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SPOKANE REGIONAL CLEAN AIR AGENCY
BOARD MEETING MINUTES

October 4, 2007 9:00 a.m.
SPOKANE COUNTY PUBLIC WORKS BUILDING
LOWER LEVEL HEARING ROOM

BOARD MEMBERS PRESENT:

Board Member Melissa Ahern
Chair Jeff Corkill
Commissioner Bonnie Mager
Councilmember Mike DeVleming
Mayor Matthew Pederson

STAFF MEMBERS PRESENT:

Bill Dameworth, Director
Ron Edgar, Chief of Technical Services
Barbara Nelson, Finance & Personnel Admin.
Lisa Woodard, Public Info. Officer
Joe Southwell, Engineer
Tom Brattebo, Advisory Council Member
Michelle Wolkey, Legal Council
Mary McDermott, Secretary

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

1. Source Test Rule Update – Joe Southwell

Joe gave an overview on the reasons for developing a source test regulation and the efforts to date. Air pollution sources are occasionally required to perform initial/periodic tests to demonstrate compliance with emission standards. The source is responsible for having the test performed. Spokane Regional Clean Air Agency's role is review and approval of test plans prior to the test being performed, observation of the tests, and review of the test reports.

Over the years, staff has found occasional problems or concerns on how source tests are performed or reported. The Waste-to-Energy Plant (WTE) is a recent example; they were performing a source test, noted that the emissions during the testing period were higher than the permitted limits and stopped the source test. There is no other reason for the stoppage other than they were exceeding the limit and they performed some type of read to find out if there was a problem, then they continued on the next day and there tested emissions were below the permitted levels.

To address this problem Bill asked staff to work on drafting a source test regulation which would establish clear requirements for test plan content, date notifications, performance and results reporting. Several other agencies have these types of regulations or guidelines for these kinds of tests. With Bill's direction, staff prepared a proposed regulation and presented it to the Board at the April meeting and asked for approval to seek preliminary comments from various stake holders that might be

affected by this regulation. There were two comment periods and we received seven comments during the first period and the primary theme of the comments were that the regulation should provide for some flexibility in testing, notification and scheduling requirements. Based on those comments, staff revised the proposed regulation. During the second comment period a total of three comments were received. The main comment came from Wheelabrator, operator of the WTE plant, and their concerns were they questioned the need for a rule versus just written guidelines and they stressed the need for some facilities to have flexibility during testing to adapt to potentially variable or changing testing conditions. This was discussed internally and the staff's thoughts were that they think it is appropriate to have requirements that are clearly spelled out in a regulation versus guidelines which are not as enforceable.

Joe asked the Board for direction on whether or not to proceed with the formal rule making process on this proposed regulation. There was some discussion and a consensus of the Board to proceed with the formal rule making on this proposed regulation.

BOARD MEETING: The board meeting was called to order at 9:10 a.m.

1. Advisory Council Report – Tom Brattebo

Tom gave an overview of the last council meeting. The Advisory Council reviewed the wood stove curtailment program, what it meant and how it would be implemented. Commissioner Mager would like to see the inspectors knocking on the doors of smoky chimneys or complaints on smoky chimneys and not to be heavy handed for the most part, but to educate the public on how to burn cleaner. Matt Holmquist added that enforcement would consist of sending out a warning letter with information to the sources of first time complaints of smoky chimneys; knocking on doors of houses with smoky chimneys and people burning in their solid fuel burning devices (sfbd) during curtailments to educate the public on wood stove regulations; and that the red, yellow and green lights of the program are to maintain good air quality in the Spokane area. The clerical staff has had discussions about how the complaints on sfbds would be handled and what the complainants should be told on what the procedures for these types of complaints are. Tom added that the Advisory Council was pleased with the overall sfbd program and the educating of the public.

2. Director's Report – Bill Dameworth

The final policy and procedures manual has been gone over by the contract law firm, staff and Michelle Wolkey's suggestions were incorporated into the manual. To comply with the wage and hour laws, we will need to revise some of our job descriptions and convert them from salaried (monthly pay) to hourly. This will be presented to the Board in November. Albert LePage retired from Spokane Clean Air after 17 years with the agency. All three new Air Quality Specialists are undergoing training and things are going well with them. Mark Roberge will fill the Advisory Council Chemistry position. A letter to Representative Buri on the issue of open burning variances has been signed by Chair Corkill and mailed. Bill has received a phone call generated by this letter from Commissioner Richards' office, that the Mayor of Latah wants to talk to Commissioner Richard personally because he believes he can still be given an exemption from Spokane Clean Air or the County Commissioners. Spokane Clean Air cannot do that, the legislature has to do that, it's the state law. Bill will be going to a

meeting with Commissioner Richards next Friday to explain this subject and will also give them a copy of Michelle Wolkey's letter.

Baker Commodities completed an evaluation of process changes which were supposed to reduce odors but the odors are still there, possibly even worse. At this point, it is time to require the company to conduct stack tests to determine if there are any air toxics in the emissions because many complainants have called in complaints that state they get headaches, have problems breathing, etc. and they are more than just getting sick to their stomachs and that may be a sign that there is something in these emissions that are not good for you. One thing we can do is have a Board Order to have them conduct on-site speciation tests of the emissions from this facility. It is a fairly complicated and expensive proposition; there are some of these facilities on the west side of the state that have spent \$40,000 to \$50,000 on these kinds of tests. Odor regulations are hard to enforce, but if you get actual emissions data to put into an air quality model to see if there is an adverse impact on the public, then you have something. Spokane Clean Air would like to engage an attorney experienced in these sorts of issues early on in the event Spokane Clean Air ends up in legal proceedings. Bill would like to have the Board's approval on obtaining a contract with this attorney and bring it back at the next meeting. Bill also stated that the next step would be to ask for emissions data from the rendering plant and then prepare a regulation specific to the rendering industry that mandates either what type of pollution reductions they have to have or air pollution control technology they have to have installed and operating. If Spokane Clean Air has examples of other companies doing a better job than what is being done here, we should be able to put this in a regulation and expect this facility to do the same. We owe our citizens nothing less. Chair Corkill stated that this problem has gone on long enough and it is time to get some sort of resolution on it. Bill stated that he would like to give the facility the opportunity to cooperate with Spokane Clean Air and if they don't want to, then proceed with the regulation. There was consensus from the Board for Bill to proceed with a contract for an attorney and move forward on this subject.

Bill talked to Ron Oscarson about the office space Commissioner Mager mentioned was available, but the space is 17,000 square feet which is too large for Spokane Clean Air. Ron will keep Spokane Clean Air in the lease loop for the County; Bill told Ron Oscarson that would be fine but Spokane Clean Air may want to buy something because when the note is paid off the living expenses will be a lot less. Bill will be looking at a few more properties in the next week that are more reasonable. Ron also stated to Bill that the County Commissioner's have generally been in favor of the County funding these sorts of things and that would make it easier for Spokane Clean Air to get into one of these buildings.

3. Review of Personnel Policy and Procedure Manual/Employee Handbook – Bill Dameworth

Bill gave a quick overview of the process that was gone through to come up with this personnel policies and procedures document for Spokane Clean Air. Some of the high points were the paying of people, upon retirement, of half of their sick leave and it was lowered to 25% like the Health District starting November 1, 2007. Another item was the use of sick leave for shared leave, which in Bill's view is an insurance policy, not vacation that you get all the time and you are entitled to when you quit. There were other things to modernize to get into conformance with current wage and hour laws. Salaried people are hired to get a job done and they are not really entitled to overtime unless there is something extraordinary. Hourly employees are entitled to overtime if it is required by the job and they are offered compensatory time or pay and Spokane Clean Air has never paid any overtime and

does not intend to if it can avoid it. When there is a situation where we have to have somebody work overtime, by law we have to give them the option of getting paid. It is surprising that the auditors did not catch something as big as this wage and hour law during their audits.

Chair Corkill asked Michelle Wolkey if an employee is being talked to by administration, can the employee bring someone with them to hear so that there won't be an argument of he said – she said sort of thing if it was to progress into something bigger. Michelle stated that they could do that and something can be put into the document that addresses some of these issues. Bill stated that something like this has not been an issue because Spokane Clean Air does not immediately go to something harsh; generally speaking, there is a verbal warning first. Spokane Clean Air has not had any problems like this and nobody had any comments in this area. The verbal communication from administration staff is so that the individual has a heads up that somebody doesn't like something they are doing or what they are doing is not acceptable. Councilmember DeVleming stated that overall it is a fine document and over the years it will probably get modified and adjusted. Michelle Wolkey stated that this document cannot be changed except in writing and by approval of the Board.

4. Resolution 07-34 – Amendment to Employee Handbook

Mayor Pederson moved to approve Resolution 07-34 and Commissioner Mager seconded it. Motion passed unanimously.

5. Public Information/Education Update – Lisa Woodard

In October we have a two day chipping and composting event coming up in the south county at Fire District 8's station on the Palouse Highway and they have volunteers to help run the chipper and unload vehicles. The wood heating season is coming up and we will be requesting proposals from local media involving reprinting and updating some of the print materials. Bill and Lisa will be going to various TV and print directors pitching the news story of potentially more burn bans this winter. There was a mailing to 1,400 contractors throughout Spokane County of a post card regarding asbestos and information was put into the "In Construction" and "Home Remodeling Guide" publications on asbestos. We are updating some compliance assistance materials. A big mailing was sent out to all of the Fire Districts with our new DNR joint brochure and no-burning of yard and garden debris signs were printed and posted in no-burn areas with the help of the County Roads Department. Lisa has been spending a lot of her time on the EPA grant received for the wood stove change-out program. The program will launch in mid December and the first rebates will be issued in January with a second batch to follow approximately eight weeks later. The rebates will be given to people with older devices that are not EPA certified, used as their main heat source, and live in the smoke control zone.

6. Activity Report for August 2007 – Ron Edgar

There is nothing out of the ordinary for August. There were a number of complaints for odors related to Baker Commodities. Inspections are normal and the registration fees collected are up a bit because of the new fee structure being in place. Air quality has been very good for the summer and there have been no exceedances of the standard. Ozone stayed fairly low all season. There have been a few quirks with the new state telemetry system and some of the data occasionally disappears. That is getting worked out and for the last month it has been doing pretty well. Agricultural burning is larger tracts of land to be burned and spot burning is smaller areas to be burned and these can only be done

under certain circumstances. Spokane Clean Air has increased the program to make sure air quality forecasts are being done so that the ventilation is appropriate for that kind of burning.

7. Income/Expense Statement for August 2007

Barb gave a brief overview of the income and expense revenue statement.

8. FY 2007 Year End Financial Summary – Barb Nelson

The agency is financially sound and is on track with the fee increases approved in FY-07 to be at full-cost recovery with the Asbestos, Source Compliance, Notice of Construction (NOC) and the Air Operating Permit (AOP) Title V program by the end of FY-08. The School Bus Retrofit Grant money is received upfront on a quarterly basis.

Asbestos program revenue exceeded the program costs in FY-07; the excess revenue will be held in the Reserve Fund Balance and used to fund the asbestos program. According to state law fees collected must be used to fund only that program. Local Assessment has been used to fund the NOC/SEPA and Source Compliance programs above the fees collected. It is expected that fees will cover the complete cost of these programs in FY-08. The AOP program is balanced from the Fund Balance however, the fee structure was amended in FY-07 to achieve the mandatory full-cost recovery as well as deficit recovery for the program. The annual program cost for FY-07 will be billed in November and received in December and January. The result of the timing is that the Fund Balance is used to cover the costs between the billing and revenue receipt. The State and Federal Grants are used to fund the monitoring, education and complaint response with a small portion going to general administration. Special Grants or Projects where all the costs are direct are not charged any labor or indirect costs.

Chair Corkill thanked Barb for organizing the financial summary in such a way that when she talked through it, it was easy to understand.

CONSENT AGENDA – ACTION ITEM – The Board may approve the Consent Agenda by single motion in whole or in part with or without further discussion.

9. Approval of the September 6, 2007 Board Minutes / Approval of Vouchers for September 2007 – \$151,795.89

Councilmember DeVleming moved to approve the consent agenda and Mayor Pederson seconded it. Motion passed unanimously.

10. Resolution 07-33 – Appointment of Advisory Council Member – Bill Dameworth

This was discussed at the last meeting and between Bill and the Advisory Council, they felt comfortable offering this chemistry position on the Advisory Council to Mark Roberge.

Mayor Pederson moved to approve Resolution 07-33 and Councilmember DeVleming seconded it. Motion passed unanimously.

11. Board Concerns: There were no Board concerns.

12. Public Forum: There were no public concerns.

The meeting adjourned at 10:00 a.m.

The next Board Meeting will be November 1, 2007 at 9:00 a.m. in the lower level of the Public Works Building.

JEFFREY CORKILL, CHAIR

WILLIAM DAMEWORTH, SECRETARY