



SPOKANE REGIONAL CLEAN AIR AGENCY
BOARD MEETING MINUTES

August 7, 2008 9:00 a.m.
SPOKANE COUNTY PUBLIC WORKS BUILDING
LOWER LEVEL HEARING ROOM

BOARD MEMBERS PRESENT:

Mayor Edward Crockett
Chair Jeff Corkill
Councilmember Rose Dempsey
Board Member Melissa Ahern
Commissioner Bonnie Mager

STAFF MEMBERS PRESENT:

Bill Dameworth, Director (left at 10:35)
Barbara Nelson, Finance & Personnel Admin.
Ron Edgar, Chief of Technical Services
Lisa Woodard, Public Information Officer
Margee Chambers, Public Information Specialist
Michelle Wolkey, Legal Council (left at 10:45)
Mary McDermott, Secretary

WORK SESSION: The work session began at 9:02 a.m.

1. Asbestos Presentation by Spokane Alliance

Dave Sproull with Spokane Alliance, particularly Sustainable Works spoke: “We’re doing energy retrofits on buildings, mostly small commercial and non-profits, trying to help them out with their energy bills. The way we got involved with asbestos is because these retrofits require some removal of asbestos and we looked for contractors to do this work. There was a lot of variance in the price so we started investigating to see why that was and we found documents through public records requests of violations from the four contractors that are doing most of the work in Spokane. It is pretty disgusting. We were having trouble trying to find somebody because we weren’t interested in having any of these four contractors doing the work. We found one contractor here in Spokane that has a very clean record and he unfortunately is never available to work in Spokane, he’s always working in the Tri Cities and other places because he can’t compete with these guys because he won’t cut the corners that these folks are doing. So that is how we found out about this problem in Spokane and when we look at these fines and violations, it is apparent that this isn’t very much of a deterrent for these contractors that are doing this work here in town. We have some examples of violations that were reduced from \$144,000 to \$14,000, so that’s not deterring these bad work practices by the contractors that are doing this work in town and we’re hoping that we can find a way that decent contractors can actually do this work and do it safely and protect the public. That’s why Sustainable Works is in

this and we're hoping that something good can come out of this so that we can get this work done safely here in Spokane. Thank you."

Dr. Kim Thorburn, public health physician said: "I've been working with this group because of concerns about the evidence that turned up about inadequate regulation of these firms that do the asbestos abatement. The medical conditions associated with asbestos and the historic trends that occur in public health I hope will encourage you to think about enforceable regulation of these entities. Asbestos is not a mineralogic term, it is really a commercial term that refers to six different types of minerals that have the characteristic of being fibrous and friable and they're very useful as fire retardants and in other kinds of construction. So they've been used for over a century and really it was rather early on that we became aware of the health effects. In fact, there's an incredible story, it was recognized that these minerals had these characteristics of being fibrous and so there was interest in weaving them and a ginner was approached in the 1920s to try to gin the product so that they could weave it and he developed very severe lung disease and died within months of the exposure. So early on we were able to see that there were medical affects to exposure to asbestos. Because of its friability, these fibers can get into the air very easily and then what happens is they're inhaled by those who are exposed and so the consequences are lung disease. Certainly people who are exposed can get chronic obstructive pulmonary disease and die that slow, terrible, air gasping death from chronic lung disease. But more serious is that asbestos causes two types of lung cancers which are highly lethal. One cancer called mesothelioma is a cancer of the lining of the lung and they're really very few other associations to mesothelioma. Most people who contract mesothelioma have had some sort of asbestos exposure. We actually saw, as more and more asbestos was used commercially, what I would characterize as an epidemic of mesothelioma and it actually peaked in the early part of this decade. In 2000 to 2004, we saw the peak of mesothelioma deaths and since then there has been a drop off and in fact we've even seen this here locally, of course, we do see the impacts of asbestos exposure at a proximity to Libby which is very famous community exposure to one type of asbestos called tremolite. We have seen our asbestos deaths drop off and that's manifested annually in the workers memorial where we honor those workers who have died in the work place. We did see fairly regularly deaths due to asbestos exposure and we have seen that same drop off that we've seen nationally. However, I want to sound an alarm that I felt when I looked at the work that has been done by the regulators and that is something that we see repeatedly happen in my field of public health. When we find that we're doing well, in terms of our protective work, our regulatory work, against some sort of disease that has been prevalent, we tend to become more complacent and let our guard down and it is not at all unusual to see a drop off in a disease and then to see it start increasing again as we become more complacent and relaxed about regulation. A really dramatic example occurred with TB where we were aiming to actually eliminate TB in the United States by the year 2000 and until the mid 1980s, where we were paying a lot of attention to TB control and had a strong system in place, we were on that turn to elimination. At 1990, we suddenly woke up and realized that that trend had reversed itself and we were seeing an increase in TB and we had practically dismantled our TB control program in the United States. We had turned our attention elsewhere and I feel that we could see the same thing occur if we don't remain very vigilant and very attentive to our regulation of asbestos exposure, particularly to workers. So I would encourage you to listen to the rest of the evidence today and take a good look at what this agency that has such an important role in the regulation of asbestos exposure to our workers can do to prevent the reversal of the trend."

Jim Quade, union representative for the painters and allied trades in Spokane said: “I have 450 members. We’re the sheet rock tapers and the painters. I have 25 people working at Shadle Park High School. I have continual calls that the asbestos plastic is flapping in the wind again, which means that containment is suppose to be sealed for two days after they’re done even, but while they’re working the plastic is flapping. Gary Connor, the foreman out there of the drywall finishers, said “Oh Jim, Jim” he’s telling me “Stand back, that’s where the plastic is flapping and the asbestos is coming out”. So I’m very angry. What it is, it’s a cut-rate contractor, and they don’t have professionals out there that are trained. I’ve taught at my Union Apprenticeship for 10 years myself, the health and safety part of it. I give out these little cards “Asbestos Awareness”. All my members know that and they have to work under these conditions and we’re very angry. Thank you very much.”

Bill Cropper, U.S. Navy Veteran said: “I was stationed in Brooklyn New York with the Santa Barbara; it was in dry docks and they were tearing asbestos out of it. They had to contain the asbestos and you weren’t allowed in there for two days afterwards and they duct taped all of the plastic down and it was sealed. My daughter’s also a student at Shadle Park High School and when I heard about the asbestos exposure, it angered me because I knew a man in the ship yards of New York that died at 56 of asbestosis because he didn’t have the guidelines when he first started. I would like you to really think about this and listen to what these people have to say. Thank you for your time and consideration.”

Jerry White, a volunteer with Spokane Alliance said: “Sustainable Works, in its energy retrofit work, continues to look for asbestos abatement contractors who share a strong value for public and worker safety. Sustainable Works has yet to find a contractor who does asbestos abatement with sufficient capacity, hires a trained consistent work force that does not have serious multiple violations within the last five years. As was indicated in our calls, we’re here and now we ask you to fulfill your responsibility to address this crisis. Mr. Dameworth and Mr. Holmquist have been very responsive and creative, but they do not set policy, that is your responsibility. We ask that one of you Board Members include the Spokane Alliance together with your staff and begin to work with us and them to increase deterrence and level the playing field to allow contractors who do the job correctly to make a living wage in Spokane. In conversations with Mr. Dameworth and Mr. Holmquist, our commitment is to make a proposal to you at your November board meeting. Will one of you step up to this action to protect our community and meet with us and your staff?” Commissioner Mager stated “Certainly, I will”. Jerry White said: “Thank you very much.”

Bill Dameworth added that one of the ways Spokane Clean Air addresses things like this is somebody calls in a complaint about the issue and we send someone out to take a look at it as soon as we can. Matt Holmquist added that it has been approximately two or so months when there were one or more complaints about Shadle Park and he believes that Spokane Clean Air did issue a NOV for that. Bill added that he thinks Spokane Clean Air has a fairly good record of issuing NOVs and as was discussed in the conference, that doesn’t appear to be the deterrent that they hoped. One of the problems Spokane Clean Air has is unlike other businesses that we issue permits to or register, we can pull the permit or licenses from them and we have more leverage over them, but the asbestos contractors get all of their licenses from Labor and Industries and so Spokane Clean Air doesn’t have the luxury of saying we won’t let them operate in Spokane anymore. That is something we need to bring up with L & I, if we are going to have a complete

discussion on this issue. Matt added that he has initiated some communication with a Supervisor of the Eastern Regional Office of L & I and they are interested in sharing violation inspection information with Spokane Clean Air. We have already exchanged some preliminary information. It sounds like there is some potential benefit there and they do have a decertification process in the regulations and policy. So there are some potential methods they have for going after the repeat, chronic violators, more so than Spokane Clean Air's ongoing penalties that tend to increase with each violation that contractors get and may ignore. Commissioner Mager asked if there was any kind of screening for the contractors so that the schools, etc. would know how many violations a contractor has gotten and what the violations were for. This could be a part of the screening process instead of just going with the lowest bid. Matt replied that he is not familiar with each policy but generally it would be an internal policy by a government entity or certain companies. We rarely get record requests for people that are hiring contractors. People could also try the Better Business Bureau and other similar entities. Chair Corkill would like Matt to arrange a meeting between people in the Spokane Alliance, L&I, Bill, Matt, Commissioner Mager and himself to sit around the table and try to work out a solution to this problem before the Spokane Alliance comes to the board meeting in November. Matt stated he would coordinate something. Jerry White stated "Spokane Alliance will wait to hear from Matt for a meeting where the principals can get together and begin to work on proposals to bring a better compliance or better deterrence or violations. Thank you for addressing this issue and the Alliance and they will be waiting for a call from Matt. Thank you for addressing this issue promptly and putting us on the agenda."

Dr. Kim Thorburn addressed Commissioner Mager's question about whether school districts could have some sort of policy. "I believe it was at the last session that the legislature passed what is referred to as a "Responsible Bidder Clause" on government purchasing regulations. Because governments are of course required to look at the lowest bidder. What "Responsible Bidder" says is that entity by entity, so it would be each school district can develop other kinds of rules in terms of looking at contractors, but it is really left up to the school districts and I don't think there's a lot of general knowledge yet in government entities about "Responsible Bidder" and we really do need to get that word out. I think it points out the complexity as is already been noted about regulating something like asbestos. There are so many entities involved and there's a lot of education I think SCAPCA could clearly take the lead in that. Thank you for your interest in this." Commissioner Mager stated that this might be a really big role for the Alliance to take up with the school districts so that they can educate them on that and they can put some kind of policy in place as well.

Dave Sproull added "Dr. Kim makes an excellent point about this request for qualifications, we're doing it on Public Works, like the City Hall, we had to request for qualifications for mechanical contractors making sure that the HVAC system was installed properly at City Hall. I guess we need to ask ourselves what's more important, whether we're getting adequate heating or cooling or protecting our citizens from this asbestos danger. Absolutely this request for qualifications and having qualified contractors should be something that we should be pursuing. Thank you."

BOARD MEETING: The board meeting was called to order at 9:22 a.m.

1. Advisory Council Report – John Livingston

John gave an overview of the July 24th Advisory Council meeting. Margee gave a presentation on continuing a CTR program for Spokane Clean Air's staff. Spokane Clean Air has been participating in the County's CTR program for a number of years and with the impending move coming up, Spokane Clean Air has put together a CTR program for its employees to continue participating. There was a consensus by the Advisory Council Members to support the continuation of the CTR program for Spokane Clean Air's staff. There was a presentation by Bill on the new building purchase and the Council agreed that Bill had done his homework on this building and all of the things that go into making this site work for Spokane Clean Air. The Council Members were very supportive of the move and looking forward to seeing the building and what it has to hold. Bill also gave an update on the wood stove advisory panel that he had been a part of. They talked about loans and incentive programs that Ecology and the rest of the local air agencies can work on to encourage replacement of old wood stoves. There was an informal discussion about recreational fires, in light of what happened in the Valley, including what is and isn't a recreational fire and what Spokane Clean Air's role is in trying to make sure this kind of thing doesn't happen again.

2. Director's Report for July – Bill Dameworth

Bill stated that Spokane Clean Air has received technical comments from its odor consultant and Joe Southwell is in the process of drafting up a rendering plant rule that will then go back to the odor consultant and to Spokane Clean Air's legal consultant for an interim review and changes and then it would be sent out to have the other air agencies look at it. Brenda Smits has resigned and taken a position with Ecology, as has another employee. Bill stated that there are a couple reasons why people leave and one is more opportunities and the other is pay. At an agency Spokane Clean Air's size, the opportunities for growth are limited and Ecology is a larger organization. Barb is contacting other Washington local air agencies for salary information to see if Spokane Clean Air's wages are competitive. In the past when Spokane Clean Air has looked at this it has been competitive but it hasn't been looked at in a while. Spokane Clean Air has been getting calls from other agencies as well on this and doing the work ourselves will be a lot less expensive. On the building purchase loan, Spokane County approved it and we expect to close escrow sometime late August. Our inspection found some minor defects which the seller has agreed to correct. The intern at ALSC Architects was unable to complete the drawings to sign off on the building permit and suggested that Spokane Clean Air find somebody else. We have made arrangements with the architect who drew up the plans for the current layout of the building and he has agreed to a fairly reasonable hourly rate for that work. We will meet with the building department on August 14 and expect to have the final drawings on the interior a week after that and then solicit bids for contractors to do the interior work. This change will put us a couple of weeks behind schedule. Phil Berg, who is an asbestos contractor, has filed a \$4 million tort claim against the agency due to the agency's enforcement activities. On one hand you have people saying that the penalties are not working and on the other you have someone saying they are too high. Bill added that Spokane Clean Air is probably above and beyond anything that the EPA requires as far as asbestos is concerned and if Spokane Clean Air wanted to police this as somebody thinks might be appropriate, we would have to have 15 to 20 more

employees out there to look at all of these projects. Spokane Clean Air has to balance its work out because there are industrial inspections, open burning, complaints, etc. that have to be taken care of besides the asbestos issues. A fair amount of time is spent on asbestos and we are trying to streamline the process to make the paper work less so more time can be spent in the field. Bill hopes that Spokane Clean Air is not allowing people to be doing substandard work. It is something where there will always be some, but it would be appalling to him if there is a lot of this going on. Commissioner Mager stated that what it sounds like to her is that we need better communication with some of the other agencies here who are hiring these folks so that they understand who has the violations and who doesn't. One of her continual complaints with the BBB, and they are short staffed too, is that the general public doesn't realize that these contractors they've hired are out there unless they do a lot of due diligence and call around to see if there has been anybody that has complained about them. More communication would help the process. Bill stated he agrees. He thinks that if there is some need to pull somebody's license, then Spokane Clean Air should maybe be more proactive on that and so could the BBB. L&I needs to be brought into the picture and the Alliance could go out and help the school districts write their contracts up so that they can check for these kinds of things before they issue the contract. Bill believes that the communications portion of this is very important. Board Member Ahern asked about the reductions in the fines of asbestos NOV's where they were dramatically reduced. Bill stated that shortly after he was hired, there was a penalty policy that, if you took it literally, would rack up everyday as being another violation. We were probably as penalty oriented as anybody and were constantly reducing the fines and he wanted to come up with a penalty policy where you wouldn't have to be doing that. The penalties would pass the test from the beginning and you wouldn't have to look at somebody and say, "I am assessing a penalty that is worth more than your entire business." You can't do things like that. We were having a policy of negotiating a lot of those away, and that's not a good idea. The policy we have now, we may make some minor adjustments, should work better. Michelle Wolkey stated that one other piece that didn't get mentioned, that she did stop, is when we assess our penalties people have a right to appeal and they go to the PCHB and as a matter of course under the old penalty policy, the PCHB was not supporting the amount of penalties we were assessing. So it doesn't do any good to assess them if you can't hang onto them on appeal. So that is part of the reason too, we readdressed how the penalty policy worked so we could assess a penalty that was going to be consistent with what the PCHB would enforce as well, because it doesn't matter what we set here if we can't hold onto it when we get an appeal. Chair Corkill added that if we arrange a meeting, maybe we could get somebody from the building contractors association too so there's some way for them to know what the feed back is to them and then they can spread the word among the general contractors about things they need to look into before they hire asbestos persons.

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

Lisa gave an overview of the information and education update. We were an Indian's game, three or four schools for their summer express programs, Airway Height Correctional Facility for air quality information shared with its employees and the asbestos display was at the Habitat Surplus Store for the month of June and the Ziggy's store on the north side. Print materials include the "On The Air" and Compliance Assistance Program "Update" newsletters; summer worksites posters, cards and interior bus posters; worked with the Health District on a CDC (Center for Disease Control) information sheet on wildfires and your health; and new

display graphics for the EnviroKids display. We put out the summer ozone news release with a couple of interviews on KXLY radio and Clear Channel. We did a TV interview on the Valley View fire and a couple other TV and radio interviews on dust and smoke in the air from the region wild fires. In July we have our "Mow Down Air Pollution" promotion with materials donated by Black & Decker. The AmeriCorp member position closed and there were three applications of which we will interview. The wood stove rebate program is wrapping up for the current program. We received an Ecology grant to continue the rebate program for wood stoves. We have done 99 wood stove rebates, close to 40 tons of air pollutants annually reduced as a result of these rebates. The income qualified program for wood stoves has 20 replacements available and half are done. For education and outreach, we have hired a video production company and teamed up with the Puget Sound Clean Air Agency and Northwest Hearth Products Association and developing two, three to five minute video productions; one is "clean burning 101" and the other is "selecting a device". All of the people who have purchased a wood stove through the rebate program can be sent a mini DVD and the retailers are interested in using this to provide to their customers, it will also go onto Spokane Clean Air's web site.

4. Activity Report for June 2008 – Ron Edgar

Ron gave an overview of the activity report. In June there were 12 complaints regarding asbestos and 52 asbestos notifications received with 8 inspections done. In June there were a couple of moderate level days. The air quality continues to be good this summer. There were 162 good air quality days and 20 moderate. The higher ozone numbers are coming from the winds that blow from the southwest and that is because our monitor is northeast of the City of Spokane. The higher PM_{2.5} numbers drift in from the east and the higher PM₁₀ numbers come from the southwest. There was discussion between the Board Members, Ron and Matt relating to air quality and the handling of complaints (asbestos, dust, sfbd, etc. complaints). Commissioner Mager stated that on asbestos issues, if Spokane Clean Air does not stop work during a violation, if it is a home and people are living in there, do we notify them in case the contractor or themselves have no idea how harmful asbestos can be to them and their families, etc. Matt replied that Spokane Clean Air is pretty much hands off to owner occupied single family residences. If they hire a contractor to do things, then they are supposed to have an asbestos survey done. Other than Spokane Clean Air's education efforts to inform the general public about asbestos, there is no other way for them to know except that the contractor is supposed to file a NOI. Commissioner Mager asked if the contractor doesn't do things correctly and Spokane Clean Air finds out, do we suggest they stop the work and leave a note for the homeowner to let them know we've been called out. Matt replied that typically that is at least in the form of a CC on written correspondence so that the owner does know that they may have hired someone who is not doing what they are suppose to be doing.

5. Income/Expense Statement for June 2008 – Barbara Nelson

Barbara stated she will be getting the annual report to the Board Members soon. The main item is that expenses were \$380,000 less than Spokane Clean Air's budget and revenue was \$345,000 less than its budget so Spokane Clean Air is still in good shape. She has completed the purchase of the new accounting software that was included in the FY-09 budget and has been setting that up. The annual report will be this fall.

6. Annual Review of Agency Goals & Achievements – Bill Dameworth

Bill gave a summary of the progress made since this time last year. The short term goals were to achieve financial stability, address ongoing odor complaints, provide additional compliance assistance to small businesses, address the new PM_{2.5} standard, develop bylaws for the agency and pursue a name change and new logo. Progress on those goals is we have cost recovery fee schedules which have been adopted and expect to have full-cost recovery of all fee based programs by July 1, 2010. The agency has purchased an office building with no increase in its monthly costs for the next five years and when the loan is paid off to the County, there will be a \$50,000 annual savings which we expect to apply towards the local assessment. On the odor issue, we have sought legal and technical assistance to develop a rendering plant order or regulation and expect to present that to the Board this fall. We have enhanced our small business assistance program with an on-site pollution prevention consultation and Margee is working on those. Spokane Clean Air is making a lot of progress with the EPA and Ecology grants obtained to replace older wood stoves and reduce PM_{2.5} emissions. He worked with Senator Brown and Representative Wood to obtain the full authority to call burn bans. The legislation we had for the prior year sunsetted and so now there is no sunset clause in it. Additionally, the burn ban authority has been extended to the other air agencies in the state. Several persons got together and worked on a set of Bylaws that were drafted and approved by the Board last year as was the name change and new logo. For our long term goals, we need to be prepared to develop attainment plans in the event the standard is exceeded. We wanted to implement an employee review and feedback program; for quite sometime the staff was not getting annual performance reviews and we needed to revisit that. He thinks Spokane Clean Air needed to improve its communication with the Board on its budgeting process and wanted to upgrade the air monitoring network. One of the tools that are used in developing non-attainment plans is a comprehensive emissions inventory and we have updated that and also installed some new air quality monitors which will help us in the event we need to develop a non-attainment plan. We have developed a new employee personnel handbook and employee review forms and now we review everybody on staff at least once a year. If you are a new employee, you get reviewed more often. We have instituted the annual board and supervisory staff retreats and both of them have been successful. During these retreats, we have presented the budget and explained the source of funds and what it is we expect to do with the money. We have added three new monitoring stations and monitors for two new pollutants are in the process of being installed. This is a brief summary of the activities for the last year.

Commissioner Mager wanted to say that she thinks things have gone very well and she wanted to thank Bill for his leadership. Bill also wanted to state that staff has worked well with the Board and the Board has been very supportive. Chair Corkill wanted to back up what Commissioner Mager stated and that is that Spokane Clean Air has made quite a bit of progress in the last couple of years, and thanks to Bill.

7. Executive Session – Director’s Annual Performance Review

Chair Corkill convened the Board at 10:05 a.m. until 10:20 a.m. Michelle Wolkey advised staff and visitors that it would be another five minutes. Michelle Wolkey advised staff and visitors that it would be another five minutes. Chair Corkill reconvened the board meeting at 10:30 a.m.

Chair Corkill stated that the Board recognizes that Bill has done an excellent job in the last year and the result of that is the following motion. Board Member Ahern moved that the Board raise Bill's salary from \$84,521 to \$90,000 a year and that they adjust his accrued vacation from 7.5 hours per month to 10 hours per month effective the 16th of August 2008 and Commissioner Mager seconded it. Chair Corkill wanted to recognize in the motion that this is for a job well done. Motion passed unanimously.

Chair Corkill also stated that one thing the Board discussed is whether Bill would look into the feasibility of giving some of the staff salary bonuses as well as the COLA. Bill stated that Spokane Clean Air has an eight step program and staff is already on a merit and he is the only person that isn't. Commissioner Mager stated that is what they were questioning is whether they just got a COLA or if there was some opportunity to move them up the pay scale based on merit, but you are saying merit pay because you are all union. Bill replied Spokane Clean Air is not union but we still have the same system and that is part of the annual review; there is a process for people to get merit pay; and if they've done an outstanding job, we can actually bump them up more than one step and that has been done before. That's all part of the review process which Bill thinks is imperative to making it work and we already have that. Bill thanked the Board. Barb stated that 98% of staff have reached or passed the last step of the step increase. Bill added that there is also a longevity bump up as well for people who have been here for a long time. It is not the end of the road, there is still something else if they stay longer. It is a pretty comprehensive salary package and he still wants to look and see if it is competitive with everybody else. Bill left the board meeting for a conference in Seattle and Ron Edgar sat in for the duration of the board meeting.

8. CONSENT AGENDA – ACTION ITEM – Approval of the July 3, 2008 Board Minutes. Approval of Vouchers for July 2008 Numbered 2708 through 2806 and 2821 through 2826 in the amount of \$102,228.78; FY-09 Vouchers Numbered 3000 through 3064 in the amount of \$59,130.41; and Payroll of \$125,677.42 for a Grand Total of \$287,036.61. Board Member Ahern moved to approve the Consent Agenda and Councilmember Dempsey seconded it. Motion passed unanimously.

9. Resolution 08-22 – Proposal for a Commute Trip Reduction Program – Margee Chambers

Margee gave a brief update of traffic congestion, air quality problems and laws in Spokane County and the State of Washington. There are many benefits of having a CTR program: it reduces demand for parking, traffic congestion and tardiness/absenteeism. Employees who are given flexibility in their schedules feel better about their jobs and this tends to increase productivity. CTR programs are often viewed as benefits to employees. It enhances public image and reduces the impact to the environment. CTR programs reduce, conserve and benefit many people and resources in Spokane County. Spokane Clean Air currently coordinates a voluntary program under the guise of Spokane County. It is a two step program, a treat incentive for employees who use an alternative at least once a month and fill out their online commute calendar and a commute mode subsidy for employees who use an alternative to getting to work at least 12 times a month. Currently we have free bus passes for seven employees who use an alternative at least 12 times a month and 50% of adult bus passes are paid for by the

County. We also get to participate in the County's campaigns where we are eligible for prizes. For the future, she is recommending the Board support and fund a formal CTR program for Spokane Clean Air since we will no longer be able to act as a department under the County. Spokane Clean Air's program would be similar to the County's program. We would have the treat incentive (candy bars, gum, nuts, etc.) and a commute mode subsidy where bus passes would be \$16.50 (50%) with \$16.50 being paid by Spokane Clean Air.

Carpoolers/bikers/walkers would receive a gas station, bike store or shoe store gift card for \$16.50. We would still be allowed to participate in the County campaign for prizes. The annual budget would be \$3,000. Chair Corkill stated that perhaps the treats could be local food and it would save food miles. Board Member Ahern applauded the idea but she'd like an idea that doesn't involve subsidies but rather involves actual reductions in peoples fuel costs and that would benefit the air quality also. We should be aggressive about getting telecommuting mechanisms set up and the subsidies could be thought about being used to subsidize the people who have to come to work every day that are actually on lower salaries. Chair Corkill added that Margee could have a discussion with Bill about what Board Member Ahern talked about with an informal policy on working at home and four ten hour days. Though you are a public agency and have to cover the days you are open adequately so it is a little different than other places of business. Commissioner Mager asked how much would it increase the amount if you actually paid for the complete bus passes. Margee stated approximately \$2,000, it depends on staff participation.

Board Member Ahern moved to approve Resolution 08-22 and Commissioner Mager seconded it. Motion passed unanimously.

10. Resolution 08-23 – Approval of Budget for CY 2008 PM_{2.5} – Barbara Nelson

Barbara gave a brief overview of the Federal Grant, which Spokane Clean Air gets to help subsidize the cost of running some of the monitoring sites. Right now the grant is \$22,245 and that runs from April 1st, 2008 through March 31st, 2009 and is used to pay salary and benefits.

Commissioner Mager moved to approve Resolution 08-23 and Councilmember Dempsey seconded it. Motion passed unanimously.

11. Resolution 08-24 – Approval of Budget for DOE Wood Stove Rebate Grant – Lisa Woodard

Lisa gave a brief overview of the \$45,000 wood stove grant. This will be adequate to maintain the rebate program and the rebate amounts will increase from \$400 for wood stoves and \$550 for natural gas to \$600 for wood and \$800 for gas; this reflects some of the increase in the costs of these devices. We have secured additional funding of \$7,000 from Avista and the Northwest Hearth Products Association will be putting in approximately \$2,000. This program will launch in mid September.

Board Member Ahern moved to approve Resolution 08-24 and Commissioner Mager seconded it. Motion passed unanimously.

12. Resolution 08-25 – Amendment to Resolution 08-17 Building Purchase Note with the County Treasurer – Michelle Wolkey

Michelle Wolkey stated that essentially what occurred is after she left the board meeting last time she had a message from Jim Emacio who is counsel for the County reflecting that the Treasurer had requested an additional small but not insignificant change to the County's guarantee of our loan from the Treasurer for the purchase of the new building. The change reflects if the County ends up paying on the loan because Spokane Clean Air has defaulted, who directs the Treasurer to pay that money out of our account back to the County? The way it was presented, the County would have made that direction. The Treasurer prefers that this agency be the one to direct them to take its money and pay the County. That is the equivalent of the change, it is a one line deal but it is significant in that it's who has the authority to direct the Treasurer to repay the County if they've paid on a guarantee. Commissioner Mager asked if Jim Emacio suggested this change. Michelle replied that the Treasurer contacted him about the change and he passed it along to her. Then she and Jim had an e-mail discussion over the course of the last month after the last board meeting and believe that the change is appropriate; that this agency should be the one to direct the Treasurer to take our money and repay the County and he knew she was presenting this to the Board today and he'll bring it before his Board at the next meeting. Commissioner Mager stated that her only question is does that put the County at something of a disadvantage depending on whatever future circumstances might occur. Michelle replied that we are obligated to repay the County on the guarantee through all of the paper work so she thinks the glitch comes as can the County actually direct the Treasurer to spend another municipal corporation's money; this is the Treasurer's concern. Commissioner Mager stated she understands.

Mayor Crockett moved to approve Resolution 08-25 and Board Member Ahern seconded it. Motion passed unanimously.

13. Board Action Regarding Turbo Burn – Michelle Wolkey

Michelle stated that she and Matt Holmquist have been working with Dwight Hamilton of Turbo Burn to try and come up with an agreed set of circumstances under which he will be able to sell these units and yet the Agency can be assured that they are not being sold in a fashion that is outside of the certification that's required for these devices. So Mr. Hamilton has been provided this Order, he has not yet agreed to it or provided his comments. On page five are the conditions; the early part is a history of what's happened. As an initial matter Turbo Burn would agree to pay the Agency \$3,560, that's in paragraph one that results from the one confirmed sale of a device that did not have the deflector plate welded in sufficiently that somebody would be prevented from burning wood in the unit. There are two other units that have been purchased; they've not yet been delivered so we don't know whether those deflector plates are going to be welded appropriately or not. Those are out there as potential items. Second, the Agency has determined that if the device is sold with the deflector plate sufficiently welded in place that someone could not effectively burn wood or other solid fuels, then that meets our criteria for the sales of those particular devices; with the understanding that he is going to move towards certification. Until he is certified, he will also have to put that warning that you'll see as part of paragraph six on all of his literature and all of the print materials he has and on the devices to let people know that it is not allowable in this state to burn wood in those devices. Paragraph seven

has the compliance and that has been put together by Matt and Joe Southwell as to what's going to need to be met for compliance. Chair Corkill asked who would assess whether it would meet the standards. Michelle replied that there's a professional agency that would have to do the testing, the testing results would then be provided to Spokane Clean Air for review to see if they're acceptable or not. The compliance schedule is set forth in paragraph eight which means he's got to schedule the test on or before the 31st of August, that he would submit the test plan prior to the test, so these dates are going to have to be adjusted a little bit here because we have not agreed yet; and the test would be performed October 30th and results within 60 days. If the results show that they meet emission standards and the Agency is satisfied, then he would be able to sell them and be in compliance with Washington State Law. This is our proposal to Mr. Hamilton, were going to give him some time to provide his input. We're planning to issue this Order by the 15th of August so that he would then have to comply. He will have the right to appeal. If he disputes any of the conditions, he can take it to the PCHB. Commissioner Mager asked how the conversations have been going with him. Do we have any expectation that he is planning to move forward to comply? Michelle replied that it is hot and cold. There are times he gets unhappy and then we'll come back around and we'll have a more productive discussion. So we kind of fly back and forth on that, but he understands he can't sell them as they are and it is in his best interest to come to some compromise with us so they can currently sell them in a manner that's going to be okay with us, as not being able to burn solid fuels and move towards getting certification so he can sell them in whatever way he needs or wants to. Michelle added that he tells her that there are other jurisdictions that are less stringent about these rules and so there is at least at times some conversation from him that he'll just sell them elsewhere and that is certainly an option.

14. Election of a New Board Vice Chair – Board Member Ahern made a motion to appoint Commissioner Mager as Vice Chair for the rest of 2008 and Councilmember Dempsey seconded it. Motion passed unanimously.

15. Board Concerns – Chair Corkill stated that he will not be present at the September board meeting.

16. Public Forum – There were no public comments.

The meeting adjourned at 11:12 a.m.

The next Board Meeting will be September 4, 2008 at 9:00 a.m. in the lower level of the Public Works Building.

JEFFREY CORKILL, CHAIR

WILLIAM DAMEWORTH, SECRETARY