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SPOKANE REGIONAL CLEAN AIR AGENCY BOARD MEETING MINUTES

July 1, 2010 9:30 a.m.
Spokane Clean Air's Conference Room
at 3104 E. Augusta Ave.

BOARD MEMBERS PRESENT:

Councilmember Rose Dempsey (Chair)
Mayor Edward Crockett
Commissioner Bonnie Mager (Vice Chair)

STAFF MEMBERS PRESENT:

William Dameworth, Director
Ron Edgar, Chief of Technical Services
Matt Holmquist, Compliance Administrator
Michelle Wolkey, Legal Council
Mary McDermott, Secretary

WORK SESSION: Began at 9:33 a.m.

1. Update on Customized Delegation Agreement for Residential Burning – Matt Holmquist

Les Stone had presented information to the Board on May 6th and June 3rd regarding his desire to have a residential yard and garden debris burning program administered in Fire District 9. Les and I met on June 10th to discuss the regulations. We talked about general permits versus written permits and also possible arrangements that can be made in the delegation agreement with Fire District 9 for their complaint response and enforcement. We also discussed the important role that education would play in Fire District 9 because they do have areas that are both inside the no-burn and urban growth areas (UGA). Les was given a copy of the draft agreement that might address some of the concerns and issues that he had brought up at the previous board meetings. Les called yesterday and said he had met with Fire District 9.

Les Stone stated that he wanted to thank the Board and Staff for making Matt available to work with him on this issue. The meeting with Fire District 9 Chief, Bob Anderson, went better than anticipated. At the first meeting with Bob several months ago, he was totally negative on the idea. After presenting Bob the draft Matt prepared and a summary of our conversations and data from Matt on the number of complaints Spokane Clean Air had received in 2005 through 2007 from the area that Fire District 9 is involved in, which surprised me in that there were six complaints in the month of April maximum in those three years and three complaints in their

district in the month of October, all of that convinced Chief Anderson to get on board and he told me that he is willing to take this issue to his Board and in addition to that today, there is a meeting of the Fire Chiefs and he is convinced that this program would work better if all of the Fire Districts participated. Chief Anderson is going to present the possibility of having yard and garden waste burning administered by all of the Fire Districts in the area today. Les will check back with Chief Anderson and find out what the response was to this meeting that he's having with the other Fire Chiefs and Les told Chief Anderson that if there were any of the Fire Chiefs that were reluctant, Les would be glad to meet with them one-on-one to help present the case for having responsible burning. Chief Anderson is not enthused about a permitting program but he is about administering the burn by rule program where if you follow the rules you have a permit like Spokane Clean Air did for years. That is the program he is going to push. The Board was very happy to hear that the citizens and agencies are working together to come to an agreement that best suits the citizens and agencies. Les will report back to the Board once he has more information.

BOARD MEETING: The board meeting was called to order at 9:42 a.m.

1. Advisory Council Report – Adriane Borgias

The topic of the meeting was the health risk study for the BNSF rail yard. The consensus of the Advisory Council Members was that it appeared that the agency really wants to move forward on this but there are some fundamental questions that are unanswered in their minds and different people had different questions and it's not for me to express their issues but we need to have an opportunity to discuss that at some point. I want to offer some of my observations on the report; the report basically says there are health risks associated with living in the neighborhood near the rail yard. I think it's really important that anytime that scenario comes up those risks should be addressed and so I think that what Spokane Clean Air is attempting to do is to take a proactive stance on these risks and move forward on that. The one thing I wasn't really clear on when I read through this was really sort of level of collaborative effort that went in to doing it in the sense that there's the Regional Health District and there's the State Health Agencies and I just wasn't clear what the peer review was on this. I think it is really important that Agencies that have a role in something like health risk, communication be involved because to me there's a clear message here that there is a health risk and so if that's the case, then the health risk message needs to be developed and communicated, whatever that may be. Also, there was a discussion about collaborating with BNSF on it and working with the West Coast Collaborative Initiative. I sort of interpreted this that BNSF is the only collaborator in that, I don't know if there's other groups that are going to be collaborated with but clearly BNSF was the key focus of this report. My last comment was I actually thought it was pretty well done, it was tiered off work that was done by the California Air Agency and they have a lot of resources, they do a lot of this kind of risk assessment work because of the laws there and so I thought that was great. I had some minor technical comments in terms of just how some of the information was presented, but other than that, that was it. Bill stated that Adriane could send those comments to Ron, Chuck or himself if she would like and the rest of the Council was told they could do the same.

2. Director's Report for June – Bill Dameworth

I sent the BNSF a reply to their letter of May 17 and asked them to tell us their plans to reduce diesel particulate emissions from their rail yard in Spokane and what they plan to do in the future. In general, their letter said that they have done a lot of good things for emission reduction and we're asking what specifically they plan to do here. I requested a response in time to include it in the board packet for the August meeting. One of our engineers is working on development of an indirect source rule which could be used to require emissions reductions from the rail yard. We are obtaining a legal opinion to ensure we have the authority we need in state law and are in contact with the California Air Resources Board (ARB) to get their input on developing such a rule and to obtain copies of their agreement with the railroads to clean up the seventeen rail yards they identified as being problematic. The California ARB was proposing to adopt such an indirect source rule, but instead reached an agreement with the BNSF and UP to institute voluntary emission reduction plans. We are planning an update for the August board meeting and are hoping to have a draft regulation prepared for the September board meeting.

Lisa Woodard is working on a press release for the rail yard study and is trying to see if other agencies would like to make a joint news release with us. The draft release has been prepared along with some "talking points." We are expecting to send it out when Lisa returns from vacation in mid-July. The study is on Spokane Clean Air's web site.

We have been having a difficult time filling the vacant meteorology position on the Advisory Council. Matt Holmquist informed me that Puget Sound Clean Air does not have a meteorology position on its Advisory Council and he was told it had been very beneficial for them to appoint someone from the Fire Districts to the Advisory Council. We have been in contact with the Fire Chief's Association and are waiting to see if they have any interest. If they do, we plan on bringing a resolution to the August board meeting to drop the meteorology position and add someone to represent the fire agencies on the Council. Is the Board fine with this decision? There was a little discussion on the subject with the Board and Bill. The Board Members present were fine with changing the position on the Advisory Council.

3. Activity Report for May 2010 – Ron Edgar

Ron gave a brief overview of the complaint summary (60), enforcement action summary, burning permits issued, inspections, surveillance, asbestos (40 NOIs), NOCs, registration and air quality issues for the month. New source reviews are up and May was a good month for air quality. There was one small dust storm that brought Spokane up into the moderate zone and a short stagnation in the middle of the month where the ozone went into the moderate zone for a little bit; May is the first month for ozone because it is a summer time pollutant. If EPA sets the standard for ozone at .060, we will be considered out of compliance with the ozone standard. If they set it at .065 or .070, we will continue to show attainment of the standard but will be very close to it. Ozone is of concern to us because depending on what the weather does and what development happens, ozone is a secondary pollutant when you mix nitrogen oxide compounds and hydrocarbon or volatile organic compounds with sunlight you get ozone and so if we get more NOx and VOCs, it could start increasing our ozone levels again and that could make us have problems even with the higher standards, if that were to happen. Right now our trend has

been down. There have been a few more moderate days this year than last year, but air quality has been mostly good this year overall.

4. Treasurer's Report for June 2010

The top three negative numbers are grant programs and Spokane Clean Air will be reimbursed for those. The only program that is running behind is the NOC permitting program. The FY-2010 year will be closing at the end of July and the Board will get an annual report by the end of September. There were a few questions from the Board which Ron answered.

5. CONSENT AGENDA – ACTION ITEM – Approval of the June 3, 2010 Board Minutes. Approval of Vouchers for June 2010 – Numbered 4876 through 4957 totaling \$67,891.13 and June Payroll of \$128,907.67 for a Grand Total of \$196,798.80.

Ron noted that on the Vouchers, there are several charges to the Youth Conference which are funded by donations and an award that the program received last year that are not covered with the general fund. Commissioner Mager moved to approve the Consent Agenda and Mayor Crockett seconded it. Motion passed unanimously.

6. Board Concerns – Rose had a concern with the Spokane Valley City Council Tuesday night in that there was an attempt to rescind the paving requirement for a new parking lot and in the comprehensive plan they are suppose to pave any new parking lot and one Council Member was reading something that came from Spokane Clean Air that said that you could start out with gravel and then move into paving as a way of controlling dust. Is that what they can do or is there a time limit on it? Ron stated that these requirements came out of a developing of the PM₁₀ Attainment Plan and the Maintenance Plan and we did not adopt direct rules, we went to the Cities and they adopted rules to require paving of parking lots. We do have a process which is used by the County, Spokane and Spokane Valley, that you can get a waiver if there are certain circumstances. In most cases, those circumstances are that the type of parking lot is used for storage or it's going to have heavy equipment that would break up the asphalt and you can wave the requirement for paving it. These rules are City and County ordinances and not our rule. All our rule says is that no matter what you put in, you have got to control the dust. The Cities have found that it is much easier to start with it being paved instead of trying to get the money together to pave at a later date. We have always relied on the Planning Departments to implement their ordinance as they see fit. There was some discussion between Rose and Ron.

7. Public Forum –

Dale Smith: I have been talking to Bob Anderson, I'm around him on several boards and so on & he is the most influential and he's the one Captain that can really persuade the rest of them and he actually went on asking questions at the board meetings and whatever. I'll be talking with him again today. The gentleman (Les Stone) doesn't even know that I have been talking with him so that's fine. I'm positive that all of the Captains are in agreement; they want to be able to burn; they don't like the permit end of it and this and that. And they will on those few days to go ahead and patrol and then the Clean Air would be on their own the rest of the time. But they all have been wanting, the only thing with writing the permits

and this and that, takes extra people and so on and they want to stay away from it. You folks don't have the extra ones and neither do they, so I know that an agreement in between, everyone will more or less benefit from it. I'm still for more chopping at all of the different fire stations and I can't see why that we couldn't get Inland Power maybe to donate a chipper one weekend and Avista, whoever it might be, go ahead and donate one the next weekend to where we could get a little cooperation on the donating end of it and it wouldn't cost as much, a few thousand dollars every weekend.

The meeting adjourned at 10:13 a.m.

The next Board Meeting will be August 5, 2010 at 9:30 a.m. – Spokane Regional Clean Air Agency office at 3104 E. Augusta Avenue.

COUNCILMEMBER ROSE DEMPSEY, CHAIR

WILLIAM DAMEWORTH, SECRETARY