

**Advisory Council Minutes
April 24, 2014
Spokane Regional Clean Air Agency**

Members Present:

Jana McDonald, Air Pollution Control
Doug Pottratz, Member at Large
Chester Jahn, Jr. Agriculture
Raymond, Byrne, Public Health
Hal Ophus, Business Community
Bud Leber, Industry

Staff Present:

William Dameworth, Director
Matt Holmquist, Compliance Administrator
Debbie Riley, Administrative Assistant

The meeting was called to order at 8:00 a.m.

Approval of the Amended March 27, 2014 Minutes

1. Bud Leber made a motion to approve the March 27, 2014 minutes and Hal Ophus seconded it. Minutes approved.
2. **Update on Solid Fuel Burning Device (SFBD), Asbestos and Variance Regulations - Matt**

Matt gave an update on Solid Fuel Burning Device (SFBD) woodstove rulemaking. Following the last Advisory Council and the Board meeting some substantive changes have been made to the written exemptions to Stage 1 & 2 Burn Bans. Twenty four percent of all households in Washington have a wood burning appliance. Four percent of all households' burn mainly for heat and one percent reported it is their sole source of heat. In terms of burn bans they are relatively uncommon if you look at the average. Three fifty eight days out of the year we don't have a ban. On an average we have six days per year that are a Stage 1. During Stage I if you have an EPA certified device you can use it which also includes most pellet stoves. In summary most people can burn during Stage 1 based on the statics, (66% woodstove/inserts are EPA certified and 95% pellet stoves are ok). Stage 2 is no burning unless you have an exemption and that averages one day per year. There are a number of types of Exemptions. There is a low income, no adequate source of heat, primary heat source temporarily inoperable, State of Emergency, old furnace and a one-time 10 day temporary exemption. All of the exemptions are available for residential and would not apply to commercial nor would the adequate source of heat.

The low income exemption eligibility is for families with income below 125% of the federal poverty level. Spokane Clean Air had about ten low income exemptions for the last heating season. Historically, SRCAA has charged twenty five dollars for the initial fee and ten dollars for renewal. SRCAA would like to offer a waiver for the fees charged due to their low income status. SNAP does the verification for low income status.

SRCAA had about twenty seven, “no adequate source of heat”. SRCAA will base “adequacy” on a systems capability versus being too expensive to operate or broke down; revise “Primary Heating Source Temporarily Inoperable” exemption for heat sources. Clarify that exemption is temporary for 30 days.

The SRCAA Board of Directors recommended to add; “State of Emergency” exemption for certain geographic areas if there is a state of emergency that occurs during a burn ban.

SRCAA would like to remove the wood or coal burning forced-air furnace from the regulations. It has been unlawful to install in Washington since January 1, 1995. None of the devices meet Washington emission standards. The agency would like to limit the furnace category to allow indoor wood-fired hydronic heaters that meet Washington standards.

The one-time 10 day temporary exemption would allow same day approval via a telephone call. When the agency tried the 10 day temporary exemption last fall it worked well. The exemption is really a 10 day exemption to be used once. SCRAA will track the address to make sure that it isn't repeated each year.

May 1, 2014 Spokane Clean Air Agency will give the update to the Board along with any input from The Advisory Council. EPA is recommending that SCRAA send them a draft before it goes out for public comment because review because this is part of the State Implementation Plan. There was some discussion between the Advisory Council and staff.

Matt gave a brief overview of the Asbestos proposed changes. The first comment period was November 15, 2013 to January 22, 2014. Very little has changed. At the October 24, 2013 Advisory Council meeting, Hal Opus expressed concern about the dust debris issues. subsequently Spokane Clean Air received comments from the U.S. Air Force and IRS Environmental of Washington that reiterated Hals concerns. Matt had a long conversation with IRS Environmental about the test method that the agency would be using and concluded that it should be removed from the regulation. Also, it was recommended to limit roofing survey exceptions to asphalt shingles. There was a request to include some examples of mechanical methods that is acceptable under standard work practices. The seconded comment period dates are February 6, 2014 to April 8, 2014. Spokane Clean Air did receive some additional comments. The Public hearing is scheduled May 1, 2014, if it's adopted. Spokane Clean Air is proposing the effective date be September 2nd.due to some changes that the agency needs to make to the electronic notice of intent system.

Hal had a couple of questions. His first question was why does the agency refer to 3-tab instead of architectural shingles? He said the term 3-tab is very limiting and most people don't use 3-tab shingles any more. Matt said in the regulation the agency uses the term asphalt

shingles. Hal said that was good and would clear things up. The next topic Hal asked about if anyone had discussed a problem roofers have when they are removing asbestos roofing material. When removing roofing, asbestos is usually found in the mastics around the pipe penetration or any patch work that has been done and you have a roofer who is licensed to remove the roofing and they hit the pipe penetration or the parapet wall around the edge it then becomes a vertical surface and isn't considered part of the roof. In the situation Hal would have to call IRS Environmental to take the mastic off the parapet or around the pipe because roofers can't touch it even though it's part of the roof it becomes roofing material vs. vertical surface. Hal said it would be really nice if the agency could clean up the regulation so that the same roofer could remove the mastic from the pipe penetration or the vertical surface that a parapet and consider it part of the roof. Bill asked who regulates that activity and whether it is part of the roof or some other part and who decides if the roofer is licensed who can do it? Hal said that the agency inspectors are the ones that decide. They come out and say that it's not part of the roof that it is a vertical surface we don't consider it the roof we consider it a wall. Matt said if its asphalt shingles and it's up on the roof and goes vertical SRCCA can have a clarifying thing if we need to. Right now for example we have the non-friable asbestos containing roofing material that is exempt from notification. Then we start running across the situation where people are using non-friable roofing for siding. So was the siding that is still roofing exempt, in that case the agency said no. If you have little areas on the chimney where the asphalt shingles are rolled up SRCAA won't take exception for that. Hal said the chimney is a prime example where everyone has mastic around it and it winds up hot. Matt said that is another issue if you have an asbestos survey performed and you have the patching, the sealants, the mastics around the chimney all going to be abated anyway so that's not changing. Bill said that he is still curious why if they are licensed to remove this stuff why we care who removes it from a surface if it vertical or horizontal, we don't regulate it. We don't license them. There was some discussion between Hal and staff. Bill would like to discuss the situation internally. Hal said he would get some examples about the roofing discussion.

Matt briefly discussed the background that lead to the proposed revisions to the variance regulation . Department of Natural Resources (DNR) received a request for a permit from the Spokane Hutterian Brotherhood (SHB) to burn some debris. DNR denied it April 25, 2013 because it was a permit for conversion to agriculture. SHB applied for an agriculture permit from Spokane Clean Air on July 2, 2013 and it was denied because it was not agriculture debris it was land clearing debris. Land clearing burning has been banned from Spokane County since May1, 2009. When SRCAA received a variance request to burn three acres on November 6, 2013, it started a 65-day clock. It just so happened that the request had come into the office the day before the Board meeting and the agency didn't have a chance to review it prior to the meeting. The agency shared with the Board that we had received the request. They acknowledge that we had got it. The Board asked the agency to review the variance request and get back to them. While reviewing the variance request the agency found that the request was inaccurate and incomplete with a lot of follow up to be done. In that variance there was a request from SRCAA's outdoor burning regulation but not the states regulation. SRCAA reviewed the information that was available with the Board on December 5, 2013 meeting. Matt noted that Ecology allows land clearing burning, but SRCAA hasn't since 2009. The December 5th meeting was an interesting time, there was a lot of disconnects and we still didn't have the complete application, there was a lot of disconnect but we needed to keep the process moving.

SRCAA got the Public Comment period started because there is a 30 day public notice that is required. SRCAA also asked Ecology if their approval was necessary on December 5, 2013. The determination was made on December 17, 2013 that the Variance was complete and there was about 202 acres involved instead of 3 acres. January 6, 2014, Ecology determined that their approval was also required. SRCAA approved the variance to burn after the hearing on January 9, 2014. At the hearing Ecology said they did need to review the variance request but they weren't sure what the process and the timing would be. They had only done about two of these in a twenty five year time period. February 4, 2014, Ecology denied the variance request. It was not appealed.

Some of the proposed variance revisions if a variance pertains to state and local regulations will require the applicant to be responsible to submit a request and receive approval from both Ecology and SRCAA. For a variance that requires Ecology's approval, Ecology's approval is required before SRCAA will be processing the request. If Ecology denies the request SRCAA doesn't need to process the request. Applications must be complete and accurate before SRCAA's 65 -day timeline begins for approving or denying the variance. Certain information must be included with the variance request such as specific land and regulations that a variance is being sought for including maps of the site subject to the variance. For variances from state rules, SRCAA may determine that the 30-day public notice and public hearing conducted by Ecology satisfies the provisions in WAC 173-400-171 to avoid duplicating work already done and to streamline the process. A \$250 filing fee will be due at the time of application and applied to the final invoice fee. If applicable, include actual legal fees incurred the agency which are directly attributed to the variance request. The next step is to update the Board on May 1, 2014. Written comments will be accepted through June 20, 2014 for the Public Comment/Hearing. There was some discussion between staff and the Advisory Council.

Director Position Announcement - Bill

Bill announced that he will be retiring on August 1st. There has been some discussion that they may get some kind of selection committee or a review committee to review the applicants and also to have Spokane County Personnel Department take care of all the recruitments and bill SCRAA. There has been some discussion about having some of the Advisory Council members to be on the review committee. Bill said that he wanted to give the Advisory Council members a heads up that they could be contacted. The Board will make the final choice. If SRCAA hasn't made a selection by August 1st he could make some arrangement to stay until a choice is made.

The meeting adjourned at 9:00 A.M.

The next Advisory Council meeting is scheduled for April 24, 2014, in Spokane Regional Clean Air Agency's office located at 3104 E. Augusta Ave.

ADVISORY COUNCIL MEMBER

WILLIAM DAMEWORTH, DIRECTOR