



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

August 5, 2010 9:30 a.m.
Spokane Clean Air's Conference Room
at 3104 E. Augusta Ave.

BOARD MEMBERS PRESENT:

Mayor Edward Crockett
Board Member Tom Brattebo
Councilmember Rose Dempsey (Chair)
Board Member Jeff Corkill

STAFF MEMBERS PRESENT:

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

WORK SESSION: Began at 9:32 a.m.

1. **Annual Review of Agency Goals & Achievements – Bill Dameworth**

The agency's short terms goals every year are to maintain financial stability, address ongoing odor complaints, provide compliance assistance to small businesses, ensure compliance with the PM_{2.5} standard and keep agency bylaws up to date. The progress since July 2009 consists of full-cost recovery achieved in fiscal year 2011 due to the new January billing cycle; additional fee increases will be proposed for full-cost recovery beyond 2011; the new office building loan repayment is on schedule and when it is paid off, that will cut back on office expenses; the agency's odor/nuisance regulation was modified to be more enforceable and meet goals in state law; our small business assistance program for on-site pollution prevention consultation has been successful; and the bylaws were updated in 2010. Spokane Clean Air has been working on and is still working on the BNSF rail yard study. The agency completed the evaluation of BNSF's rail yard air quality impact; data was obtained from the Washington Department of Health on cancer incidence; discussions are ongoing with the BNSF to reduce emissions; and an indirect source rule is being prepared to require improved operating practices. Spokane Clean Air's long term goals consist of being 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 air monitoring network,

which has been done. There was a little discussion between the Board, Bill and Ron regarding air quality standards. Our progress includes the emission inventory being up to date (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 and supervisory staff retreats are held (budget presentations explain the source of funds and work accomplished by program); and our monitoring network is up to date and meeting quality assurance criteria.

2. Revisions to the Fee Regulation and Fee Schedules – Matt Holmquist

Highlights of the proposed revisions are Section 10.04 – Fee Waiver – remove the fee waiver for financial hardship, Spokane Clean Air offers payment plans if necessary. Section 10.06 B – Registration Fees – clarify that the per stack/per point fee may include sources of fugitive emissions and indicate that the Board “may” amend the fee schedule to more accurately recover program costs versus “shall” amend the fee schedule. Section 10.06 C. 3 – Air Operating Permit Fees – for units covered under acid deposition standards, reference the hourly fee of \$67 per hour in the fee schedule versus \$65 per hour to more accurately reflect actual costs. Section 10.07 A. 2 – Notice of Construction and Notice of Intent Fees – add a complex permit condition revision fee for occasions when dispersion modeling, impact analysis or emission calculations are required and indicate that the Board “may” amend the fee schedule to more accurately recover program costs versus “shall” amend the fee schedule. Section 10.08 B – Miscellaneous Fees – indicate that the Board “may” amend the fee schedule to more accurately recover program costs versus “shall” amend the fee schedule. Section 10-12 – Agricultural Burning Fees – reference agricultural burning permits set by the agricultural burning practices and research task force in WAC Chapter 173-430 so that Spokane Clean Air doesn’t need to revise its fee regulation at later dates. Section 10.13 – Outdoor Burning Permit Fees – move the outdoor burning fees to a fee schedule (Registration Fees, NOC and NOI Fees and Asbestos Fees have already been placed in a fee schedule) and decrease the hourly review fee from \$65 to \$55 per hour to better reflect actual hourly costs for staff that perform this review. Section 10.14 A – Paving Waiver Fees – move the paving waiver fees to a fee schedule and leave the filing fee at \$50, but increase the hourly review fee from \$50 to \$55 per hour after the first hour of review to more accurately reflect actual costs. We did seek public comments and received one comment from Beth Fifield Hodgson of Spring Environmental, Inc. and we responded to her comment. If the Board concurs, we will begin formal rule making. There will be a second public comment period. The Board was in general concurrence to move forward on this rule making.

BOARD MEETING: The board meeting was called to order at 9:46 a.m.

1. Director’s Report for July – Bill Dameworth

The State Department of Health has informed us that they are conducting a review of the air modeling work we performed for the rail yard assessment. I’m expecting their report in a couple of months. Councilmember Dempsey asked if anybody has anything on the workers in the switching yard or whether they have a higher incidence of cancer. Bill replied that the way these things usually work is they try to get people who live in the area who are more likely to

have longer exposures. Bill believes that worker assessments are done by OSHA and it would then be more of a national scale. Councilmember Dempsey asked if Spokane Clean Air could request that they do an assessment of the workers in the rail yard because to her the people who work there are the first ones exposed if there's a problem. Bill was unsure but Beth Fifield stated that it is not WISHA that does this, it is called DOSH (Department of Occupational Safety and Health) today and they would have the authority to do this not OSHA. They may have already required it, so you could check with DOSH at their Monroe office to see if they have anything on file for the railroad. OSHA does not have authority in Washington unless DOSH does not meet their requirements, DOSH is a delegated program. Board Member Brattebo asked if DOSH handles employee/job related health issues. Beth replied only if there was an employee complaint or if they required it, otherwise the company would have it. Bill stated that he would check into it. Bill received an e-mail response to the June 14th letter to the BNSF. It appears that the only emission reductions planned for Spokane are those associated with system wide improvements to their locomotives. Bill replied to BNSF's e-mail, in which they suggested we meet to discuss this issue, but received no response as to a date that would be acceptable to them. One of our engineers has completed a first draft of an indirect source rule which could be used to require emission reductions from the rail yard. We are obtaining a written legal opinion to ensure we have the authority we need in state law. This is to adopt an indirect source rule and an indirect source is one that attracts mobile sources. We don't have the authority to regulate the individual vehicle, but we have the authority to regulate the source that attracts them. We are also in contact with the California Air Resources Board to get their input on developing such a rule and to obtain copies of their agreements with the railroads to clean up the seventeen rail yards they identified as being problematic. We are still planning to have a draft regulation prepared for the September board meeting. There was some more discussion between the Board and Bill.

We have delayed issuing a press release on the rail yard study until we have met with the BNSF. We would also like to see the Department of Health review of our modeling work as well. The Health Department seems a bit reluctant to participate in a news release, as they have determined not to pursue the matter further.

We approached the Fire Districts about participating on our advisory council, but got no takers. The Department of Natural Resources has volunteered someone who is interested in attending the August meeting to learn more about the duties of membership. It appears we will have more luck filling the vacant position if we specify a fire protection discipline instead of one in meteorology, so we have prepared a resolution to make such a change for the Board's approval.

2. Activity Report for June 2010 – Ron Edgar

Ron gave a brief overview of the complaint summary, enforcement action summary, burning permits issued, inspections, surveillance, asbestos NOIs, NOCs (30 notices and 30 amendments received), registration and air quality issues for the month. There were two new NOCs in June. Air quality was good in June and ozone is the leading pollutant right now during the summer months. PM_{2.5} had a jump at the end of the month which was probably people getting ready for July 4th. Ozone did not go above .05 in June. The new standard will be set

between the range of .060 and .070 and it is .075 right now. If it is .06, there is a good chance that we will be out of attainment for a couple of years. The programs that are going on right now will probably bring us into attainment well within the specified time frame that we would need. PM_{2.5} standards have been fairly high do to some major fires in the central part of British Columbia, but as of this morning, it is clearing out. There was a little more discussion between the Board and Ron on attainment and standards.

3. Treasurer's Report for July 2010 – Barbara Nelson

Barbara pointed out that the revenue and expenditures are quite high because it reflects an inter-fund transfer where penalty money received in FY-10 that goes above \$50,000 goes into the project reserve account and so that money is included in this report as money in and money out. This also does not include beginning balances for the year; those will not be entered until the annual report for FY-10 is complete. There were no questions from the Board.

4. CONSENT AGENDA – ACTION ITEM – Approval of the July 1, 2010 Board Minutes. Approval of Vouchers for July 2010 – Numbered 4958 through 5026 totaling \$17,598.14 and July Payroll of \$122,702.89 for a Grand Total of \$140,301.03.

Board Member Brattebo moved to approve the Consent Agenda and Mayor Crockett seconded it. Motion passed unanimously.

ITEMS 5, 6, 7 & 8 are PUBLIC HEARINGS

5. Resolution 10-10 Amendment to Article IX – Asbestos Control Standards and Amendment to Article X, Section 10.09 – Asbestos Project and Demolition Notification Waiting Period and Fees – Matt Holmquist

Matt gave a brief overview of the revisions to the asbestos regulation and fee schedule. The revisions will clarify the level of detail required regarding identifying the location of asbestos containing material and that copies of asbestos surveys must be provide to Spokane Clean Air when requested. Remove reference to prepayment accounts and faxed notifications since owners and contractors can now file notifications on-line and pay with a credit card. Clarify that the fee waiver for demolition by structural fire training also applies when the notification lists both asbestos and demolition. Add a provision which allows owners or contractors to file annual notifications. Allow the owner or owner's agent to amend the notification form for the removal of previously unidentified asbestos-containing material. Add a provision which allows the agency discretion to accept emergency notifications one working day after the project commenced due to extenuating circumstances. Include an additional incremental project fee for projects larger than 10,000 square feet or larger than 2,000 linear feet equal to \$250 for each increment of 1,000 linear feet beginning at 2,000 linear feet or each increment of 10,000 square feet beginning at 10,000 square feet. Allow professionals with individual credentials the option of working together in preparing alternative work plans versus requiring one person to have multiple credentials. Replace "shall" with "may" in Section 10.09 B. so that the Board has the option to amend the fee schedule to recover program costs versus being required to amend the fee schedule to recover program costs. At a staff level, we did identify a couple of minor corrections that should be made: remove

“or changing project sites” in the header of Section 9.04 B. 2. d. The number in Section 10.09 A. and the Fee Schedule was listed as 160 square feet, but it should be 159 square feet to be consistent with the language in Section 9.04 A. 6. j. No written comments were received during the two comment periods. Resolution 10-10 is for the revisions to Article X in Section 10.09 and Resolution 10-11 is for the corresponding revisions to the fee schedule that goes along with asbestos fees. There was a little discussion between Board Member Corkill and Matt.

There were no public comments. Board Member Corkill moved to approve Resolution 10-10 and Board Member Brattebo seconded it. Motion passed unanimously.

6. Resolution 10-11 Amendment to the Fee Schedule for Asbestos Fees pursuant to Regulation 1, Article X, Section 10.09 – Matt Holmquist

There were no public comments. Board Member Corkill moved to approve Resolution 10-11 and Board Member Brattebo seconded it. Motion passed unanimously.

7. Resolution 10-12 Approval to Purchase an Automatic Drive through Gate – Bill Dameworth

Bill gave an overview of the need for the automated gate with respect to employee safety.

There were no public comments. Board Member Brattebo moved to approve Resolution 10-12 and Board Member Corkill seconded it. Motion passed unanimously.

8. Resolution 10-13 Approval to Revise the Composition of the Advisory Council; Changing the Meteorology Position to Fire Protection Position – Bill Dameworth

There was a little discussion between the Board, Bill and Michelle. There were no public comments. Board Member Corkill moved to approve Resolution 10-13 and Board Member Brattebo seconded it. Motion passed unanimously.

9. Executive Session – Director’s Annual Performance Review

Councilmember Dempsey announced moving into the executive session from 10:40 a.m. to 11:00 a.m. The board reconvened at 11:00 a.m. Councilmember Dempsey stated that the Board is very pleased with Bill’s accomplishments and successful management of Spokane Clean Air. The Board agreed that they would rather have a more formal process by Jeff looking into similar agencies (Ecology, Health District, etc.) to see how they performed their evaluation of their directors from a staff’s point of view. The Board also agreed that this is not a good time for increased salary or benefits because of the general state of the economy. Councilmember Dempsey stated that Bill is doing a good job and if the economy starts to bloom and in six months things are better, then they can take a look at Bill’s salary again. Jeff wanted to reiterate that the Board is pleased with Bill’s progress and the business of the salary is from external economic factors rather than a reflection on Bill. Board Member Brattebo also added that he is happy with the direction and hills that Bill has started to climb here (i.e. railroads, odors, etc.). The Board added that they felt the COLA was a sufficient raise for now since the economy is hurting

everyone. Also, in six months to a year maybe things will change and they would also like a little more formal process.

10. Board Concerns – Board Member Corkill asked Barbara if she retired would the agency hire a new person or would you find someone to move up to your position? Barbara stated that Spokane Clean Air would have to hire a new person because there is nobody in the office with the proper accounting skills. Spokane Clean Air would probably have to hire a CPA to do the accounting, grant management and annual reports. I have been working over the last year putting together a “How To” guide for the different processes that I do and with the accounting software that we have right now, any accounting person could come in and pick up on doing the reports and day-to-day financial support. The grant management is something that takes a special level of training; so you would want to have somebody who has some grant management or at least some other previous experience with state and federal grants. That is not anything that you can train someone for; there are manuals available and schedules that you have to follow the basic rules. Board Member Corkill asked Ron if there was someone who could step-up to his position. Ron stated that you could possibly hire from inside. Councilmember Dempsey asked if these were positions that the Board hires or does the Director. Bill stated that he would probably do that and with advance notice from Barbara on her retirement, we might want to think about hiring somebody on a temporary basis to learn the ropes and give her some assistance with no guarantees but you could weed people out that way to see if they might work out permanently. Barbara stated that she would think about retirement in about five years and she will have a manual prepared.

11. Public Forum – There were no public comments.

The meeting adjourned at 11:11 a.m.

The next Board Meeting will be September 2, 2010 at 9:30 a.m. – Spokane Regional Clean Air Agency office at 3104 E. Augusta Avenue.

COUNCILMEMBER ROSE DEMPSEY, CHAIR

WILLIAM DAMEWORTH, SECRETARY