fair at the Finch Arboretum. Web site activities consist of three new website features being completed, they are an AQI "badge" and an AQI map that provides data from each monitoring site. In addition, we now have a survey tool built into our content management system. Print materials consist of air quality activity and coloring books for kids under development with a statewide group (illustrator selected and drafts underway); and the

spring "On the Air" newsletter has been mailed out and distributed to various locations. Special projects include television and radio spots on outdoor burning and alternatives; new display cards prepared for the home show displays; "Renovation, Demolition and Asbestos" pamphlets were distributed to Habitat Builder's Surplus and the Ugly Duck; PSA script finalized and production planned for mid May; 1,000 pre-printed asbestos postcards will be inserted in the June issue of the Rental Review, published by the Landlord's Association; and a news release was developed and scheduled to be distributed in mid May; updates on three asbestos "how to" guides; and the recreational fire fact sheets were updated and distributed at the April events. Media activities in April consisted of a response to a reporter inquiry regarding wood burning complaints and an interview with KXLY on an asbestos NOV issue.

4. Activity Report for March 2010 – Ron Edgar

Ron gave a brief overview of the complaint summary, enforcement action summary (NOVs issued), burning permits issued, woodstove exemptions, inspections, surveillance, asbestos, NOCs and air quality issues for the month. March was a good month and this year has been good except for May 3 which was the day we had very high winds. There was some discussion between the Board, Ron and Bill on the new standard.

5. Treasurer's Report for April 2010 – Barbara Nelson

Barbara gave an overview of the treasurer's report. There are two grant reimbursements listed and we are on track to be well within the budget for all programs.

6. CONSENT AGENDA – ACTION ITEM – Approval of the March 22, 2010 Board Retreat Minutes and April 1, 2010 Board Minutes. Approval of Vouchers for April 2010 – Numbered 4725 through 4803 totaling \$31,481.70 and April Payroll of \$119,150.10 for a Grand Total of \$150,631.80.

Commissioner Mager moved to approve the Consent Agenda and Board Member Brattebo seconded it. Motion passed unanimously.

7. Board Concerns – There were no board concerns.

8. Public Forum –

Dale Smith: Yes I'm Dale Smith, I'm out east of Chattaroy and I have a couple concerns. When we're talking about the dust and so on, I'm so concerned about these trucks that all they have to have on the bottom line is a six inch board, they don't have to cover and I've talked about it in the past before Bill even came and I think that Olympia has, they have been trying at times and though the last two years I backed off, I'm ready to take another whack at it. The lobbyists are more or less against because they say it's gonna cost you and I a little more because they're gonna have to take the time to cover. I know they cover the care and to keep the shavin sawdust and or the heat in and the new trucks are more of them being constructed with a tarp so that they can be covered. But if you're going down the road 60 mph with a sand truck and trailer in front of you, you want to back off. The insurance

company is paying for the glass or you got to roll your window up and if you talkin about which they comment, the lobbyists, that the sand and so on is from our tires that coming back up off of the road not off of the trucks. But then you want to roll your window up when you're following one of these and there's some of the demolition trucks I notice and I do question I know it's kind of hard for them to cover the big aggregate and there's some of the things that they have but it might be possible for someone to look into it to where they might be able to come up with some kind of a way of covering, because right in town when they're going through town, you can see the dust trails when they're taking down buildings and so on like that. I don't know the exactness of how to go about it but then there must be some way of trying to cover when you're talking about trying to contain the dust. When we're talking about the dust from Moses Lake and around seeing as how we're regional and so on if we expand a little more, we get the air from Seattle, we're gettin it from Moses Lake whatever where there is one kind of stagnation or another or a wind blowin and I question how can we as a clean air agency try to control someone else's dust that's creating a hazard to us; it's a question. I don't know who could answer it.

Bill Dameworth: I don't either. If we could document something like that, if we were causing ourselves non-attainment, I suppose we could talk to them about it and see if there's something we could do. But right now I don't think we are in non-attainment and so we probably wouldn't have a whole lot to talk to them about.

Dale: Now where they possibly don't have a clean air agency in some of these counties and so on then it falls back onto Ecology and we're a sister to Ecology.

Ron Edgar: I'll try to answer your question Dale. There has been a program going on for about the last 15 years called the Columbia Plateau Project and we've been working with the farmers throughout the Central Basin of Washington to develop what are called Best Management Practices (BMP). Those BMPs are put into effect by the Conservation Districts in those areas, essentially given to the farmers and so the farmers have been using these when the winds are below 20 mph, they are quite effective at keeping the dust controlled and that's been one of the things that has contributed to fewer dust storms in this area.

Commissioner Mager: So is that no-till that you're talking about.

Ron: Well some is no-till, reduced till, increased surface roughness all those kind of things to reduce that. The soils in that area are very, very fine, they were actually deposited by the wind and are very easily picked up by the wind, but there is a fairly high percentage of use of these BMPs now so that fields that are uncovered are being left rougher or more material on the surfaces and that has been controlling it. Again, what I'm trying to say is that since about 1993 when we started putting a lot of these BMPs into place, we reduced from three or four dust storms a year down to about one every other year and so it's been quite an improvement. Again the farmers are trying to practice it. It is a program that is administered by the Department of Ecology and local agencies along with the Conservation District and Washington State University.

Dale: Like you say about the conservation, no-till and so on they do have a million dollar program out there where they are and matter fact that's helping the Conservation Department because they're making a lot of money on one small interest even from the grants and so on and so they are trying. But then I was you know as they say suggest in other words through the conservation and so on but that isn't, that doesn't put the teeth into it and in other words if someone and I don't know whether businesses and so on like that, there's new businesses coming in, whether they have a time frame to meet more like the businesses around here or not. So it isn't just all farming you know that's bringing some kind of a pollution in here. Some of it is more harmful for you, you don't even see it. So it was just another thought. If we don't try to make it better today it's gonna to be worse tomorrow.

Les Stone: I'm Les Stone and I live at 16501 E. McMahon Rd. which is out in the rural part of our county and I would like to encourage you to restore burning in the rural areas of Spokane County. In May 2009, as I'm sure you know, Spokane Clean Air banned the burning of yard and garden debris in the rural part of the county. The burning ban creates a health and safety hazard that you may not have considered when this was banned. That health and safety hazard occurs when people do not burn their garden and yard waste and accumulate it and this is happening and will happen. It's not a question, it's a certainty and the reason it will happen is that there are many people particularly in the rural part of our county that cannot haul their debris to a disposal site because they don't have the means to haul it and they don't have the money to hire someone to do it. To haul, to get a commercial hauler to move your debris is a minimum of \$100. In my area there are three widows who have no means to haul and are on a very limited income and they can't afford to have this hauled. They have no choice but to accumulate the debris and so this debris will create a fire hazard that is much greater than any smoke or hazard that comes from regular burning of small amounts of yard and garden waste. The Washington Department of Natural Resources (DNR) as you know is an area that controls burning of this silvicultural waste and I've spoken to the people, to several people at the DNR and they are 100% in favor of having regular small burns and not having a large conflagration take place from the accidental or natural ignition of one of these large piles of debris. Now keep in mind that you folks have done a fantastic job with providing means for people in the incorporated areas to have some place to get rid of their waste and since the state doesn't allow any burning in those areas. But this doesn't help at all for the people in the rural area who have a place where they can accumulate because they have larger amounts of land and there are probably a couple of other reasons why this kind of waste accumulation will occur. I think we all know people in the county that, for lack of a better word, we could call our redneck associates that just will refuse to haul and pay money and put out the effort to haul their yard and garden waste when they know that in the past a reasonable way to get rid of it was to burn it and it just is a rebellion against or some sort of a personal way to express their dissatisfaction with what they consider to be a removal of one of their privileges or rights. And we have a number of libertarian type people in this area, certainly much more than in the west side that thinks dimly of anybody that tries to reduce any of their rights as they see it. So the DNR which is one of the fire experts in our area because that's their business is to control the fires in the undeveloped and unfarmed areas is in favor of having small regular burning. The Fire Chiefs in Spokane County are also opposed to having the ban on yard and garden waste. I've spoken personally with Fire Chief Anderson of Fire District #9 a number of years ago some of you may remember there was an

effort by the pollution control people to ban yard and garden waste and the County Commissioners held a hearing where Fire Chief Anderson testified in favor of having the burning take place in order to prevent these accumulations that I speak of. He still is in favor of that and he tells me that in conversations with the other Fire Chiefs in the county, he does not know of any one of those Chiefs that would be in favor of having something take place that would cause these accumulations which can be prevented, at least in part, by allowing the people who can't haul to burn. Now, one of the things that has been, that you folks have done is to offer the administration of this program to the local fire districts. There's a number of problems with that. One is that no Fire Districts have accepted the offer and there's very good reason for that. Director Dameworth sent me a copy of the proposed agreement that the Fire Districts have been offered to sign and as a professional mechanical engineer doing project management for many years, I have had a chance to review many specifications and contracts and I'm somewhat qualified to review that document. Having reviewed it in detail, I can tell you it's a document that if I was a Fire District and I was trying to design a document that would prevent anybody from agreeing to it, it would look very much like that document. If you're interested, I could go through point by point, I've written up my comments and I will distribute them to you so that you will have a chance to review them in detail. But the bottom line is that the Fire Districts are a really poor place to place this kind of control. For one reason is that, as I'm sure you know from your display on the board about the number of complaints you get, getting complaints from this burning is not unusual and the Fire Districts as you know get their money from direct levies; you do not. And so the direct image with the public that the Fire Districts need to maintain is much more important to them commercially than it is for you and the Fire Districts are not going to, if they have good sense, going to accept any kind of responsibility that will damage their image without some compensating benefit and administering your smoke program is not one of the things that would help their image and so to try to get them to adopt and take over the administration of this program has never been likely to succeed just because the odds are so much against what they would encounter if they took it over. Chief Anderson in particular recognizes the hazards that come with that and they have no money to do that. You have a budget to control pollution but they have zero money. Many of the Fire Districts are volunteers 100%, they have nobody to issue permits and they have nobody to do the compliance except when they call up their volunteers to go fight a fire. Now there are, I believe, a couple of Fire Districts, Director you mentioned that there were a couple that do administer your program in the south part of the valley. Talking to Chief Anderson, these are all volunteer people where the districts are pretty much all farmers and they pretty much have their complaints under control because many of the people that are volunteers are also the major farmers in the area and that community effect pretty much takes care of the problem. But the things that we encounter here you may remember "Fire Storm 91", Chief Anderson certainly does and you know if we allow these accumulations to take place by banning the regular burning and a lightning strike in a grass field next to them or an accidental ignition of one of these accumulations that are going to take place occur, we're going to have another "Fire Storm 91", there's nothing to stop it. And, can we eliminate all of these accumulations? But can we eliminate the ones that we have control of by our actions, yes. I would ask you to reinstate the burning at the earliest opportunity and encourage people to shred and to compost to minimize the amount of burning. But one thing you might find interesting, there is a paper that comes out from the Solid Waste people, their spring edition,

they claim that 90% of the yard and garden waste accumulated between April and October, when most of it is accumulated, is grass clippings. We're not talking about having fires of grass clippings; I've tried it they don't burn worth a damn. But what we're talking about is the wood type of material that won't compost, the tree branches, the shrub trimmings, the raspberry canes, that sort of thing that will burn and if their research is accurate we have, 90% of what we we're talking about yard and garden waste is stuff that people aren't going to probably try to burn anyway, so we're just talking about that 10% that is going to be accumulated year after year and is the real hazard. One of the things that I will mention in that agreement that is, that I don't understand is the agreement asks that the Fire Districts issue written permits to let people burn their yard and garden waste. You folks when you administered the program you used the permit by rule which is if you follow the rules you've got a permit. The permit was a heinous thing in their eyes because first of all, they have to have staff to issue them, second of all the people that have jobs would have to get off work and come to the Fire District in order to get a permit and the end result is that even if you have the burning permission and you had to have a permit, you'd eliminate many people from being able to get a permit because they wouldn't be able to afford to get off work and keep in mind that some 25% of the people in the rural Spokane County live under the poverty level and finances and discretionary income is just something that they read about and we need to help provide them with the means to get along and do the best they can in our community while those of us that are fortunate enough not to be in that state. I've got other things in this document which I hope you'll take the time to read and consider, but I appreciate the opportunity to speak to you and I appreciate the work that you do, but I think that in that one decision you need to change it. There's three copies, there's three pages of each, I'm sorry I didn't make enough but perhaps you can copy it for the others.

Commissioner Mager: My question is just about the section you're documenting in terms of the contract with the Fire Districts. I would agree with you about that, especially for volunteer fire departments. But it's my understanding that maybe in days gone by or some where out there that Fire Districts who did administer this were able to do it, you could just call up and tell them that you were burning that day. Am I incorrect? It seems to me that my fire department, in fact, said that. That you call them up, you tell them that you're going to burn and they acknowledge it and it was sort of a permit by phone.

Matt Holmquist: Yes, so to date, Fire Districts 2, 5, 11 and 12 all have written permits and the permits are just conditioned the way where people that get the permit can burn pretty much whenever they want, they do just have to call in and make sure it's not an impaired air quality day and make sure there's not a fire hazard ban in place and so there is flexibility on when they burn with a written permit, it's not limited to set dates.

Commissioner Mager: But they do still have to go down and do a written permit.

Matt: Yes, most of them I think are charging \$20 to \$25.

Les: The DNR doesn't charge for their small fires which are similar to the size of the fires that you folks allow or have allowed for yard and garden waste, about four feet in diameter and three feet high or something like that and there's no real reason to charge for a permit

because the DNR people's program works successfully without charging. Your program in the past worked fine without charging. If you want to make it so that people won't burn, that's a nice way, indirect way to do it.

Commissioner Mager: Well, I think he's saying the fire department made that choice, not us.

Les: In those outlying districts, certainly that's their choice that I think in my estimation even for them, it was an unfortunate and incorrect choice.

Bill: I would say that we as our Board, did not ban yard and garden burning. What we did do is decide that we aren't going to administer the program anymore and that if the Fire District believes that there are fire hazards associated with the accumulation of debris like you are talking about, they could pick up the program themselves because they're more the experts on fire hazards than we are and our goal is to reduce air pollution and their goal is to reduce fire hazards. So if they want to administer the program, then they can pick up the program with the delegation and I think all of these delegation agreements we've had with these four or five districts who have taken them have involved some sort of modifications to the standard agreement. I don't think any of them are exactly the same, are they Matt?

Matt: I think currently they're all pretty much the same. I would say that they are essentially the agreements modeled after the original 1991 agreements that Fire Districts 2, 11 and 12 had. Fire District 5 joined in, in 2005 and it was relatively recently that we updated those to make them more consistent. However, they are just templates that can be massaged or changed kind of as needed. For example having mentioned the written permits, there is not a requirement that they offer the written permits. There could be something where they arrange burning by rule where they do select their own set of eight days where they want to allow folks within their own district to burn on whatever days they specify. So there is a number of ways to going about preparing the agreement if someone is interested in changing it a bit.

Les: But you know that, but if you read the document that is the sample that Mr. Dameworth sent me and which was sent to the Fire Districts, it doesn't say that you have any choice, it says "you shall use permits" in that document. Now if you wanted to clearly communicate your flexibility in the operation that you would endorse, it wouldn't have been a document written the way that one was that was sent to them.

Matt: Yes, that's actually I think a real document.

Les: Yes, it's a real document that tells them this is the only way you can do it. I mean, even, and I guess my comment about the fact, you know, I appreciate the technical argument that you make that you don't ban burning, you offer these other people the opportunity to take it over. That's a little bit disingenuous I think in that I would classify that as passing the buck to someone who you know ahead of time can't take it; and therefore it's not a genuine offer and they can't take it for the reasons that I point out. They aren't in a position to put themselves in a place where they will get complaints. The Fire Districts now rely on their very good existing reputation in order to get their funding. You do not. You can take the

flack commercially, they can't and so if they, they understand where their money comes from. They understand what staff they have and they also understand that no matter how agreeable you made it, they aren't going to take it. So in order to get this program actively working, we need to assign it or accept it by people who do have the insulation from the commercial in order to do it, which you folks certainly have that. Now another place where that could take place is with the County Fire Marshall. However, in talking to County Commissioners, they are not; they're concerned about if there would be extra costs, where they would get the money and possibly they could somehow manage to reduce the monies you folks get. I don't know the mechanism for that, but to use that money to, but I think that to keep the thing simple and efficient, you folks need to reinstate the ban, administer the ban and not require any written permits and then we will get the best that we can in compliance with the State Regulations, which I may not agree with but they're the law and we have to do that. But the law allows, as you say, permit by rule, it allows you to have the eight days burning. The DNR lets you burn all year long. They believe enough in the program of reducing this accumulation that they let burning take place all year except when you have a pollution alert or you have the Fire Marshall put a ban on in the summer time for all kinds of burning and all the rest the days you can burn. Now you can't burn waste, but this wood material that is branches and this sort of thing, if you use that as kindling or as wood for recreational fire, but people haven't figured out that they can take this woody material and call it a recreational fire and then it's legal. But that's being a Philadelphia Lawyer trying to work through the regulations to figure out how you can do, but we shouldn't force people to have to do that. We should go straight forward about it without you know any around the barn kind of an approach. Any other questions?

Board Member Brattebo: To deal with that, part of it is the education program and I lived in the country and I burned, but I was burning illegally compared to what you were suppose to burn, around your home your yard and garden waste. Well you know that tree fell down and the big branches fell down and that's not what this program was supposed to accomplish when we did have legal burning, and I have learned since then. I moved out of the country, but I have learned ways to deal with yard and garden waste that don't involve burning. A lot of composting of those old grass clippings, you can leave them where they do the best job which is fertilizing with the grass but I kind of think that it is time that people learn other ways to deal with the stuff and education that comes out of this agency is one of the ways. People need to learn, not just say my granddaddy did it this way.

Les: You're right and to the degree that your education influences people, good on ya. But as I point out, please don't forget the group of people, particularly the people who live below poverty or the widows and people that have no means of hauling, the tree branches will not compost and if you don't own a shredder for several thousand dollars and you don't have money, you can't shred it, you can't haul it, it's gonna sit there; it's a problem you can mitigate the problem by the good things that you suggest, but that still leaves a major source of health and safety hazard that you are making worse by your burning ban. You need to change and I appreciate the fact that over time people will do that. One of the things that Commissioner Mager and I discussed in the past was this bit of 90% being grass clippings and 10% being stuff that won't compost and it has to be chipped or hauled. Allow burning of everything but grass clippings, 90% of that problem is now gone and the people that don't

have the means, they can mow their lawn more often and leave the grass clippings as Tom suggests, they can compost. I have a big garden that is bigger than most city lots and I take my grass clippings and plow it back into my garden and spread it between the vegetable rows all summer long. I don't have any grass clippings. So there is an economically feasible way to get rid of the grass clippings; there is not a way to get rid of the trees and the brush and that sort of thing. And when the tree falls, think about how ridiculous this is, when the tree falls just outside my fence in the wind storm the other day. None of my trees fell but if one had, and I have area where I don't farm and so you know I have the right to do the silvicultural burning, I could burn it by silvicultural rules, but if it fell just over the fence in the yard, according to your present regulations, I can't burn it. I have to leave it lay if I can't afford to haul it or chip it. That's crazy. Matter fact is, no names to be mentioned, but I did speak to somebody in your agency in the past about this very problem and the person suggested "well why don't you move it outside your yard". Okay and so it doesn't take a rocket scientist to figure out that you're not really being effective by this. Burn all the wooden material, people are going to burn it anyway for the large part or let it or the worst case let it lay. You don't have to let them keep, this doesn't have to be the way it is.

Bill: I find it amazing that you think that we're being disingenuous when we have four Fire Districts that have adopted this program and you're saying that they can't do it and you're asking us to take on a role of fire suppression as well as air pollution. To me the fire suppression issue is what the Fire Districts are there for and any time that they can't do their job they want us to do their job, is that what you are trying to tell me?

Les: I'm trying to tell you, what I'm asking you to do is do the job you've been doing for years, that you just in 2009 decided not to do. I'm just asking you to go back and do what you normally do.

Bill: The job we we're doing for years was allowing people to take the eight days that the State had delegated, which were often the worst days for doing any burning because it rains a lot so there were some days when people couldn't even get a fire started. So what they were doing during those times when we had years like that and there was no burning that was permitted by us at all; whereas with the delegation agreement, the Fire Districts have the ability to determine the best days.

Les: No they don't.

Bill: Yes they do.

Les: Read WAC 173.425, it prescribes the eight days that that waste can be burned.

Bill: Yes, that's if we do it. But if we delegate this to the Fire Districts, Matt you can tell me if I'm wrong, but I think they can allow burning on any day they please.

Les: Not according to the regulations.

Bill: As long as it is not a burn ban day.

Les: Not by the rules they can't.

Matt: I think you can go with the default days they set or you can set your own days, I believe, I would have to double check that.

Les: Yeah, you need to check that, but I may be wrong but I read every word of that regulation and I didn't interpret that from it.

Bill: Okay, well maybe you and Matt should set down and talk about this because I think we've made an effort to work with the Fire Districts on this particular issue so that they can take over the program and we've had cases where they have decided not to because there's people in their fire district who want to burn and in the same district you have people who don't want you to burn. As the areas get more urbanized, you'll find that the "don't burn" people outnumber the "burn" people, so they have the political issue there too. But I think we met with all of them and made an effort to be flexible and talk to them about delegation agreements; I think we've been on the verge of having more of them sign up but they're still waffling a little bit. But I think for fire suppression, if that's what the purpose of this is, that to me is their job not our job.

Matt: I think that's why they'd like the written permit, those that are in the program is because they don't have to go with those eight days. If you just go by rule then you're probably stuck with the eight days in the WAC.

Bill: I think for them the flexibility of having more than the eight days being the only ones is a real plus, because if you really actually wanted to do some burning, it is better to do it on something besides those eight prescribed days.

Les: When I talked to Chief Anderson, I did not get the impression from him that he had been talked to in a negotiating format at all.

Bill: I personally went, as of a couple of years ago, went by and he had absolutely no interest in this. We tried our best to talk him into discussing this and we got absolutely nowhere.

Les: And I think I've pointed out a very strong reason why he wouldn't, the money. He can't afford to take complaints and also he doesn't feel that, one of the things in your agreement stated that you want him to monitor your smoke complaints and he's not in the smoke complaint business he's in the fire business. Also, you pointed out that the way that if they get a complaint that they handle it is if they fill out an eight part form, send it to you and you will handle any enforcement. What a ridiculous way to handle a complaint. I mean you folks, you're out and you're compliance people can deal with it on the spot. That agreement just reduced them to a tattletale and about as popular as a school tattletale would be. They don't have any authority to enforce, they just have open authority to report, that's what you wrote in your agreement.

Bill: That's because most of them don't want the authority to enforce. They don't want to be the bad guy; they'd rather have us be the bad guy and we're willing to do that.

Les: Well if you're willing to do the enforcement, why don't you just do the whole thing? There's nothing else left.

Bill: Because we don't have that many people out there in that district as the Fire District does.

Les: The volunteers don't have anybody out there sir, unless you call them up.

Bill: Well we get regular complaints in those areas where our complaints from those districts that don't have the open burning program. In the districts that have the program, our complaints from them aren't they quite a bit less than from other districts?

Matt: Yes, we get very few from those Fire Districts, and then we do have Fire Districts that don't have agreements with us but we do still accept their run reports for example, if they want to refer cases to us for enforcement. So we don't have any issue with taking enforcement on stuff because typically by the time they refer something to us for enforcement is because they've already been out there a few times giving warnings; they're fed up. They do like to be the good guy, they do like to just say hey you can't do that, but if they have some yahoo that repeats the problem over and over again, they'll refer it to us and say hey will you guys please help us and so we do the bad guy thing in that type of a scenario. That seems to work well for those Fire Districts that elect to do that. There are some Fire Districts that I think are still hesitant to refer anything to us for enforcement; I think it varies from Fire District to Fire District on how that works.

Les: There are 18 Fire Districts in the County and so from a bureaucratic efficiency point of view, if such a thing exists, you have to have one agency do a program as opposed to 15, 16, 18 agencies do a program, just makes a lot more bureaucratic efficiency sense.

Commissioner Mager: I guess I disagree on that because we honestly don't have the resources. I think actually local control is better. First of all that's fire fighters, especially the district where I live and there is volunteers, know their neighbors and there is a little more interest, a little more peer pressure related to that. So I think that it makes sense, they're already there, if there's a complaint, they can go tell their neighbor or whoever to you know, keep it down, burn on a different day if you're making too much smoke. So that kind of disperses it throughout the community. I do agree with Bill, our mission is really to control pollution. I think that if we have a good agreement, so there seems to be some disagreement on whether we have the agreements with our various different fire districts or not. That I don't know and I think maybe we need to find out.

Les: You might try reading that agreement and see if you agree with me.

Commissioner Mager: I will do that, but I think maybe there is some room there to work at how can we make that not so onerous if the agreements are a problem.

Bill: As far as I know, when we discussed this with the Fire Chiefs individually, there wasn't such a problem with the language in the agreement. The problem was they wanted us to do this and they didn't want to do it themselves and that's the issue we've come up with as we don't have the people in the field to do this. Our mission is really clean air and to do a better job having them to have the delegated agreement where they can pick the days where you do the burning, if you have a written permit, you can get yourself off of the eight prescribed days, then it works better for them that way too.

Les: I have a suggestion. You administer the program everywhere you don't convince Fire Districts to do it. When you get them all to do it, your problem will be solved.

Commissioner Mager: Well I think we wouldn't do that. Isn't it sort of human nature that if you don't have to do it, that you're certainly not going to take it up and even if it's their job, which it is, fire suppression, as long as we're going to do it for them then of course they're going to allow us to be the bad guy. I don't really agree with our having to take on their job, especially when there are Fire Districts who are willing to do it. So I guess I have to think it can't be that onerous. Maybe it is on paper, but in reality if we do have Fire Districts that are willing to take that on and we are willing to partner with them so that when it comes right down to issuing a violation, if they can't get compliance, we are willing to send someone out and do it. But this is a big county and for this agency to have to take on real enforcement, which it would take for us to do, and have everybody ready to drive out where ever when the Fire District is right there and the people who work in that Fire District are right there, it makes sense to me to let them do that and for us to gradually change the culture so that people do get rid of most of their waste like that. I guess one would be interested in knowing in the Fire Districts where they do have these permits and you can just call up once you get one, how many permits do they actually issue anyway.

Matt: They've historically been issuing probably anywhere between one and two dozen a year each. Some years are lower some are higher. They sometimes like to let people burn in the fall when normally that's not available.

Commissioner Mager: That seems like that relieves, that gives them some discretion in terms of allowance in the burn limits. Both better for the air and for the person trying to burn.

Les: You bring up an interesting point on the air quality. You have no knowledge, no information whatsoever that there's even a problem with the burning. You have no sensors in those areas, according to the conversation that Mr. Dameworth and I had and so you have no science that tells you, you have a problem letting people burn.

Commissioner Mager: Well I guess my science is my daughter who has issues with poor air quality and I think most of us who live out in the country and drive down the street, if our neighbor is burning and they aren't on a good day, we certainly suffer from it and I think that's pretty much science enough. It makes some people sick.

Les: I disagree with you. You've got rules and regulations that tell you what level of pollution is acceptable and the fact that, my wife has serious lung problems, and we live in an area

where the silvicultural burning takes place, where recreational fires take place regularly and her answer is when that occurs, she understands that it's appropriate and legal in the area in which we live, if we didn't like that we could live somewhere else and her answer is to go in the house and it doesn't happen all the time but there's ways that she can do it. I guess in summary, keep in mind that your approach is an effective means of guaranteeing that there will be fire hazard, debris accumulation that will create a major fire hazard much worse than anything that regular burning will create and it's up to you to figure out how to keep that from happening. I will appreciate your electives. I understand that I am asking you to do something that you would like not to do, but I'm also asking you to do something that will prevent a much worse problem and you talk about the Fire Districts having the responsibility of controlling fire hazards, their approach is burn regularly, don't accumulate. Let em do it and without the onerous problem of having to do your smoke control program. That's what Chief Anderson, in particular, doesn't want to do and yet you insist that they go check out these smoke complaints when they're on a regular small burning fire which is legal and which they'd run out and say "Oh sorry" they're doing it right. But those are things they would have to run down. You did all of this for years. I don't understand why you want to pawn it off on somebody else now and why it's such a big deal when it was never, when it was perfectly something you did without any particular problems for many years. The County Commission six years ago basically when those people tried to get it banned, said "You're not going to ban it". Now I don't know if they would do it or not. You and I've talked, and I realize that may or may not be something that they would be willing to do, but if you won't do it, there are a number of ways that perhaps the pressure can be brought to bear. But maybe the Fire Marshall and the County Commissioners will agree to have the Fire Marshall do it and he is not subject to the direct financial impact that the Fire Districts are. I appreciate your time and I hope that you'll take the trouble to read my written comments and change your mind.

Councilmember Dempsey asked for a copy of the agreement with the Fire Districts. Matt replied we will mail a copy of the agreement to all of the Board Members.

Dale Smith: I brought up this about two months ago a little bit and just a little quick one. I think that really before there was any certain months to go ahead and burn which usually we all know it rained just before that weekend, but when these other Fire Districts right now that are, the four of them we all know, where they're burning around the year and so on, you don't have a big smoke all of a sudden within one weekend or two weekends and so it's just kind of a, not only that but the majority of us that are trying to burn and want to burn, we know when to burn and not when it's all wet. And so they're gonna go ahead and with the fire department and whatever yes and all of us are supposed to call the fire department before we burn; a lot of people don't, but it's just a nice gesture to where they're not going to send a truck out because there's some smoke that someone else has gone ahead and complained about. When you talk about the fire department going out, I'm out in #4, Ed Lewis' district and so, we've got a little more timber out our way and when you talk about what we can burn and so on, if it's non-cultivated ground you can burn. If you've gone ahead and planted trees along the creek or where ever it is and it's been cultivated it's against the law. So the DNR it's just on the non-cultivated ground. I look at it and so and I have a permit this year because I happen to have a little bit more that went down this last year. From DNR, first one

I've had in four or five years it cost \$25 because we gonna have a little bit bigger pile than just a four; I wanted to burn about a 10 or a 12, not a big fire, a controlled one. But then I think that really if all the Fire Districts were able to go ahead and go back to square one with you folks also and Clean Air to where a person could go ahead and burn when it is a good time to burn and it's clean and so on, you're gonna disperse that over the spring, summer, fall when ever it is, you're not gonna have a big pollution problem. What happened when you had those two weekends in the spring, they were designated quite a few months ahead of time, okay I plan, neither can any of us, when we want to mow the lawn that many months ahead of time, gonna be raining that weekend or two or three days before, so everything is wet, they don't go ahead and cover it with a plastic and so on like it would be advisable and so they are gonna go ahead and try to go ahead and burn the pine needles and so and whatever it is, it's gonna smoke like heck for that weekend, you can't hardly even breathe. And so to me you're creating pollution by going ahead and controlling it to one or two weekends instead of dispersing it like these others are right now and when you look at the big brother end of it, I talked years ago about some of this and right across the road from us people moved in, a big rodeo barn and so on like that and I couldn't tell who was burning behind it; Fire Department they came on out and when they went along, they could see the color of the smoke, it happened to be a little whiter and they went on back because they're neighbors to these people and they don't want to be a big brother and so on like that and they are volunteers. Yes there's four corner's out there that is manned, the four corner stations. So if there is a certain amount that are employed, the rest are volunteers and your gonna be that's road rage more or less if you're talking about, I don't care whether it's about a dog or a fire or whatever it is, you're gonna be causing problems where later on you're gonna have nails in you're yard or where ever it is you know, in you're driveway. And so that where they're trying to get away from something like this and I think if we went back with a constructive way of burning when it is legal and so on and I know that Bill can put on there when it is green and if it isn't green on a weekend, it should be stated that it isn't and we shouldn't burn then. In the past I know that things were a little busy sometimes it said we could burn when I knew we shouldn't because there was an inversion. And not only that but the fires got to be put out at five at this rate, where some of these are smoking and smoking and I think that if we looked at a block watch more or less to where we're all trying to help make it better tomorrow, today to be better tomorrow, and a block watch to where we were given a call so that you could go out, you're not wasting your time and if somebody is illegally burning either they're talked to and educated if they want to be that way, the other way the arrogant way then the school teacher cracks the knuckles and they cost them some money and so there's a two ways of going. And on the TV, I know that you have been advertising, Lisa's been, and I even said about that two months ago even and this is where I think that if we look at it from square one and see what we can achieve and we do go ahead, we've got a chopper and we chop and put between the strawberry, raspberry rows whatever and if it's too big to chop, we can go ahead, Tom, and there's somebody who would want some wood to burn and so there is ways of free wood here there and I've done that out there and you can see pallets or whatever it is that somebody is burning in a stove some place. It's burning, it might not be burnt on a three foot pile but it's being burnt and so again I'll look at if we constructively try to make it better all the way around and encourage someone to do this or that but then still let them do when it's a good time. I think that everyone would be a lot happier.

Bill: All I can say to you is the fact that there's a lot less complaints from these four Fire Districts that have the agreements. I still see that it works as far as the public is concerned and I think that's why we would like to have all of them do the same thing.

Dale: I don't see any reason for having to have a permit of any kind; you didn't have to in the past and this where if they are calling in just like I use to call in and I'd call the fire station and say "well I'm gonna have a little burn", "okay, no problem" that's when we could that was like I'm talking back before you were here Bill. No problem you call and they're not sending a truck out, they know that there is a legal burn right in there, a little smoke and so on, and this is where I feel that in these four Fire Districts that do burn, they don't have near the kind of area that we do north either and so I look at all the way around trying to balance it, try to encourage the chipping and I've even thought they go ahead and they have around town, they have a truck going around that collects aluminum, it collects glass, whatever it is and in the country we even have a garbage route out there. I like to go ahead about every three months to go down and I figure that's a little cheaper and so on I don't have to go in the rain or the snow to take a garbage can down that some dog's gonna kick over either and so when I look at that, maybe it would be to where we could have a chipper go around instead of going to one or two locations that's costing you how many dollars for not just the gas, the wear and tear maybe a dollar, dollar and a half a mile when you look at everything and so when I look at that maybe we need to go ahead and have a chipper go around once a month or every two months on a road just like the garbage and fine if you got something out in front they'll chip it from there.

Councilmember Dempsey asked Dale if this could be something that could be discussed outside of the meeting and Dale replied yes that would be fine.

The meeting adjourned at 11:28 a.m.

The next Board Meeting will be June 3, 2010 at 9:30 a.m. – Spokane Regional Clean Air Agency office at 3104 E. Augusta Avenue.

COUNCILMEMBER ROSE DEMPSEY, CHAIR

WILLIAM DAMEWORTH, SECRETARY