



SPOKANE REGIONAL CLEAN AIR AGENCY  
BOARD MEETING MINUTES

November 6, 2008 9:00 a.m.  
SPOKANE COUNTY PUBLIC WORKS BUILDING  
LOWER LEVEL HEARING ROOM

BOARD MEMBERS PRESENT:

Mayor Edward Crockett  
Commissioner Bonnie Mager  
Chair Jeff Corkill  
Councilmember Rose Dempsey

STAFF MEMBERS PRESENT:

Ron Edgar, Chief of Technical Services  
Barbara Nelson, Finance & Personnel Admin.  
Matt Holmquist, Compliance Administrator  
Lisa Woodard, Public Information Officer  
Michelle Wolkey, Legal Council (left at 10:45)  
Mary McDermott, Secretary

**WORK SESSION:** The work session was called to order at 9:03 a.m.

**1. Discussion on Request from Spokane Alliance to post Compliance History on the Agency's Website – Ron Edgar and Matt Holmquist**

Spokane Clean Air has had a request to place the Notice of Violation (NOV) history on the web site for public access. We have had several discussions with Spokane Alliance regarding this. We have, for the most part, reached an agreement on the form of what would be there. The cost of implementing the web page, as far as capital cost, staff time, etc., would be approximately \$650 for the web developer; Spokane Clean Air's data technician has spent a week working on the transition already; and the editing of the 313 NOVs would estimate at about 600 hours. Ron then gave an overview of what editing the 313 NOVs would consist of. We would have to put in a quality assurance procedure so that the data that goes out is in its final and correct form. Commissioner Bonnie Mager stated that she will be meeting with the Chase Youth Commission and they are interested in placing some interns and she will get that information to Bill for consideration. The cost of the web development and any additional help is not in the current budget and so there may have to be some budget amendments. Staff time for working on this project would then be shifted over to the enforcement program costs.

Mike Keegan, a volunteer with Spokane Alliance and Sustainable Works. Sustainable Works is working on facilitating energy efficient retrofits to buildings and one of the issues that comes up on these older buildings is asbestos abatement and we had asked to refer our customers to contractors. One part of referring them is explaining the violation history for asbestos abatement. There has been a lot of cooperation with Spokane Clean Air and it is a time

consuming process. I have requested files, gotten them and then sorted through them and I can fully understand the importance of quality assurance in this process. The people we've talked to don't want to go through the work that some of us have gone through in obtaining these histories. What we are proposing is to look on a data base that is very simple, easy to read and would give people a summary of violation history for contractors and thereby enabling them to make good decisions in the interest of health and safety and have it be a cost effective process. We have some people that will give testimony that will address the concerns that you are talking about.

Debra Conklin, Reverend. I appreciate the Spokane Clean Air Board and staff taking this on. In our case, this became an issue because about 18 months ago we started working with Sustainable Works we ran the first retrofits and we have one of those big old, beautiful brick churches over in the South Perry neighborhood. We have these two huge gas burners downstairs and one is behind our pre-school in our basement and so when the school from Sustainable Works started getting the bids, he noticed that the asbestos abatement bids were clumped into one higher set and one lower set. That concerned him and we said look into it. He discovered that the lower bids were companies that had a lot of violations and that was something he had to look for it wasn't information that was available and it wasn't built into the bid process. He came back and said here's our problem; we think it would be good to go with the higher bids for this because of this. We said, we are a church and have older people coming in constantly and we have the pre-school downstairs with 20 plus children and the furnace room is behind the pre-school, which means all of this work would be being done in a room that only opens into the preschool. All of the tracking in and out would be all through our pre-school. If we had violations, we don't know what we would have done. We just cannot morally go with a company that isn't up to the highest level of protection for those children and our older people in the church. So we would really appreciate if you make it possible for people like us to check and see that we are hiring reliable contractors. Thank you.

David Hawkins, with Labors Local 238, a field representative, I would like to thank you guys for taking on this important issue. To me this is very important. One of my jobs is to make sure that our workers when they arrive on the job site, that it is a safe job site and also they deserve the right to come back home to their families in a safe manner. Are individuals are trained in the abatement industry, but that doesn't mean that all of our members are trained in the abatement industry, it's a very broad jurisdiction. So our individuals that are on job sites can recognize quickly these types of issues that are out there that could be harmful or potentially harmful, not only to themselves but all of the workers that are around them. This web site, I feel, if we could get it up and going to where these awarding agencies could readily identify these violations or these contractors that are in violation that have been in violation. Not only is it helpful to the individuals on the job site but also the community that is going to be in these harmful or potentially harmful environments. So with that I appreciate it and thank you.

Tina Winebarger, a member of Holy Trinity Lutheran Church and with Spokane Alliance. I am involved with Spokane Alliance's health team and I'm also a nurse, so I'm very aware of the adverse health issues that affect people and their quality of life. The thing that scares me most about exposure to asbestos fibers in the work place is the fact that asbestosis and mesothelioma show up years and years after exposure to the fibers. I had a former church member and a family friend who passed away on February 15<sup>th</sup> of 2006 from asbestosis. This is man who went through the Japanese interment camp experience. He also served in the U.S.

Army's famous 442 Regimental Combat Unit and he was also a meticulous carpenter by trade. I had the privilege of visiting with him and his family at his home a few days prior to his death. This once very strong and active man was a very frail man at that time. He was bed ridden, on continuous oxygen and could barely speak. He had to fight for every breathe he could get. It was very, very heart breaking. With the Libby Montana problem in our back yard, we cannot plead ignorance about health problems that come from the affects of asbestos fibers. I urge you to adopt the web reporting of companies with asbestos violations that the Spokane Alliance and their staff have presented. Thank you.

Jerry White, a volunteer with Spokane Alliance. We brought this asbestos to you several months ago and simultaneously we have been working with your staff and Spokane Public Schools, primarily with Greg Brown. What we have been doing with them, because they do a lot of asbestos abatement work, is seeking to get them to buy in to what we call a pre-qualification form when they elect their bid for asbestos abatement and things are going very well with the Spokane Public School District and what has been made very clear with them, however, is that if they put together this pre-qualification sheet and then expect their contractors to go to your web site and find out the violation history for contractors, this has to be without delay, it can't be a cumbersome process, it has to be readily available. Let me point out also that we are very interested to have this up and running by late spring or summer because you probably very well know the Spokane School District is getting ready to float a bond that will be voted on probably in March and then bidding will begin this summer and so we would very much like to have this in place and begin to be implemented by late summer. I would like to conclude by putting this whole asbestos web reporting into some context. The Spokane Alliance came to you because it is energy audit arm called Sustainable Works, while it could not recommend the company in Spokane that had a record of removing asbestos in a safe enough manner for our 30,000 membership, Sustainable Works is working to lower atmosphere carbon dioxide by decreasing building energy use. Asbestos abatement is a very important link in this energy retrofit process that lowers the carbon dioxide and right now we see that as a weak link in this whole process of getting these energy retrofits down. So we come to you and your agency for help to try to strengthen in bringing this whole asbestos abatement process up to some higher standards. Thank you for your time.

Chair Jeff Corkill commended the way that Matt Holmquist and Spokane Alliance have gone about this process and developing a model way of doing it. Also the willingness of Spokane Clean Air to do this is only balanced by the availability of time to get everything done. He hopes that Spokane Alliance will recognize that that is a factor. Ron stated that Bill has asked him to ask the Board for direction on this subject if they wish to proceed and if they wish to proceed, the way Bill would like to do it is to hold a public hearing after notification to those people affected by the posting on Spokane Clean Air's web site and a general notice to the public so that we can hear both sides of this project. Ron added that this is more than just asbestos related violations, it is all violations issued by this agency because we cannot single out one sector or another. Michelle Wolkey stated that her understanding was to have a public hearing in December and a proposed resolution for the Board to consider at that time. There was a consensus of the Board to ask staff to prepare the appropriate legal procedures for putting it on the next agenda for the December board meeting and for a public hearing.

**BOARD MEETING – PUBLIC HEARING ITEMS #7, 9 and 10:** The board meeting was called to order at 9:26 a.m. by Chair Jeff Corkill.

**1. Advisory Council Report – Peter Williams:** Peter was unable to attend this meeting so the report will be moved to the December board meeting.

**2. Director’s Report for September & October – Ron Edgar**

Ron gave an overview of the director’s report. We have sent the draft rendering plant regulation to Ecology and local air agency managers and permit writers for comments. We are continuing to work on a demand letter to manufacturers of outdoor wood fired boilers to provide us with sales records for Spokane County. Michelle Wolkey added that Spokane Clean Air has a list of manufacturers and distributors from all over and there are a lot of them. The building remodel bids have come out much higher than expected, mostly due to the fact that we were not expecting to have to put in all new electrical and two additional HVAC units. We still have money in the special projects fund and there is a resolution to spend that on the additional costs of the remodel of the building. The original architect was just starting in the business and did not realize what was proposed as far as a whole office moving into this building and the needs of an office with a lab and many work stations, etc. This special projects money has been set aside from penalties for capitol type projects and we haven’t had any for a few years so that money has accumulated and there is enough to cover the low bid and he is a reputable and good contractor and he also gave us the shortest timeline for the actual work. Bill has been doing checks into him and his sub-contractors that he is proposing to use. Commissioner Bonnie Mager stated that her only caution would be for Bill to get a reference and go take a look at some place that the contractor has actually done. Ron stated that Bill has been checking on the references for this contractor. We have had our exit interview with the State Auditor and they found no major issues with the audit. Bill forwarded to Senator Brown’s office recommended changes to the WAC governing local air agencies to add nominating procedures to the selection process for our small cities and towns representative. Vicky Dalton, Matthew Pederson and Bill agreed on the changes needed and they were reviewed by Spokane Clean Air’s Attorney. Senator Brown was asked to sponsor legislation requiring disclosure of a non-certified wood burning device upon the sale of a home. One of our air quality specialists has resigned his position. We will begin recruiting for a replacement immediately.

**3. Public Information/Education Update for September & October – Lisa Woodard**

Lisa gave an overview of the information and education update. Spokane Clean Air provided information at the Home Idea Show; Chipping and Composting Day in Valleyford with Fire District 8, Master Composters and Spokane Regional Solid Waste System and ABCO donated the containers and we filled both containers and had to call a third container out; Fall Leaf Festival at the Finch Arboretum; Tree Planting Event with Spokane County Conservation District and EnviroKids Club; Expanding Your Horizons Girl Scout Event; and the Employee Transportation Fair at Sacred Heart Medical Center. We reprinted wood heating brochures. We had the CAP Update Fall newsletter printed and distributed and submitted new wood heating articles to the Spokesman Review and the Home Remodeling Guide and Neighborhood Centers have received our articles. The Compliance Assistance Program consists of the business recognition decal being produced, designed certificate, start mailing out decals to qualifying

businesses and updated website with new graphic. Margee has started updating the gas station materials and dry cleaner inspection forms. The special projects are the wood stove change-out program, which is in year two of the EPA grant and we have also received an Ecology grant. We have funding for an additional 85 to 90 wood stove change out vouchers. Part of the EPA grant was the wood stove change-out program and the other component was an educational outreach component. So Spokane Clean Air teamed up with the local air agencies in Washington State and shared the cost of producing two 4.5 minute DVDs. One DVD is called a quick guide on how to select a new stove for home heat and the other one is how to operate your wood stove more efficiently. Two 30 second television spots will be airing November 17<sup>th</sup> on wood heating.

#### **4. Activity Report for September 2008 – Ron Edgar**

Ron stated that the activity report is normal. Complaints for August and September continued to be dry so there were quite a few dust complaints. Inspections were down due to the training of two new inspectors. Air quality, there was a dust storm on the 18<sup>th</sup> of August. It was an exceedance of the PM<sub>10</sub> standard and we will be applying for an exemption under the exceptional/natural events policy that EPA has. That is one time this year and you are allowed one exceedance a year. In September air quality remained mostly in the good range. There was discussion between the Board, Matt and Ron on blowing and tracking dust and the pollution prevention program.

#### **5. Income/Expense Statement for July – October 2008 – Barbara Nelson**

Barbara stated that the main difference between this report and the past reports is that it is broken down into programs and so we are tracking our budgets for each of the programs listed. There is still some work to be done on entering the budgets for each of the programs. The new software allows the tracking of the cost of the programs on a day-to-day basis. Detailed expenditure summaries can be done on any of the programs at the Board's request it would be a many page report if a detailed summary was done on all of these. There will be a qualified person taking Barbara's background sheets and do a quality assurance on them. A check sheet was provided by the Auditors to be given to the person doing the quality assurance on the budget reports. This was the main item from the Auditor's in their letter. There was discussion between the Board and Barbara on the budget reports from the new software.

**6. CONSENT AGENDA – ACTION ITEM** – Approval of the September 4, 2008 Board Minutes. Approval of Vouchers for September 2008 Numbered 3156 through 3241 in the amount of \$558,537.96 and September Payroll of \$120,653.83; and Approval of Vouchers for October 2008 Numbered 3242 through 3352 in the amount of \$386,117.36 and October Payroll of \$120,549.59 for a Grand Total of \$1,185,858.74.

Michelle Wolkey stated that the Board Members could not vote on October 2, 2008's minutes because none of them were present. Bill Dameworth will have to sign them as the clerk since there was no real meeting last month. The reason it was done this way is because there wasn't enough time to make a proper public notification of the meeting being cancelled. There was some discussion between the Board, Barbara and Ron.

Commissioner Bonnie Mager moved to approve the Consent Agenda omitting the October 2, 2008 minutes and Councilmember Rose Dempsey seconded it. Motion passed unanimously.

**7. PUBLIC HEARING**

**Resolution 08-28 – Amendment to Outdoor Burning Regulation – Matt Holmquist**

Matt stated that there were three comments received from the public, Inland Empire Fire Chiefs Association, Spokane Valley Fire Department and Chris Martinson provided those comments. Matt gave an overview of the comments to the Board and Spokane Clean Air's reply. There was some discussion with the Board and Matt on the handling of complaints from the public that may receive no response from the Fire Districts. Matt added that if the complainant doesn't get a response from the Fire District then they could call Spokane Clean Air and we would look into it further. The Board would like to see some kind of policy where Spokane Clean Air would inform people, when they call, that they are in a delegated Fire District and please call Spokane Clean Air back if their Fire District isn't responding. Otherwise Spokane Clean Air has no way of knowing what happens and ends up with angry people who think government is not responsive. Matt added that if a Fire District chooses not to pick up a program, then Spokane Clean Air will remain the primary complaint responder for that area. Copies of the updated agreement between Fire Districts and Spokane Clean Air have been mailed out so if the Fire Districts are interested in the future, it is available for them. The Fire Districts thanked Spokane Clean Air for dropping the fees for fire training burning and fire extinguisher classes. We said we were pleased to allow this type of training by general rule. Matt then went over Chris Martinson's comments and Spokane Clean Air's responses with the Board. Matt stated with regards to the public hearing, if the Board decides to adopt these proposed changes, would the Board like this to be effective as soon as possible or for Spokane Clean Air to administer a residential burning program for one more season. There was some discussion between the Board, Matt and Lisa on the proposed revisions.

There were no public comments. Councilmember Rose Dempsey moved to approve Resolution 08-28 making it effective May 1, 2009 and Commissioner Bonnie Mager seconded it. Motion passed unanimously.

**8. Resolution 08-29 – MOU w/DOE and SNAP Implementing the VERP – Ron Edgar**

Ron stated that a portion of the diesel retrofit monies is allowable for other transportation emission control programs to pay for a low income vehicle emission repair program.

Commissioner Bonnie Mager moved to approve Resolution 08-29 and Councilmember Rose Dempsey seconded it. Motion passed unanimously.

**9. PUBLIC HEARING**

**Resolution 08-30 – Transfer Amendments to the Asbestos Fee Schedule – Matt Holmquist**

Matt stated this would keep the asbestos fee schedule separate for tracking and clarity; it does not change the fee schedule at all.

There were no public comments. Commissioner Bonnie Mager moved to approve Resolution 08-30 and Councilmember Rose Dempsey seconded it. Motion passed unanimously.

**10. PUBLIC HEARING**

**Resolution 08-31 – Budget Amendment to Appropriate Additional Project Reserve Funds to be used in Building Renovation – Barbara Nelson**

Barbara stated that originally Spokane Clean Air had appropriated enough money to cover the renovations, but we were not aware of some things that we were going to have to pay for such as electrical engineering, mechanical engineering, architectural, asbestos surveys and getting inspections, etc. The money is available in our project reserve account which has been building over the years and is comprised solely of penalty money that has been accumulated over and above the normal budgeted amount for several years. We used a good part of that money for the purchase of the building outside of the County loan. This appropriation would draw this account down to a \$1,000 balance. We feel that this is enough to finish the building including the cost to move and the renovations. The renovations have been shopped for very carefully to get the best prices on everything being done. There was some discussion between the Board and Barbara on the project reserve fund. Ron added that this project fund is for one time expenditure things, we do not want to use penalty monies for on going operations of the agency. There was more discussion between the Board, Barbara and Ron.

There were no public comments. Commissioner Bonnie Mager moved to approve Resolution 08-31 and Councilmember Rose Dempsey seconded it. Motion passed unanimously.

**11. Board Action on Proposed Orders for Hearings and Issuance of Subpoenas Duces Tecum for Production of Sales Records on Outdoor Wood Fired Boilers – Michelle Wolkey**

Michelle stated that we subpoenaed records from Turbo Burn in order to determine the extent of which uncertified outdoor wood fired boilers were being sold in Washington. We have identified many other companies that are potentially/similarly involved. There are approximately 21 manufacturers, five or six are from Canada and the remainder are from other states (Minnesota, Wisconsin, Pennsylvania, etc.), the mid west is a big purveyor of these devices. There are approximately 129 retail establishments in Washington that may be selling these same types of devices that they are getting from these other manufacturers. The idea was to proceed forward in some manner to try and pin down who, if anyone, is selling these. We know they are being sold because they are appearing here and there throughout the state and Spokane County. So to try and figure out who's selling these devices and try to crack down on those sales, we have the same series of documents that you saw for Turbo Burn, which is this Board ordering that a Subpoena Duces Tecum be issued to those retailers to provide their documents of sales in Washington and that would be a month from now that they produce records. Then in order for a hearing, which is a month after that, we could pull in those people who are in fact selling those devices in Spokane County, to explain why it is they are doing that when they're uncertified. Hopefully, like Turbo Burn, we are able to come to some agreement where they go ahead and be certified and I think that is the current status of Turbo burn, to be tested to be certified.

The issues that we have run into in doing this are logistical details, specifically with the out-of-state manufacturers. Procedurally how that works, we issue a Subpoena, but our Subpoenas are only good in Washington State even coming from a Superior Court, so then you have to start an action for issuance of a Subpoena in the state where the person is and then the Subpoena gets issued from there. That seemed to be potentially very costly, especially when we don't know for sure which of those people are actually selling here in Washington State. We considered approaching it from the other end which is getting documents from the retailers and then we'll know where they're getting their devices from, which ones are being sold here in Spokane County. There are approximately 129 of those and my recommendation is that we pick a manageable number to start with and progressively move through them. I don't see how logistically we could do 129 Subpoenas and 129 sets of documents coming in, 129 hearings potentially the month after that. The question to the Board is how many do we want to do at one time. I have 40 ready to go and there are three documents that go with each one that the Board has to sign. From a financial standpoint, each of these will have to be served by a process server, so if you estimate about \$50 for each one, even if we start with 20, that is a \$1,000 just in service and process fees. There was some discussion between the Board, Michelle and Matt on the process for the issuance of these documents and the hearing day for each individual that is selling this uncertified device in the State of Washington.

Chair Jeff Corkill made a motion to start with 20 Subpoenas for Production of Sales Records on Outdoor Wood Fired Boilers for 20 companies at Michelle Wolkey's discretion, Councilmember Rose Dempsey moved to adopt the motion and Commissioner Bonnie Mager seconded it. Motion passed unanimously.

**12. Board Concerns** – There were no Board concerns.

**13. Public Forum** – There were no public comments.

**The meeting adjourned at 11:04 a.m.**

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

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JEFFREY CORKILL, CHAIR

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WILLIAM DAMEWORTH, SECRETARY