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

August 6, 2009 9:00 a.m.
Spokane Clean Air's Conference Room
at 3104 E. Augusta Ave.

BOARD MEMBERS PRESENT:

Chair Jeff Corkill
Councilmember Rose Dempsey (Vice Chair)
Board Member Tom Brattebo

STAFF MEMBERS PRESENT:

William Dameworth, Director
Ron Edgar, Chief of Technical Services
Matt Holmquist, Compliance Administrator
Lisa Woodard, Public Information Officer
Chuck Studer, Air Quality Engineer
Brandy Ellis, Air Quality Specialist
Kathryn McKinley, Legal Council
Mary McDermott, Secretary

WORK SESSION: The work session was called to order at 9:00 a.m.

1. **Revisions to the Odor Regulation – Charles Studer, Matt Holmquist**

Chuck gave an overview of the revisions to the nuisance rule. Section 6.04 “Emission of Air Contaminant: Detriment to Person or Property” was formerly entitled “Odors and Nuisances”. SRCAA’s public policy is to secure and maintain such levels of air quality that protect human health and safety, including the health and safety of the most sensitive members of the population, and to prevent air pollution problems that interfere with the enjoyment of life, property or natural attractions. Spokane Clean Air has not typically taken enforcement action for violation of odor nuisance regulations unless all of the following have occurred: Spokane Clean Air receives one or more complaints regarding odor from the source; in responding to the complaint(s), an inspector documents off-site odor from the source; and the odor detected by the inspector off-site is associated with the source’s failure to employ recognized good practice and procedures to reduce odors to a reasonable minimum.

The Director requested the engineering staff to investigate odor regulations nationwide, consult with staff, and obtain legal advice on a revised odor regulation that is likely to better serve Spokane County residents by providing a more objective standard for taking enforcement against unreasonable nuisance odors. The State and Spokane Clean Air’s present rules state the following: WAC 173-400-040(4) Odors. Any person who shall cause or allow the generation of any odor from any source which may unreasonably interfere with any other property owner’s use and enjoyment of his property must

use recognized good practice and procedures to reduce these odors to a reasonable minimum; and Spokane Clean Air's Regulation I, Section 6.04 A. states, effective control apparatus and measures shall be installed and operated to reduce odor-bearing gases and particulate matter emitted into the atmosphere to a reasonable minimum.

As written, both the State's and SRCAA's rules make enforcement difficult because during the investigation, it is often difficult to identify specific operations or maintenance requirements which were not complied with which resulted in the odor. In addition, "reasonable minimum" doesn't clearly communicate the odor standard to the regulated community. SRCAA's search results reviewed many odor rules that varied in nature and enforcement. They were based on the following: Rules similar to present State and Spokane Regional Clean Air Agency; technological devices such as a Scentometer or Nasal Ranger; sampling and lab testing; odor panel; number of complaints received; best work practices; and categorical nature of odors. SRCAA proposes to repeal its old rule and incorporate Puget Sound Clean Air Agency's (PSCAA's) nuisance regulation within the new rule. The reason SRCAA elected to pursue PSCAA's approach is because of the following: PSCAA's regulation has withstood challenges before the Pollution Control Hearings Board (PCHB); the proposed regulation clearly communicates the odor standards to the regulated community; it is relatively straightforward for inspectors to apply in appropriate cases; it has been applied to emissions from numerous air pollution sources; and it provides an enforcement standard which is consistent with standards established in Chapters 70.94 RCW (WCAA) and 7.48 RCW (Nuisances).

With respect to odor enforcement, SRCAA's proposed regulation will rely on three components: An inspector documenting an odor at Level 2 or greater (Level 2 means an odor is distinct and definite, any unpleasant characteristics are recognizable); an affidavit from a person making a complaint that demonstrates that they have experienced air contaminant emissions in sufficient quantities and of such characteristics and duration so as to unreasonably interfere with their enjoyment of life and property; and documentation of the presence of the source of the odor. There were a few questions from the Board that Chuck answered. The Board instructed staff to move forward with a notice of proposed revisions being mailed to complainants for the period of January 1, 2007 through June 30, 2009. Staff will share the comments with the Board in October and a public hearing on the proposed revisions would likely be held at the December 3, 2009 board meeting.

BOARD MEETING: The board meeting was called to order at 9:20 a.m. by Chair Jeff Corkill.

1. Director's Report for June – Bill Dameworth

Bill gave a brief overview of the director's report. There has been no reply from the City of Spokane regarding the odor testing and air modeling work done by Baker as a result of its agreement with them and our attorney is working up a letter to send to Baker asking them to provide the data directly to us. We are still pursuing our request to the City of Spokane to put language on their demolition permit which references Spokane Clean Air and the need to contact us prior to demolition. We are still trying to get the Spokane County Health District to request the State Health Department to review our draft assessment of rail yard impacts on air quality in Spokane County. We also asked Ecology to review it, but because they do not regulate rail yard emissions, they declined to review our study. They did suggest a model we might be able to use with the help of the Health District or Department of Health. Although it would be nice to have the study peer-reviewed beforehand, we still intend to go forward with our plan to send the draft to the two railroads for their comments. When the report is final, we will review it with the Board. Ecology informed us that only two wood stove

change out grants were awarded for the 2009-2011 biennium and that our grant request was not one of them. Significantly less money was available for this period and we were encouraged to apply again when more funding is available.

2. Annual Review of Agency Goals & Progress – Bill Dameworth

Spokane Clean Air's short term goals consist of the following: Achieve financial stability; address ongoing odor complaints; provide compliance assistance to small businesses; ensure compliance with the PM_{2.5} standard; and keep agency By-Laws up to date. The progress made since July 2008 is as follows: Partial cost recovery fee schedules have been adopted and full-cost recovery is expected by July 1, 2011; the agency has purchased an office building with no increase in costs for the next five years and a \$50,000 annual savings thereafter (the move-in was completed on March 1, 2009); legal and technical assistance has been sought to develop a rendering plant regulation as well as a modification to the agency's odor regulation; we have enhanced our small business assistance program with an on-site pollution prevention consultation; EPA and Ecology grants were obtained to replace 215 older wood stoves and reduce PM_{2.5} emissions by 94 tons annually; worked with Senator Brown to enact legislation requiring disclosure of non-certified wood stoves upon sale of a home; and By-Laws were amended to reflect the desire of the board to make progress towards full-cost recovery. Long term goals consist of the following: Be prepared to develop attainment plans in the event a standard is exceeded; implement employee review and feedback program; maintain communication with the Board on the budget process; and upgrade the air monitoring network. The progress made towards long term goals is as follows: Emission inventory has been updated, new monitors will help determine compliance strategies; employee review forms and a new employee handbook are in effect (employees are now reviewed at least annually); annual board/supervisory staff retreats held have budget presentations that explain the source of funds and work accomplished by program; and three new monitoring stations (Spokane Valley, Airway Heights and Deer Park) are operational and monitors for two new pollutants have been installed (ozone precursors).

3. Public Information/Education Update for June 2009 – Lisa Woodard

Lisa gave a brief overview of the information and education projects for July. The community and outreach activities and events consist of the following: Presentations to students enrolled in the summer Earthbound program at Shaw Middle School and District #81's summer express program; and the asbestos and home remodeling display was at Home Depot. Print materials and other publications consist of the summer "On the Air" newsletter, ads in the "Go Green Directory", provided editorial input for a guest column about Spokane's air quality written by ALAW which appears in the July-August issue of InHealthNW magazine. For the compliance assistance program, there were updates to three of the CAP information sheets and we processed a few more Business Recognition applications. Special projects consist of working on other funding sources for the wood stove change-out program; summer ozone TV PSAs began airing in July and KHQ is doing two promotions in August giving away electric BBQ starters and vehicle decals; prizes were distributed for the 130 participating worksites at the July 22nd ETC summer event; "Mow Down Air Pollution" promotion of July included flyers at worksites and TV PSAs, web ads and news stories; a summer newsletter was developed and sent to approximately 300 EnviroKids Club members; we are securing venues/dates/times to present the 40-minute high definition movie "Air-The Search for One Clean Breath", the dates and locations will be announced at a later date; and Spokane Clean Air is interested in hosting an open house in late September. The Board Members present would be available on Tuesday, September 29th. Lisa added that the open house would run from approximately 9:00 a.m. to 2:00 p.m. with some refreshments.

She will keep the Board posted on the date, time, etc. and she will check with the other Board Members not present. Also the bios for the web site from the Board Members will be updated when she has received them all or at least replies from all members.

4. Activity Report for June 2009 – Ron Edgar

Ron gave a brief overview of the complaint summary, enforcement actions, inspections and surveillance, NOCs and NOIs (asbestos). The air quality through the month of June was good except for the last day of June the PM_{2.5} went into the moderate range. Ozone takes over during the summer months. In July, Airway Heights and Deer Park ran quite high on the Fourth of July. Spokane Clean Air only has to report the Federal Reference Method (FRM) sites to EPA. The other air monitoring equipment around the county is so that the public can see what the air quality is in their area. If Spokane Clean Air started to see a lot of possible exceedances of the standard in these other monitoring sites, we would put in an official FRM monitor and EPA would probably request that we do that. The CO standard has not changed for many years it is still 9ppm for an annual average, 35 ppm for one hour. Spokane Clean Air hasn't seen numbers much above 4ppm in a couple of years. The lead standard has changed from 1.5 µg/m³ (micrograms per cubic meter) of air, quarterly average. It is now a .15 µg/m³ of air, rolling three month average. There is a proposed change to the nitrogen dioxide standard; currently they have a 53 ppb annual standard. Particulate matter PM₁₀ changed a couple of years ago to a 24 hour, 150 mcg standard. With the PM_{2.5} they may go back and look at the Science Advisory Committee results and possibly change the annual standard of 15 µg/m³ of air; we are running an annual standard somewhere around 10 or 11. The ozone standard just recently dropped down; it was 80 ppb or 0.08 ppm for an eight hour average, and now it is at .075 ppm for an eight hour average. NO₂ current standard is 53 ppb on an annual basis, they are proposing a one hour standard of somewhere between 80 and 100 ppb and are asking for comments on a lower or higher standard than that. An interesting issue in the new NO₂ standard is what they call the "Near Road Monitoring" (NRM). We're looking at having a requirement to monitor near the highest Average Annual Daily Traffic (AADT) area, which is the segment of our roadway system where there is the highest rate of traffic. It would be required for all core based statistical areas over 350,000. Spokane is at 456,000 so we would be required to have one of these monitors; it has to be within 50 meters of the nearest traffic lane at that highest point; the monitoring plan has to be in place by July of 2011; and the monitor has to be physically in place by 2013 if this proposal goes through as it is currently written. Comments on this proposal are due on September 15th and Bill has directed Ron to put together some comments to send to the EPA, particularly the funding issue. We'll tell you that EPA will respond in their normal manner, they are required to not consider cost or technology when establishing air quality standards. Bill added that for Spokane Clean Air to fund this it would cost another \$50,000 to \$70,000 on a monitoring site and then running it and Spokane Clean Air doesn't have this in the budget. Bill asked if the Board would feel comfortable with Bill sending out a letter to the EPA on this subject on behalf of Spokane Clean Air and the Board. The Board Members present agreed that they were okay with Bill doing this. There was a little discussion between the Board, Ron and Bill. Ron added that NO₂ is a precursor to ozone and it has its own standard. There has been a lot of talk on this issue from other agencies also. EPA is looking at some changes to the ozone standard. One ozone monitor required for MSAs between 15,000 and 350,000; we have two official ones and now one unofficial and hopefully next year all three will be official ones. The biggest change that might affect us is currently we monitor from May through the end of September and they are changing that and they're proposing that we start monitoring in March and go through September for the state of Washington.

5. Income/Expense Statement for July 2009 – Barbara Nelson

Bill stated that Barb is working on the final budget for the fiscal year. We are going to be within the budget for the fiscal year and the revenue includes carryover fund balances from the prior year so it looks like there is more revenue. Barb believes she will have the final report for the Board at the October board meeting. The Board Members asked about the percentages down the right side of the fund totals page and Bill stated that he would ask Barb about that because he does not know what it means either. Barb had switched over some of her software and she is still working on getting to know all of the new software. The Board would like Barb to explain the percentage column and let them know what it means.

6. CONSENT AGENDA – ACTION ITEM – Approval of the July 2, 2009 Board Minutes. Approval of Vouchers for FY2009 Numbered 4084 through 4124, totaling \$19,871.14. Approval of Vouchers for July 2009 Numbered 4105 through 4164 totaling \$55,885.69 and July Payroll of \$120,013.26 for a Grand Total of \$195,770.09.

Councilmember Rose Dempsey moved to approve the Consent Agenda and Board Member Tom Brattebo seconded it. Motion passed unanimously.

7. PUBLIC HEARING – Resolution 09-18 – Expansion of the No Burn Area – Brandy Ellis

Brandy gave a brief overview of the expansion of the no-burn area boundaries with the changes the Board wanted from the last board meeting. Fire District 13 and Fairchild Air Force Base Fire Department do not want to be included in the no-burn area along with the unserved areas that Fire District 13 responds to.

There were no public comments. Board Member Tom Brattebo moved to approve Resolution 09-18 with Option B and Councilmember Rose Dempsey seconded it. Motion passed unanimously.

8. PUBLIC HEARING – Resolution 09-19 – Amendment to the Asbestos Regulation – Matt Holmquist

Matt gave a brief overview of the highlights of the revisions to the asbestos regulation. We are proposing adding “moving a facility” to the definition of demolitions to reflect Federal requirements; when someone presumes that material is asbestos containing material, in lieu of having it tested, the person making the determination must include a description of what is being presumed to contain asbestos and the approximate quantity and location so that everyone knows exactly what’s being presumed to be asbestos; clarify that the notification and waiting period begins when the agency receives a complete notification; contractors that are removing ten or more linear feet of asbestos from an OOSFR must submit a no-fee NOI for asbestos removal, the advance notification requirement on this was prior notice so they could demo it the same day they gave it to us; a provision that allows the control officer to temporarily waive notification fees if a State of Emergency is declared; and the number of structures that can be filed on a single NOI will be five instead of unlimited.

There were no public comments. Councilmember Rose Dempsey moved to approve Resolution 09-19 and Board Member Tom Brattebo seconded it. Motion passed unanimously.

9. PUBLIC HEARING – Resolution 09-20 – Amendment to the Asbestos Fee Schedule – Matt Holmquist

Matt stated that the changes made to the regulation for asbestos requires updating on the asbestos fee schedule to reflect those changes.

There were no public comments. Board Member Tom Brattebo moved to approve Resolution 09-20 and Councilmember Rose Dempsey seconded it. Motion passed unanimously.

10. Executive Session – Director’s Annual Performance Review

Chair Jeff Corkill moved the board meeting into executive session at 10:33 a.m. for approximately 15 minutes. Chair Jeff Corkill reconvened the board meeting at 10:57 a.m. Councilmember Rose Dempsey commended Mr. Dameworth for his good work and the work that he has done for this agency in the past year has been commendable. Chair Jeff Corkill said that things have been going well and Bill has made good progress both long and short term and Board Member Tom Brattebo agreed. Board Member Tom Brattebo made a motion considering the economic times, to maintain the present salary for the next year for Bill and raise his vacation accrual to 12 hours per month and Councilmember Rose Dempsey seconded it. Motion passed unanimously.

11. Board Concerns – Chair Jeff Corkill stated that he would not be present at the September board meeting. Also, he stated that he is at the end of a bus route and the bus sits and idles, is there anyway Spokane Clean Air can persuade STA not to idle their buses. Ron replied that the reason for leaving the buses running is for heat and air conditioning but if they don’t need either, they probably could shut them off. Bill stated that he could write a letter from the Board and Chair Jeff Corkill stated that if Bill draws a letter up requesting STA to ask their drivers to shut their buses off if they don’t need them running for any reason, to cut back on idling, he will sign it. It is located at route 45 and on 49th or 53rd which is the end of the route. Board Member Tom Brattebo stated that if Chair Jeff Corkill asked the driver to not idle, maybe he would just shut it off. Bill stated that he would look into it.

10. Public Forum – There were no Public speakers.

The meeting adjourned at 11:05 a.m.

The next Board Meeting will be September 3, 2009 at 9:00 a.m. – Spokane Regional Clean Air Agency office at 3104 E. Augusta Avenue.

JEFFREY CORKILL, CHAIR

WILLIAM DAMEWORTH, SECRETARY