

**MINUTES**  
**LANE REGIONAL AIR PROTECTION AGENCY**

**BOARD OF DIRECTORS MEETING**

**MARCH 14, 2019**

**EWEB Building**  
**500 East 4th Avenue, Eugene, OR 97401 - meeting room in the North Building.**

**ATTENDANCE:**

**Board:** Mike Fleck - Vice Chair - Cottage Grove; Joe Pishioneri - Springfield; Charlie Hanna - Eugene; Mysti Frost - Eugene; Betty Taylor – Eugene; Victoria Doyle – Springfield; Joe Berney – Lane County

**Absent:** Jeannine Parisi - Eugene; Kathy Nichols - Oakridge

**Others:** Maurie Denner - CAC Chair; Jim Daniels – CAC Vice Chair

**Staff:** Merlyn Hough–Director; Debby Wineinger; Nasser Mirshosseyni; Max Hueftle; Colleen Wagstaff; Lance Giles; Jo Niehaus; Laticia Comer; John Morrissey; Kelly Conlon; Chris Coulter

**OPENING:** Fleck called the meeting to order at 12:40 p.m.

1. **Call to Order**
2. **ADJUSTMENTS TO THE AGENDA: None**
3. **PUBLIC HEARING AND PROPOSED ADOPTION OF LRAPA RULE REVISIONS RELATED TO CLEANER AIR OREGON:**

**Hueftle** gave a brief presentation of the proposal. He said the overall intent of the administrative rulemaking is to add rules that synchronize existing rules with the Cleaner Air Oregon program. Provisions were adopted by the State of Oregon EQC (Environmental Quality Commission) last November. There are some administrative changes to add definitions, enforcement clarifications, and mainly a fee table that will apply to Cleaner Air Oregon sources. It is relatively narrow in scope, and straight forward. There has been a lot of public involvement in the creation of the rules including some Lane County representatives on the Rules Advisory Committee. It only affects a few of our rule titles that pertain to industrial air toxics. So, for a variety of reasons including scope and detail, input and expertise, we are proposing to implement Division 245-Cleaner Air Oregon by reference.

LRAPA received two written comments during the public comment period. Board members should have a copy of the comments and responses. One was from International Paper commenting about some changes we proposed for enforcement procedures and how we determine civil penalties which resulted in changes to the rule to make it more closely align with DEQ's version. The other comment was from Sierra Club Many Rivers Group. Their main comment was to implement them as fast as possible. They also submitted comments related to climate change regulation in House Bill 2020.

If the Board adopts this proposed rule it will become locally effective upon adoption and will be submitted for review and approval by the EQC for inclusion into the State Implementation Plan (SIP).

### **Fleck opened the public hearing at 12 :45 p.m.**

#### **Jim Robertson – Eugene**

He is a member on the Public Health Committee for the County. He is interested in clean air, and public health issues. He is here representing himself. His comment is not on point. You talked about Cleaner Air Oregon and an issue he thinks needs to be on everybody's mind is the overspray in the forest; pesticides and their use. There are many people whose health is impacted negatively by overspray. He came today to get the kernel of the idea into peoples' minds when you talk about health and Oregon clean air. It's a topic that needs to be discussed. He wanted to take this opportunity today to bring it up.

#### **Lisa Arkin – Beyond Toxics**

Thank you for holding this hearing. Ms. Arkin is the Executive Director of Beyond Toxics. She is here representing their many thousands of members throughout the State and especially Lane County where they are based. She is here to support LRAPA adopting the Cleaner Air Oregon rules in their entirety. They encourage ways to strengthen the rules and make them more protective and use precautionary principals wherever you can. Some of the high points of her written testimony were setting health protective toxicity risk values for children's health. We all know children are more vulnerable to all kinds of toxic exposures. They inhale more air than adults and drink more water than adults. They touch more and put their fingers in their mouths. But, because of the way they interact with the environment they take in more toxics. And that includes air toxics that can also settle down and become toxics in soil. We are hoping that in addition to all that you are going to do to implement the Cleaner Air Oregon rules you look at the uncertainty factor which refers to the explicitly supported use of a 10-fold safety factor adequate toxicity rate death drive by human health studies. With an additional 10-fold safety factor in the absence of adequate toxicity data overall safety factor for children. Our children experience negative developmental outcomes because their whole developmental sequence of growing is different than what we are at now as adults. For example, children exposed to air toxics in small particle matter are more likely to develop smaller lungs and reduced lung function and that can stay with them for a lifetime. We want to make sure our air is clean for our children, so they can develop to their full potential. Hopefully you can set a cancer lifetime risk of no higher than 2 excess cancer per million and set a hazard index of 1. Second point is Environmental Justice:

unlike the original DEQ proposal, polluters are no longer required to engage with an active community about impacts to the community about the airshed. We hope that LRAPA will make the fee schedule that you adopt will provide enough money to enable you as the agency to setup the community meetings. Hopefully you will be creating an air toxics emissions inventory like DEQ has done so the public has access to all the information on what polluters are emitting throughout their production process, and how we can understand how that relates with their reporting.

**Hueftle submitted affidavits of publication for the record.**

**Public hearing closed 12:50 p.m.**

**Board Member Comments: (Note: out of order on agenda 4c)**

**Berney** said the Lane County Board of Commissioners asked him to request a joint meeting/public hearing at some point in the future to be sure they are aligned correctly. **Berney** said he did not have any other details regarding the request. **Hough** said he would follow-up with the County Administrator. **Pishioneri** said he would like to know what the subject matter was before setting up a meeting. **Taylor** wanted to discuss it before asking staff to go do it. **Berney** suggested finding out what was the topic and bring it back to this group. **Fleck** requested that it be on the April agenda. **Frost** asked why wait a whole month. **Fleck** explained that typically all government bodies must do all their business in public. To discuss via emails if they should meet or not would violate public meetings laws. **Frost** asked if they could talk about it now. **Fleck** said we can, **Hough** said we can talk about it under “New Business”. We could discuss it and give some preliminary thoughts. **Fleck** said we could but without information about what to speak about, he didn’t know what they would debate. **Berney** said he knows there are areas where the Agency and County align, and they just wanted to make sure they concurred. So, again we need to get more information and make a decision. **Fleck** said he didn’t see an urgent need to jump into it. Putting it on the agenda for next month gives the staff and both agencies a chance to interact and find where we need to go. In the meantime, **Hough** will explore with the County Administrator. **Frost** concerns were having to wait 3 or 4 months for a meeting because of the bureaucracy of everything. **Fleck** commented that this is very common, both bodies are busy and it’s kind of like herding cats. **Berney** apologized and said it was his fault it didn’t come up last month, he wasn’t able to attend the February meeting.

**Hough** commented that there was still action required on adoption of LRAPA rule revisions related to Cleaner Air Oregon. The board could approve, deny or delay. **Fleck** noted that had been missed.

**Pishioneri** said he supports adopting the rules. But, he wanted to clarify that on the adoption if any of these rules are perimeter or anticipatory of the enactment of House Bill 2020. **Hough** said House Bill 2020 is a whole different topic.

**MOTION: Berney MOVED to approve adoption of LRAPA rule revisions related to Cleaner Air Oregon; Pishioneri SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS**

## 5. ACTION ITEMS:

### Consent Calendar:

- A. Approval of Minutes of February 14, 2019 Board of Directors Meeting
- B. Approval of Expense Reports February 2019

**MOTION: Pishioneri MOVED to approve the Consent Calendar; Taylor SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS**

## 6. ADVISORY COMMITTEE:

**Denner** said there was not a CAC meeting in the month of February. They will be meeting March 26<sup>th</sup> and he will be submitting his resignation as Chair of the Citizens Advisory Committee. It was a great honor to work with the LRAPA Board and staff. He has learned more chemistry in the last 10 years than he ever learned in High School or College. He has a great deal of respect for the work that the staff does. He has never had a question that staff wasn't willing to take the time to give him a direct answer. He really appreciated and valued that. And he thanked the Board for setting direction for the Advisory Committee.

**Pishioneri** thanked Maurie Denner for his service. He has been amazed at the amount of effort and heart Maurie and the Committee have put into their work. It didn't go unnoticed.

**Fleck** added that he also appreciated the hard work over the many years of service and Maurie will be terribly missed.

**Hough** said Maurie has made it easier for staff with his strong direction and leadership with the Citizen Advisory Committee.

## 7. DIRECTORS REPORT:

**Hough** went over the highlights on the report.

He noted that the last attachment in the report was the agreement for the Air Pollution Engineering course proposal for Board approval.

**Taylor** asked if he was planning on taking staff with him to the class, if they might benefit from it. *"Future LRAPA recruiting could benefit from the connections with up to 25 environmental engineering and science students. The course content would be based on my education and experience, so the course preparations should be straightforward; the course presentations could be useful review for existing LRAPA staff."* **Hough** said he was thinking about possibly reviewing during a staff meeting. It might be helpful for new staff and it would take place at LRAPA's office.

**Taylor** also noted a correction in the agreement:

*Course Learning Objectives*

*Knowledge: Upon completion of the course, students will:*

- *Understand the chemical and physical processes in the atmosphere that **effect affect** air quality.*

**Taylor** thought the yellow highlighted notes below should not be listed with the **upon completion** list. They are things students will be doing during the class:

*Course Learning Objectives*

*Knowledge: Upon completion of the course, students will:*

- *Understand the chemical and physical processes in the atmosphere that effect air quality.*
- *Be familiar with the key measurement, monitoring and modeling tools available to define air pollution levels.*
- *Learn about pivotal and historical air pollution events.*
- *Learn about the sources of air pollution and their engineering, institutional, societal, and regulatory methods of control.*
- *Learn about the health and environmental implications of air pollution.*

**Berney** said he assumed this takes no time away from LRAPA. **Hough** said his schedule is not a straight 8-5. Typically, it is significantly more than 40 hours a week. If there are any gaps, he has enough personal leave time to use.

**Doyle** asked if Hough was getting paid for this. **Hough** said there is an honorarium and they haven't offered a specific amount yet. But, his understanding is it's a least a few thousand dollars, which is enough to cover the expenses. **Doyle** also asked Hough if he was included in the 2% MRA (market rate adjustment). He said he was.

**Pishioneri** said we all have a responsibility if we learn something while being paid with public money through an agency such as LRAPA and to share the knowledge with the public, is a good use of the tax dollars. Though an honorarium system is a little bit subjective, one could look at that as personally profiting from sharing knowledge you are given by way of tax dollars, as kind of a personal benefit. But, the other side of that coin it is your time. He has a little bit of a concern, but he supports it. And he is also a little concerned about it being a sufficient step of forward trust with Hough, that he manages the time and it doesn't eat into LRAPA's time that he is being paid for. He also thinks it's good for LRAPA to have a representative at the University of Portland. It's a show of trust and he supports it. But, **Pishioneri** noted to please be careful that the time doesn't mix, because it can easily happen.

**Taylor** said she shares Pishioneri concerns. She knows teaching can consume your whole life. But she trusts this could be okay. We are not paying Merlyn Hough by the hour. It is the kind of job that can be more than 40 hours a week.

**Doyle** said being new and this being her first meeting, she takes to heart the feedback from people that have been on the Board for some time. Her vote is going to be according to feedback

from Board members rather than from her knowledge of the situation. **Berney** agreed, that it was the Boards' faith and knowledge in Merlyn Hough that he is basing his vote on.

**MOTION: Pishioneri MOVED to approve the agreement for Merlyn Hough to teach the Air Pollution Engineering Course; Berney SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS**

**Hough** wanted to point-out the following Washington Updates that piqued his interest:

- **Congressional Democrats Offer Resolution Outlining Green New Deal (February 7, 2019)**
- **EPA Announces Decision to End Discussions with California of Light-Duty Vehicle Standards, Chair of California Air Resources Board Responds (February 21, 2019)**
- **Andrew Wheeler Confirmed as EPA Administrator by U.S. Senate (February 28, 2019)**

**Frost** commented that Oregon follows a lot of the same standards as California as far as vehicle standards. Hough said under the Federal Clean Air Act, California has special grandfathered rights because they began automobile controls long before EPA. There is also a provision in the 1990 Clean Air Act that allows states to opt in. Oregon and several other states have done that. The Clean Air Act was designed to have no more than 2 sets of standards for new cars. States could either opt in with California or go with national standards. The Trump administration has revisited the whole issue. **Frost** asked if the standards are rolled back, would the states that opted in have to follow the Trump administration rules. Hough said yes, if the national standards are changed and California is unsuccessful with the waiver there would be a single national standard.

**Niehaus** attended the AWMA Wildfire Smoke Conference in Santa Rosa California. She said it was very valuable. California has several local air quality agencies. She is interested in getting more involved with wildfire smoke communications. Oregon is becoming more exposed to wildfire smoke events and everyone is saying these events are going to increase. LRAPA will be increasing their focus on wildfire issues and events.

**Hough** reviewed the upcoming LRAPA board agenda items to familiarize the new Board Members with the schedule.

**8. OLD BUSINESS: None**

**9. NEW BUSINESS: None**

The meeting adjourned at 1:30 p.m.

Respectfully submitted,

Debby Wineinger