

MINUTES
LANE REGIONAL AIR PROTECTION AGENCY
BOARD OF DIRECTORS MEETING
TUESDAY–NOVEMBER 14, 2006
LRAPA Meeting Room
1010 Main Street, Springfield, Oregon

ATTENDANCE

Board: Dave Ralston, Chair–Springfield; Bill Carpenter–At-Large, Springfield; Glenn Fortune–Cottage Grove/Oakridge; Drew Johnson–Eugene; Earl Koenig–Eugene; David Monk–Eugene; Carol Tannenbaum–At-Large, General; Betty Taylor–Eugene
(ABSENT: Faye Stewart, Vice-Chair–Lane County)

Staff: Merlyn Hough–Director; Merrie Dinteman; Doug Erwin; Max Hueftle; Sally Markos; Kim Metzler; Nasser Mirhosseyni

Other: Russ Ayers, Chair–LRAPA Advisory Committee; Gary Hunt–J. H. Baxter; Pat Patterson–Cottage Grove City Council

1. OPENING: Ralston called the meeting to order at 12:18 p.m.

2. PUBLIC PARTICIPATION:

A. Comments Regarding An Item on Today’s Agenda.

(1) Holly Higgins, 33915 Mt. Tom Drive, Harrisburg, Oregon 97446. Higgins said she lives in Linn County but wanted to say a few words on the issue of field burning. She said she has been very impressed, overall, with the job the Department of Agriculture is doing to regulate field burning; however, she lives on Mt. Tom, to the east of I-5, and when the conditions are ideal to avoid putting smoke into Eugene/Springfield, it often envelopes the area in which she lives and stay there for several hours. Higgins said there are times when the predicted weather patterns do not occur, and smoke ends up on Mt. Tom when it was not anticipated. Even with the weather does exactly what was expected, though, the people who live in her area have to breathe field burning smoke for several hours at a time during the field burning season. She noted that a lot of press is given to the effects of the smoke on the Eugene/Springfield area, but other areas are not mentioned. She said she wanted to speak up for the people who are being impacted by this but that you never hear about. There are 50 families living up on Mt. Tom, and they have small children and elderly residents, who are most at risk for respiratory illness. Higgins also noted that her nephew, who has asthma, lives in Corvallis and had to be rushed out of the area on one occasion this past summer because of the smoke from field burning. She said the Corvallis newspaper printed an article the following day regarding all the 911 calls which had come in because of the smoke; and the farmer whose field caused the smoke issued an apology because the winds had shifted and sent the smoke into Corvallis. Higgins concluded her comments by stating that everything she reads about this issue either makes the farmers the enemy or the citizens the enemy. She said she absolutely does not want to see something that will harm one side or the other. She would like to see a solution that is a win/win and would like to see more effort put into coming up with that kind of resolution to this problem. She noted that she had heard that Oregon State is doing some research to find a way to turn the straw into fuel but has also heard that that may be further down the road. She suggested that putting more money into that effort might result in more solutions that could benefit the farmers and the citizens, which would be the true resolution of the issue.

(2) Dave Nelson, 1193 Royvonne SE Salem, Oregon 97302, Representing Oregon Seed Council. Nelson said he is the Executive Secretary of the Oregon Seed Council, and he was at this meeting to offer a few comments about what he referred to as the board’s proposed letter to urge the Oregon

Legislature to ban field burning, or at least take some kind of punitive action against the farmers, or whatever the board determines the letter should say. He said he would be happy to answer any questions that board members may have. Nelson said the grass seed industry is the third-largest agricultural enterprise in the state of Oregon and that there are currently about 525,000 acres in production in the Willamette Valley from Washington County down to Lane County, as well as in the Hermiston area of Central Oregon and in Union County. He said there are 57 companies which operate in the Willamette Valley, most of which are smaller, family-owned businesses, with a half dozen or a dozen being larger corporate companies. Nelson said the total acreage of grass seed fields being burned has been reduced from 322,000 in 1972 to approximately 50,000 in the past decade, or so, since the 1991 phase-down. Nelson said the field burning season is a very intense time of the year, and the farmers do not like to have to burn because the practice is highly regulated by the Department of Agriculture and the Department of Environmental Quality, and because it is a very hazardous activity because of the speed required to accomplish the burning in the required period of time. Nelson said the burning takes place in a number of counties and that, of the 65,000-acre maximum allowed to be burned each year, 25,000 acres are specifically reserved for species that demand burning for reproduction purposes, almost exclusively in the Silverton Hills east of Salem, and for acreage on steep terrain. That leaves 40,000 acres to be burned on the Willamette Valley floor, between Woodburn and Creswell.

Nelson noted that DEQ records indicate that field burning smoke contributes about 2 percent of the particulate matter in the Willamette Valley during the summer months, which averages out to less than 1 percent of the total particulate loading on an annualized basis. Nelson added that the Seed Council view is that standards must have some value or meaning, because no industry can comply with standards that don't mean anything. The particulate matter standards were established for health and welfare purposes and, Nelson said, field burning in the Willamette Valley has never, and does not now, cause or contribute to an exceedance of air quality standards. Nelson said the industry understands that people do not like smoke, and that field burning does impact people—particularly those on the fringes of the Valley, even though the industry tries hard not to do that. Nelson said the number of complaints from residents of the city of Eugene during the last season was about 600, even though the nephelometer network scattered throughout the Willamette Valley did not show an impact in Eugene. He also said that his industry is the only one that is subject to complaints through media, stating that complaints are generated by articles in the newspapers giving people the number to call if they want to complain about smoke from field burning. He also said there are a number of people who call and complain regularly. He did not deny that people complain about the smoke, but he wondered if that smoke was always from field burning, or if it is sometimes from forest fires.

Nelson said the industry currently ships over 650,000 tons of straw to Japan, Taiwan, and Korea each year, to be used mostly for livestock mixed rations, competing for that market with Australia and New Zealand and with rice straw from California and China. Nelson also addressed the issue of grass seed farmers using tax credits to help mitigate the need to burn some of the straw by investing in straw baling and straw marketing to Japan and Korea. He said that is a very high risk/low margin business which has brought back to the Willamette Valley, first, burning of 650,000 tons less of straw and, second, \$65-million of annualized revenue. Nelson said people have complained about the tax credits being used, but he feels that using \$700,000 to \$800,000 in tax credits to bring in \$65,000,000 a year is a good investment for the state of Oregon.

In closing, Nelson said the Seed Council will ask the Legislature in the coming session for some funding for a pilot plant for cellulosic ethanol conversion, which is in line with the suggestion made by the previous speaker to use the straw to produce fuel. He said he thinks that approach will result in further

reduction in the amount of straw that will be burned annually, and will be much more productive than battling over whether or not to ban the amount of burning that is still allowed.

(3) Rudy Berg, 195 E. 32nd Avenue, Eugene, Oregon 97405. Berg said he sees the grass seed field burning situation as a win/lose, with the grass seed farmers winning and everyone else losing, however difficult it might be to document that. Berg said people are no longer so casual about woodstove smoke or tobacco smoke as was once the case, and he believes the practice of grass seed field burning will eventually stop, as well. He said it is just a matter of finding the right time and a catalyst or trigger to make this important change happen; and the present Legislature may well represent that time, and the letter from LRAPA the catalyst. He pointed out that we can now measure impacts on the Western U. S. from smoke from burning in Asia and pointed to that as proof that smoke does not just “go away.” It ends up impacting someone somewhere else.

(4) Gery Vander Meer, 2604 J. Street, Springfield, Oregon 97477. Vander Meer said he is on the LRAPA Advisory Committee and that when the issue of field burning came up in the committee’s discussions, he wanted to have some more input since he has some personal experience in this area. He said he worked on the largest grass seed ranch in Western Washington to earn money to put himself through college, and was involved in swathing, combining, and driving the tanker truck when the fields were burned. The fields were burned to cleanse them and prevent infestations of viruses that would rot the crops the following year. Vander Meer said when he moved to Oregon in 1972 he saw what really bad field burning was like; however, the amount of field burning done today in the Willamette Valley is much less than it was then. He said huge strides have been made to clean up the industry; and he thinks LRAPA should have faith that the industry, through its own efforts to be a good citizen by reducing the amount of burning and looking for ways to utilize the straw instead of burning it, will continue to reduce air emissions. He said the result will be that, in ten to twenty years, smoke from field burning will no longer be something that LRAPA needs to be concerned about. Vander Meer also commented that there seems to be some misinformation regarding the social and economic impact that the grass seed industry has in the Willamette Valley. It is over a \$600-million industry, and many of the people who are employed by the industry live in Lane County. He stressed that it is not just the people who own the grass seed companies who are impacted. It is also people who work at the ranches and their families, the people who work at the implement dealers and the co-ops that supply the products to them. All of those jobs are impacted as a result of curtailing or eliminating opportunities to support the largest grass seed industry in the world, here in the Willamette Valley. Vander Meer went on to say that part of that \$60-million per year is filtered through Lane County financial institutions, allowing them to contribute to things like Head Start and Womenspace and to support operations of civic functions such as the Filbert Festival and the Eugene Celebration. Vander Meer said the net result of LRAPA’s sending the proposed letter to the Legislature would be to tell the grass seed industry to go away, which would reduce the opportunity in this community for participation by those financial institutions in things that citizens would like to see them be able to support. He said sending this letter is perhaps a “feel good” opportunity which would have unintended consequences in the community, and he would support inclusion of a statement, if the resolution is passed by the board, that the LRAPA board fully supports funding for programs that will allow farmers to reduce the amount of emissions, and it should be attached, as well, to some kind of monitoring to confirm that those programs are working. He said it is important to add the idea that LRAPA should continue to support the advancements that have been made, to help keep those Lane County jobs. Vander Meer stated that the agency receives an average of 100 complaints per month during the months of July to September, and some of the complaints are related to the smoke obstructing visual sights and lowering quality of life in that area. He said, in a county population of over 250,000 people, that amounts to less than one one-thousandth of one percent

of the population of Lane County negatively impacting jobs and opportunities in rural areas that Lane County desperately needs. He said this is like saying we are going to bend our policy to reflect what may or may not be a real health concern. Vander Meer thanked the board for allowing the opportunity to speak and said he hoped they would take time to review some of the economic and social impacts that may be involved with the proposed resolution.

- B. Comments Regarding An Issue Not on Today's Agenda. None.
3. CONSENT CALENDAR: Monk asked for a correction on page 11 of the minutes of the October 10, 2006 board meeting. In the discussion regarding J. H. Baxter and the proposed use of an EcoSorb mister, in the second paragraph, tenth line, the minutes read: "Monk said, just to finish this point . . .the fact that EcoSorb will remove naphthalene. . .". Monk said what he actually said was that it was his understanding, from the comments of a member of the LRAPA Advisory Committee, was that EcoSorb will not remove naphthalene, and that fact was confirmed later on during the board's October discussion. He asked that the word "not" be inserted into the sentence.

ACTION: MSP(Taylor/Koenig)(seven in favor and one abstention—Carpenter) approval of the minutes of the August, 2006 board meeting, as corrected, and the expense reports through August 31, 2006, as presented.

4. DIRECTOR'S REPORT: Discussion included several items.
- A. Staffing. Hough introduced Nasser Mirhosseyni, who began work with LRAPA in October as the finance and human resources manager, replacing Sharon Banks. Hough told the board that Mirhosseyni came to LRAPA, highly recommended, from Louisville, Kentucky, and has family connections in Oregon. He said Banks and Mirhosseyni have had an opportunity to spend some time together during the few weeks Mirhosseyni has been with LRAPA, and Mirhosseyni was responsible for the resolutions on financial issues which were to be addressed later on today's agenda.
- Mirhosseyni thanked the board and Hough for the opportunity, adding that he visited Oregon about a year ago and fell in love with the state, and with this community in particular, and is very happy to be here.
- B. Enforcement. Hough pointed out that staff has made some changes to the enforcement report which is attached to the monthly director's report, in response to requests and suggestions from the board. He noted that there are still some changes which need to be made, such as a summary table, but these first steps have been taken to try to provide a few more details so that the board will have a better sense of some of the pending enforcement cases.
- C. Benzene in the Northwest. Hough said the current growing interest in this subject began when Diane Dietz of the Eugene *Register Guard* read the minutes of a LRAPA board meeting last spring and wrote an article for her paper in July. That was followed by an article in *The Oregonian* in October, which caught the attention of Senator Wyden's office. The Senator held a news conference a couple of weeks prior to this board meeting, at which he stated that he would be withholding his approval of a pivotal EPA appointment until the EPA agrees to require the same level of benzene in Northwest gasoline as in the rest of the nation.

- D. Smartway Excellence Award. Hough reported that EPA had given this award to LRAPA on October 25 for innovation in the Everybody Wins program to reduce diesel fuel use and diesel emissions.
- E. Local Funding. Hough called attention to a letter which he had received from Cottage Grove City Manager Richard Meyers, concerning that city's fiscal participation in LRAPA. The letter states that the city of Cottage Grove recognizes the positive impact LRAPA has had on air quality in Cottage Grove and throughout Lane County. However, as part of the discussion at which the payment to LRAPA was approved, the Cottage Grove City Council expressed a desire to have consistent representation on the LRAPA board rather than continuing to share a seat with Oakridge. The letter requests that LRAPA consider a regular seat for Cottage Grove representation on the board. Hough said staff had not yet responded to the letter from Cottage Grove and has not yet had the opportunity to evaluate the options or make a recommendation to the board. He said the subject will be placed on a future agenda for discussion.
- G. Oakridge Woodstove Changeout. Metzler reported that the \$113,000 which LRAPA had to put toward the Warm Homes/Clean Air program in Oakridge has been committed. There are 65 residents who have committed to changing out their old woodstoves, of whom 39 have completed the changeout process. Metzler explained the program gives residents three months to get the work done once they have committed to it. If they do not complete the process within the three months, the money is redesignated to another resident who wants to make a change. She added that, to date, everyone who has committed has followed through with the planned changeout. The breakdown of the change options chosen is: 41 to pellet stoves; 13 to certified woodstoves; 9 to oil; and 2 to propane. Metzler said she anticipates a big change in air quality as a result of these changes, and she and Markos will continue the program. They have applied for another grant and will open the process up for new applicants if that grant is awarded.

Tannenbaum asked if the resolution for this project, to be passed at this meeting, is the same project, and the funds are just being reappropriated in the current fiscal year. Metzler confirmed that was the case.

Carpenter asked is there is any prediction of whether the Warm Homes program will bring Oakridge into compliance with the new PM_{2.5} standards. Hough responded that staff has done some calculations and has determined that it will make significant progress toward compliance but will not, alone, be enough to fully meet the standards. Hough said emissions reductions have been calculated based on the new units installed; however, looking at what occurred with previous changeouts in Oakridge, the improvement was actually more than the benefits of changing those stoves out, perhaps from a higher degree of cooperation by the community with the Green, Yellow, Red wood heating advisories. He said staff is hopeful that the improvement will be more than the calculated emissions reduction benefit, given that people know that LRAPA is looking for extra resources to help with what we understand is a serious economic problem, as well as an environmental problem.

- H. Northwest Regional Ethanol Distribution Network. Hough referred to an attachment to the director's report in the board's agenda packets, that provided an explanation of this project, adding that it is also the subject of one of the resolutions the board is being asked to approve later on this agenda. Hough explained that LRAPA applied for the ethanol grant in partnership with Tyree Oil and SeSequential Fuel, with whom LRAPA has partnered on previous projects, and that the grant will provide funding to help establish 15 fueling stations along the I-5 Corridor. He added that the big part of that is the wholesale ethanol rack will be constructed locally.

5. **ADVISORY COMMITTEE:** Committee Chairperson Russ Ayers reported that the committee talked about strategic planning and support for the board's proposed streamlined process with two afternoon sessions. He said there is a lot of interest among committee members to participate in that effort, as requested. Ayers said the committee had a pretty animated discussion regarding the field burning issue but did not reach any consensus in that regard. The result was the same with their discussion of proposed amendments to the agency's rules for open burning in Lane County. He added that, with the rulemaking in process now, he believes the committee will have more discussion of the open burning rules. Hough agreed that, once the draft rules are prepared, staff will be taking them back to the committee, and to others, for discussion and input, prior to bringing the rules to the board.

6. **ADOPTION OF LRAPA RESOLUTIONS AUTHORIZING EXPENDITURE OF SPECIAL-PURPOSE GRANT FUNDS:** Staff submitted for board approval five resolutions authorizing expenditure of special-purpose grant funds. Of the five, four were requests to carry over funds which were awarded prior to the current fiscal year, but which were not spent before June 30 and now need board authorization to be spent in the current fiscal year. They included:
 - A. Resolution No. 07-01 for \$185,122.26 from EPA for the clean school bus diesel retrofits program, carried over from FY 05/06;
 - B. Resolution No. 07-02 for \$38,489.93 from EPA for the clean fuel subsidy program, carried over from FY 05/06;
 - C. Resolution No. 07-03 for \$130,397.00 from EPA for the Oakridge woodstove changeout program, carried over from FY 05/06;
 - D. Resolution No. 07-04 for \$38,838.00 from EPA for the air toxics monitoring program, carried over from FY 05/06.

Tannenbaum asked if staff has an idea of where the funding for air toxics monitoring will be spent. Hough said those funds are for continued operation of the Amazon Park air monitoring site, which is the routine monitoring to establish an air toxics base for the area. Hough added that this is the only air toxics monitoring site in Oregon, outside the Portland area.

Johnson commented that it appeared that the whole amount of the grant was to be carried over into the current fiscal year, meaning that none of it was spent in the previous fiscal year. He said he assumed monitoring was done during that period but that the money was not applied to it. He asked for an explanation. Mirhosseyni explained that it has to do with the timing of when the funding came in. It was intended to end at the fiscal year, but there was no opportunity to spend it. Hough added that the funding is intended to take LRAPA through FY 06/07.

Monk indicated a need for further clarification, and Hough explained that LRAPA has been using money from wherever it can obtain it for this purpose. This is EPA funding. They had some one-time money that helped fill a gap, from July 1 of 2006 through June 30 of 2007. Hough said LRAPA has been working with DEQ and has a proposal for state general fund money, for the biennium starting July 1, 2007, to pay for operating that air toxics monitoring site. He explained further that the biggest cost is the analysis, for which LRAPA depends on either the Oregon DEQ laboratory in Portland or Air Toxics Laboratory in California.

ACTION: MSP(Fortune/Tannenbaum)(unanimous) adoption of LRAPA Resolutions 07-01 through 07-04, as submitted.

The fifth resolution, number 07/05, was for \$662,225.00 from the U. S. Department of Energy, for the cost of the Northwest Regional Ethanol Distribution Network program during FY 2006/07. Monk said he had never heard about this program until reading about in the agenda packet for this meeting. He said he had no idea LRAPA had even applied for this money, nor that it was partnering with the other entities. He said he would be pleased to have a discussion at some future date about bio-fuels and their efficacy; however, he was not even willing to discuss this resolution at this time. Monk said he recalled a discussion at a board meeting earlier in the summer during which board members expressed some concerns that LRAPA was seeking funding for projects that pulled the agency away from its core programs, and that the board would like to have prior notice before staff applies for grants. Monk said that, while other board members perhaps were aware of this program prior to this meeting, he was not. In addition, he noted that LRAPA was to contract with Cascade Sierra Solutions (CSS) to oversee the disbursement of these funds. He asked if this is something LRAPA wants to be involved with, in the long term. He said a more important questions was, did he misunderstand the discussion about having the board be more aware of the grant monies that staff is applying for, when the funds are received, and what each grant program means in terms of staff time for the agency.

Hough said he would have to go back and look at the records; however, he thought the board had discussed this ethanol program at previous meetings and that it had been included in the special projects update report that is attached to the monthly director's report. He said it was not staff's intent to surprise the board with this ethanol program. He explained that LRAPA, because of its grant writing experience and expertise, was asked to help local partners to work with the Department of Energy on this grant. Most of the grant is pass-through money to others, and there is enough included in the grant to reimburse LRAPA's administrative costs. Hough explained further that the language about contracting with CSS would be part of an overall reciprocal agreement, so that when former LRAPA staff—or even existing LRAPA staff—work on CSS-related projects, CSS will reimburse those costs; and when CSS staff work on LRAPA-related projects, LRAPA will reimburse those costs. Hough said the more significant piece than Banks' or Angelique Dodaro's time on this particular project, is the transition on Everybody Wins. There is an opportunity that CSS will have work that Gordon Griffin will be able to do and for which LRAPA will be reimbursed. Griffin is in LRAPA's budget through July 1, 2007, and CSS would pay for time Griffin spends on SmartWay or CSS programs. Hough said there will not be a specific contract issue that would cover only this Ethanol grant. It will be an overall contract that will make sure that any time spent on projects under the umbrella of the other group will be covered by the appropriate agency. He said the reason that Banks and Dodaro would be under contract is because they have been involved in shaping the project, and they are the ones who have developed the forms that the 15 stations will be using. It is more efficient to pay them to do this work than it would be to create another position at LRAPA to do that.

Johnson said he agreed with Monk, that when he saw the ethanol resolution he recalled the board's conversation, which he thought was last winter, about spinning CSS off and coming back to LRAPA's core programs of being a regulatory agency for primarily industrial sources and other things. He said he can see the air quality connection with the ethanol program, and he is glad to hear that the focus of this funding will be in Lane County. When he saw the title, he was concerned that it was going to be another large, regional project. He asked if it is fair to assume that the benefits of this program will be at least in the Willamette Valley and not in California and Washington. Hough said that is correct. The vast majority of the dollars will be spent in Lane County, with some additional dollars on the I-5 Corridor in Oregon. He said he believes a few stations will be on the Washington portion of the I-5 Corridor; however, in order to have a wholesale facility locally and thus support local stations, it needed to be part of a more regional network. Hough said it is to be focused in Oregon, with the dollars being focused primarily on Lane County. Johnson said that is a good thing, but his primary concern is that the agency needs to keep its focus on permitting and that other

types of public education are probably more important than mobile sources and passing fuel subsidies through from the Department of Energy and the Department of Transportation.

Taylor said she remembered having the discussion about LRAPA applying for grants, but she did not think the board came to any conclusion on the subject. She said she thought board members had differing opinions on the subject, because some members felt that anything LRAPA could do to help keep the air clean, whether it is in Lane County or not, is a good thing. She said it would be necessary to go through the minutes of those meetings to see what the outcome of those discussions was.

Johnson said it was not necessary to do that, but his feeling is that the agency has not yet even done strategic planning, and there is a lot of rulemaking and emissions inventory and other regulatory work that needs to be done, that has been pushed to the side while these other projects have been formulated and put together. He said he doesn't want it to sound like he thinks these projects are bad things, but the focus needs to be on priority issues.

Koenig asked Hough what percentage of total staff time would be involved with the activity needed to administer the ethanol grant, because it didn't sound to him like it would take very much time. Hough said it would be minimal, and that is part of the interest in having Banks and Dodaro finish the work, so that it would not distract LRAPA staff from the agency's other programs.

Ralston noted that \$82,500 of the grant is slated to help fund LRAPA. With the minimal amount of time that would really be used, he said he sees this project as a positive thing for air quality issues, as well as for LRAPA.

Monk commented that grant writing is a very labor-intensive activity that takes a fair amount of time away from other work. He speculated that Banks probably spent several weeks on this ethanol grant proposal. He noted that Banks has done a lot of grants and probably has a template she uses which cuts down the time it takes for her to do this, and he is very glad to see that the costs are being covered in the grant for staff time.

ACTION: MSP(Carpenter/Taylor)(unanimous) adoption of LRAPA Resolution Number 07-05, authorizing expenditure of \$662,225.00 in special-purpose grant funds for the Northwest Regional Ethanol Distribution Network during FY 2006/07.

7. CONTINUATION OF DISCUSSION, AND POSSIBLE ACTION, ON PROPOSED RESOLUTION REGARDING FIELD BURNING: At the October board meeting, Johnson introduced a proposed resolution for the board to send to the Oregon Legislature, regarding field burning. After discussion at that time, the board asked Hough to redraft the resolution to incorporate their comments and bring it back to them at this meeting. Hough said he had prepared a letter which would ask the Oregon Legislature to re-evaluate grass field burning and consider additional reduction or elimination of grass field burning in the Willamette Valley. He said the information included in the letter was from LRAPA's complaint database, from the Department of Agriculture's database, and reporting of investments that have been made in alternatives research and alternatives tax credits. The letter also included LRAPA's mission to protect air quality in Lane County. Hough said he also included information in the letter regarding the state of Washington's action to essentially ban grass field burning. He said they do provide a waiver, but for practical purposes, the practice has been banned in the state of Washington since 1998. The grass seed industry is not as large in Washington as it is in Oregon, and they do not have the acreage in grass seed that Oregon has. Hough said the state of Washington looked at the alternatives and determined that reasonable alternatives existed at reasonable cost.

Hough had available copies of three draft letters: his first draft that was included in the agenda packets; a revised draft submitted by David Monk; and a revised version of Hough's draft.

Hough said the major provisions changed by Monk were in the first and last paragraphs, to strengthen the request to the Legislature and make the letter a clear request to eliminate the practice of grass field burning in the Willamette Valley at the earliest possible date.

Hough said he also had made a minor revision to his draft letter because he had gotten some improved numbers on investments from the Oregon Department of Agriculture for research on field burning alternatives. That revision was included in the draft marked, "Hough Corrected Draft."

Ralston asked that each board member provide their comments on the drafts.

Tannenbaum said she appreciated the comments that the visitors made at today's meeting, particularly those from Holly Higgins. Tannenbaum said she thinks it is important for the board to find a win/win solution. She said she feels it is the responsibility of the board to listen to the citizens that LRAPA is serving and, if there is a concern—which there appears to be—about the practice of field burning and how it impacts the air quality of the region, it is the responsibility of the board to make this known to our legislators. She said she would support sending a letter to the state legislators addressing this matter.

Taylor said she supported Monk's version of the letter. She said she was interested in all the comments, and she is willing to listen to anyone. But to say that the number of complaints that you have indicates the number of people who are bothered is just not right because there are many, many people who would never complain to any branch of government. Taylor said LRAPA is one of the groups that should at least do what it can. She said she is not personally bothered by the smoke; however, she meets people all the time who tell her they can't breathe because of it, and their eyes are running, and they're coughing. She said that, for some people, it is almost a matter of life and death if they can't get inside or get away from the smoke. As for the grass seed farmers, Taylor said she does not think not being allowed to burn would cause them to suddenly go out of business. She said she thinks they would find another crop to grow if they couldn't figure out a way to continue with grass seed if they had to stop burning; that maybe there will be jobs in something else if there aren't jobs in this particular thing. But the health and well-being of the populace is more important and is, in fact, the top importance. Taylor said she is sure there will be bills introduced in the up-coming legislative session and that there is a good chance that the Legislature will take action this time. She said she would hope that if there is help needed for the people who might be hurt, the Legislature will find a way to make some allowances or give some help. Taylor said it seems almost barbaric when she sees somebody who is worried about her child, or about him-or herself, because they have asthma so badly and cannot breathe because of the smoke. Taylor added that, even if it isn't always Eugene or Springfield that gets impacted, LRAPA should be worried about even one or two people who live in the path of the smoke.

Carpenter said that, just because it is not as bad as it was in 1972, doesn't necessarily mean it's not bad, and that to wait for the problem to correct itself does nothing for the number of asthmatics that will be created in that time. That is a burdening health care cost we will have to deal with, as a society, in the future, as small children become asthmatic for a number of reasons. One of the reasons has been found to be particulates in the air. Carpenter said the concept of the program, now, seems to be to put the smoke where the people aren't. But over the past twenty years, people have spread out everywhere in Oregon. They're just not in the densities everywhere that they are in the population centers the size of Eugene and Springfield. The smoke is impacting people, no matter which direction it is sent. Carpenter said he is very impressed that the state of Washington, in 1998, essentially banned field burning and noted that there were technologies available

to eliminate the need for burning. He said he recognizes that the grass seed industry is very profitable; however, burning the fields is no different than taking your garbage and throwing it in your neighbor's backyard. He said we have put up with it for years, but he doesn't think it's right, even if it was allowed in the past, to do that. Carpenter said he would support a letter. He said he liked Hough's revisions regarding the funding, and he also liked the latter paragraphs in Monk's revised draft about making sure the Legislature realizes that the state of Washington has taken an affirmative action to eliminate it. One last point that Carpenter made was that there is something called, "technology forcing," such as when the law said the lead had to be removed from motor vehicle fuel. The automobile industry did not fall flat on its face and get eliminated by that ban. It found economic ways to do it, once it was presented with the barrier that it had to do this. Carpenter said if the Legislature were to pass a ban on grass seed burning, it would force that industry to find methods to eliminate the need to burn. He said he doesn't know how many tons per acre of straw are burned each year, but at 60,000 acres, that's a lot of pollution being added to the air.

Johnson said he agrees with Monk's redraft, in that it specifically asks the Legislature to craft legislation to eliminate the practice. He said he thinks that's what LRAPA should be asking for. He said he wanted to be clear that he doesn't think the LRAPA board has anything against seed farmers. It is against air pollution. This is an air pollution issue, and it is just the fact that it comes from the grass seed industry; and he agreed with Carpenter, that the first step is for LRAPA to ask the Legislature to ban the practice. Then alternatives will be found, whether it's a different crop or biomass incinerators to generate electricity or create some alternative fuels. Johnson said there definitely have to be economic alternatives to this antiquated practice. He said, rather than saying it is better than it was in the past, we should be looking forward and asking where we want to be in the future. Do we want to continue having sick children run to the emergency room? Johnson said he had asthma as a kid, and it was terrifying. He said if one kid has to go to the emergency room because a grass seed field had to be burned, that's wrong, and LRAPA has a moral imperative to say something about that. Johnson said that when our neighbors and our fellow citizens are intentionally polluting the air and causing people to panic, that's violent, and the LRAPA board owes it to the citizens—at least of Lane County—to speak up, as a board.

Fortune said the focus is on grass seed, and yet LRAPA is willing to overlook many other type of open burning that go on. People are permitted to have open burning and to burn in woodstoves, and yet those activities put pollution into the air and impact neighbors. Fortune said there is an unfairness about that point of view. He said he thinks there should be further reduction in the amount of field burning allowed, and he thinks that they have worked toward that over the years and will continue to do that. He said he just has a problem singling out one activity that pollutes and allowing others to continue to pollute. Regarding Fortune's statement that there are other things that cause pollution, Taylor said she thinks the LRAPA board should take stands against any of those activities, if it has the chance. She pointed out that, several years ago, LRAPA worked hard to convince the local participating bodies to put restrictions on woodstoves, which they did; and LRAPA is continuing to try to further reduce pollution from that source. In addition, Eugene doesn't allow open burning at all inside the city limits. Taylor said maybe LRAPA should try to convince the other jurisdictions to stop all open burning, as well. But Taylor said the fact that other things are happening does not mean the LRAPA board should not try to express an opinion on this one, very big thing. Taylor said when she first came to Eugene, she was used to having a trash burner and to doing a major yard cleanup twice a year and burning everything in a big fire, roasting wieners and having a good time. She said she wondered what she was going to do, because she would not be allowed to do those things in Eugene. But then she realized that it would be nice if she could do it, but it wouldn't be nice if everybody did it. She realized we have to make some sacrifices for the sake of other people's air.

Koenig said his first visit to Oregon was in the early '90s, at which time he flew into Portland, rented a car and drove south on I-5. He said there was a tremendous cloud of smoke going across I-5 from west to east, and he couldn't believe that it was a local fire. He said he had no idea at the time what the source of the smoke was. He said things have improved a lot since then, going from hundreds of thousands of acres down to the current 65,000-acre maximum allowed to be burned each year. He said he agrees with several other board members that impacting one or more citizens requires that LRAPA do something to prevent them from being at risk. Koenig said he liked the wording of Monk's letter and is all for pursuing this to a conclusion, soon.

Ralston said this is a difficult subject to deal with, and he wanted to be clear and point out that LRAPA is a regulatory agency whose mission is not to stop all pollution. LRAPA actually issues permits to allow people to pollute. He acknowledged that field burning has negative impacts; however, all kinds of other burning is allowed, including slash burning on forest land. Ralston said it doesn't seem reasonable to isolate out one industry and punish them for doing what others are also doing. He said any solution that LRAPA comes up with must be a win/win, and there is no way he would support a ban that will regulate an industry out of business, until there are alternatives in place that will allow the industry to operate without going out of business. Ralston said that what happens outside of Lane County does impact Lane County, but LRAPA's job is to regulate that which happens inside of Lane County. He said he might support Hough's version of the letter which asked the Legislature to consider additional reductions or elimination of grass field burning, if wording were added such as, "when there is a technology available that will not adversely affect those businesses." Ralston said it has always been his position that he will not punish a business for doing business.

Koenig said he would like to know more about the alternatives to burning that grass seed growers can use. He said he knows that some alternatives are being researched and some have already been tried. He said, if the major reduction in acreage being burned has taken place, and the seed industry has not gone down the tubes, it seems that an alternative approach that doesn't create a new form of pollution would be the answer, and it would allow them to stay in business. Hough commented that Ray Jaindl of the Oregon Department of Agriculture, Natural Resources Division, was in the audience at this meeting if the board had any questions for him. He said Jaindl is the head of the group that includes John Byers and Jim Little who have reported to the board about the field burning program. Hough also reminded the board members that Dave Nelson was also still in the audience and was available to answer questions.

Monk said he wanted to put a motion on the table but asked if any of the board members would like to have either Jaindl or Nelson come forward for questions. No one had any questions.

In response to earlier comments by Monk, Johnson said the big problem is the concentration and duration of the smoke impacts on people. He said he did not think LRAPA would permit a source that would produce the kind of emissions that are emitted by field burning; but the smoke does not go where the monitors are. He said you can see spikes on the charts in August and, in fact, the highest particulate matter in the year on the 2003 chart is in August, probably at a time when the wind shifted and the smoke hit the monitor. But there is no way of knowing what the impact is on the health of people who live where there are no air quality monitors. Johnson said when you talk about standards and annualizing this field burning smoke over a year, he thinks that misses the reality of what actually happens, which is a lot of smoke is released in a short period of time and hangs around people for hours at a time. He said that is when the health effects happen. It's not that people are exposed to it over a year's time. In response, Ralston said he lives in this area, too, and he is fully aware when field burning is happening. He said you can see the haze. He said he does not have

asthma and is not affected by the smoke, and he doesn't think it's that bad. He said when you look at the duration, most of the time you don't even know field burning is going on. Ralston went on to say that at the times when he has thought that the smoke from field burning was bad, it turned out that there were forest fires going on at the same time which were sending smoke into the area. He said, referring to what Taylor had said earlier, that sometimes sacrifices are made for the better of our society or community, and our economy. Ralston said that, to him, putting up with smoke for a day or two is not that bad. And the fact that we don't know what the actual impact is does not justify the fact that we're suggesting that they completely eliminate field burning. He stated, again, that the strongest language that he would be willing to support was that in the draft provided by Hough, to ask the Legislature to consider additional reductions or elimination of grass field burning.

Tannenbaum commented that there are other activities that go on in this area that are impacted by field burning, such as all the recreational activities. She said the chance to enjoy the beauty of the area is impacted by the smoke in the summertime. She said she has been on the McKenzie river when there has been smoke from field burning sitting right there on the water. So maybe the smoke is not going into the city, and most of the people are not being impacted; but there are a lot of visitors to the state that are coming into the area thinking that this area is supposed to be the clean outdoors but then being inundated with smoke. Tannenbaum said maybe some people think that's okay, but to her it is not okay. She said there needs to be balance on all interests, and there are other interests in Lane County that are being impacted by this activity.

Ralston suggested going around the table, again, for final comments from board members.

Carpenter commented that the information provided from the Oregon Seed Council claims that there are 57+ grass seed farmers involved in field burning. He noted that there will be pre-Olympic event coming to Eugene in the next year or two, and if all those runners come to town in July and August and get impacted by smoke from field burning, it could stop Eugene from ever again getting another event like that. Carpenter said the tourist industry has predicted that this event will bring about a million dollars into the local housing and food industries. Field burning smoke would have a direct economic impact on other industries. Carpenter added that, if people come into the area on a smog-ridden day of field burning and decide they don't want to live here, it has an impact on home values. Carpenter said everyone in the community suffers when there are smoke intrusions from field burning.

MOTION: Monk **MOVED** to send a letter, as he revised Hough's original draft, except that he would leave in the end of the second line under "Why Now?" which reads, ". . . despite the best efforts of the Oregon Department of Agriculture to minimize smoke impacts, . . .". Monk said he would be accepting of any wordsmithing that other board members would like to offer, or if someone thought that Hough's wording was better than his. Johnson **SECONDED** the motion.

AMENDMENT TO MOTION: Carpenter said he would like to discuss it a bit because Hough had some language on his corrected draft regarding past efforts. He said it looked like they haven't spent the money that was potentially allocated for alternatives. Carpenter said he would like to include the change Hough made to his original draft in the wording of the language about expenditures made, to date. Monk said he would accept that amendment. Johnson also accepted the amendment.

Hough said, to clarify that language, the \$2.6-million is still correct. The difference is in how it was split between Oregon Department of Agriculture and the Seed Council, that either he had the wrong numbers or

had misinterpreted numbers. He said he was just trying to set the record straight with his revised wording. Carpenter asked for further clarification. Hough said his understanding is that a total of \$2.6-million has been spent in research on field burning alternatives since 1998. Of that, half a million came from the state of Oregon; that is, the Legislature set aside the initial \$500,000. And the other \$2.1-million came from the Seed Council.

Koenig said he thinks the focus should be on the alternatives because that is the only course that will lead to a win/win and not eliminate this industry. Ralston said he was going to make that same point. He said that, at that point, the difference between a unanimous vote and a split decision on this letter was just a few words. He said that he would support a letter with the wording that the Legislature consider additional reductions or elimination, but he would not consider the wording that limits LRAPA's request exclusively to elimination.

Johnson said he thinks that, if you want to get to the alternatives, you have to set a standard; and the standard is to ask for elimination. He said he thinks that if the board says they'd like a dollar but would take 50 cents, they'll get 50 cents. He said he wants to set the bar where he thinks it would achieve the goal. If the goal is clean air and people not being impacted by smoke, ask for elimination and be hopeful that our legislators will rely on that \$2.6-million and those technologies and looking forward to what other alternatives might there be for other crops, and provide incentives for farmers so that the economic impacts can be mitigated. Johnson said he thinks the board has to have some faith in its Legislature. But he thinks the agency's mission is clean air, and that the board should ask for clean air; and the way to ask for clean air is to ask for a ban on grass field burning.

VOTE ON AMENDED MOTION: Five in favor (Carpenter/Johnson/Koenig/Monk/Taylor); three in opposition (Fortune/Ralston/Tannenbaum).

Koenig asked what is the time table or urgency of the letter being sent, with the Legislature meeting in January. Monk said his intention is that, as an agency whose mission is clean air, protecting air quality in this county, he thinks it supports the efforts of those legislators who want to deal with this problem by introducing legislation of their own, to have this agency ask them, publicly, to address this issue.

8. OLD BUSINESS:

A. Rexius Odor Complaints Situation. Hough said he had nothing new to report. He said he had not had any confirmation as to whether Rexius and the Hampton Inn have actually met with Community Mediation Services, yet, as it was reported last month that they planned to do.

B. Strategic Planning. Hough said he had two items he wished to discuss with the board regarding this subject.

(1) *Scheduling of Meetings*. Hough asked board members if it would be possible to have some extended board meetings during January, February or March, to either start the meeting early or go later than usual to allow time to focus on strategic planning, rather than trying to schedule a separate day. Ralston asked if the normal meeting agenda would be abbreviated, or even suspended, on those day, and Hough said that was the intention.

Taylor said she would like to do a combination of starting earlier and staying later, such as starting the meeting at 11:00 a.m. and running until 3:00 p.m. Ralston agreed and asked how other board members felt about it. Pat Patterson was present in the audience, and Ralston asked him if that schedule would work for him, since Patterson will likely be back on the board when the shared seat reverts to Cottage Grove after the first of the year. Patterson said the work needs to be done, and he will make time to do it. It was also noted that Faye Stewart will need to be consulted about meeting scheduling, particularly since he is the current Vice-Chair and is in line to take over as Chair in January.

Hough suggested that another option would be to meet regarding strategic planning on another Tuesday. Several board members indicated that they have standing meetings on other Tuesdays of the month. Taylor commented that the second Tuesday would be best because board members already have that day set aside for LRAPA board meetings.

Patterson asked if the board expects to accomplish everything in one meeting, or if the scheduling will be left open to allow for additional time if necessary. Ralston said that much of the planning has already been done, and it is close enough to being finished that it can be finished quickly in one meeting. Patterson commented that the board shouldn't lock itself in too tightly to that schedule, because there might be additional issues which need to be considered, requiring more time. Ralston said the board will be flexible enough to adjust that schedule, if needed.

(2) *Status of Prior Planning Activities.* Hough pointed to the documents which were provided as backup for this agenda item. He said staff had discussed this subject with the Advisory Committee, to update the previous short list of priorities, and he had produced a new red-lined copy showing some word changes; however, the actual list of priorities the agency sees on the horizon are very similar to what was discussed with the board a year ago. Ralston commented that the list of priorities developed a year ago seems like a good basis for where the agency will be heading.

Tannenbaum agreed that the list is a set of priorities to work for now, but she pointed out that strategic planning is really about looking ahead several years and trying to grasp what you think might be on the horizon, letting that be part of what your thinking is today so that you move in that direction. Monk agreed with Tannenbaum, adding that strategic planning is not something to be taken lightly. He said two hours would not be enough time, even if everyone were in agreement with what has already been done with regard to planning.

Monk said he was just looking at the red-lining and strike-out of the open burning rules and expressed concern that, if the board does not meet until March with regular business items, the open burning rules will already have been sent to DEQ and EQC by that time. Hough said the board will need to act on those rules before they are submitted. He pointed out that he has identified a point person for each of the priorities on the list developed a year ago. The next step is to identify milestones and schedules for each of the prioritized tasks and goals. He added that the open burning rules will be going to the Advisory Committee again before they go out on public notice. He asked staff to explain the process for board members.

Dinteman explained that a rule goes to the advisory committee for their comment and also goes to both DEQ and EPA for their comments. In the case of the open burning rules, the draft will be sent to the fire districts to get their input. After all of the comments from those sources have been received, the

information will be put together, and the package will be taken to the board with a request for authorization to hold a public hearing. The board will have that time to talk about the proposed rule amendments. If the board does not like what they see, they can decline to authorize public hearing and ask staff to come back with a revised draft at a future meeting. Once public hearing has been held, the board takes action on the rules. Unless there are significant changes that people have brought up at the hearing that the board thinks need to be made in the proposal, the board may adopt the rules on the same day as the public hearing. Following adoption, LRAPA sends the rules to DEQ with a hearings officer's report because LRAPA serves as hearings officer for the EQC to avoid the rules having to go through another whole process with DEQ for a separate EQC hearing.

Monk commented that a member of the public might not feel too good about attending a hearing to provide public comment and having the board give it about five minutes before adopting it. Dinteman explained that notice of the hearing is published six weeks ahead of the hearing in the *Oregon Bulletin* and again, 30 days prior to the hearing, in several local newspapers. People have access to the draft rules during that notice period and can talk to staff about the proposal and provide comments about it. LRAPA staff provides a response to any comments received prior to the hearing, to say if any revisions are to be made to the proposal as a result of the comments, or not, and why in either case. Monk said that is a great process.

Ralston commented that if LRAPA were going to ban open burning, Lane County of Springfield or other jurisdictions would have to say they were going to ban it. LRAPA could not just ban open burning. Dinteman explained that staff is not planning to propose a ban on open burning. If it were, staff would go to each of the affected jurisdictions, first, to try to get their cooperation. She said LRAPA could not adopt a ban without that cooperation, because the board has to vote to adopt any amendments to the rules, and board members would not be likely to vote for adoption if their jurisdictions did not agree with what is in the rules.

9. NEW BUSINESS:

- A. Benzene in Gasoline. Carpenter asked if LRAPA has a good inventory of the benzene emitters in Lane County, if the board were to choose to do something to reduce benzene levels independent of the current move to try to get EPA to require lower benzene in gasoline produced by Northwest refineries. Hough said LRAPA does not have a benzene emissions inventory at this time. The goal is to have that done by June of 2007. Hough pointed out that such an inventory would not likely provide emissions by individual gas station. It would be by category of emitter. Carpenter asked if gas stations have to list their annual production and storage levels of chemicals on a federal inventory, and if LRAPA has access to that list. Hough said LRAPA does have access to the EPA's Toxic Release Inventory, as does the public; however, the threshold for reporting is very high on that inventory. It does not include emissions, station-by-station. Carpenter said he understands that, but he wonders about some major industries throughout the community. Hough said the ones that would probably have it would be terminals. The SFPP terminal here in Eugene would probably be listed on that inventory, but that facility is required to have vapor controls. Carpenter asked that staff check into what the benzene emissions are in Lane County—not right now, but at some point. He said we might want to wait and see what happens on the benzene in gasoline issue first.

- B. Review of LRAPA's Charter and Possible Legislative Action to Change the Agency's Makeup. Tannenbaum suggested that, given that the Legislature meets again in January of 2007, and the earlier discussion about how the agency is structured which was triggered by the letter from Cottage Grove, perhaps the board should discuss going to the Legislature and revisiting the charter under which the agency was set up.

Ralston said it would be worth discussing, but he has heard the comment many times that the LRAPA board is already too big. He said it won't be long before Springfield has the population to trigger another Springfield seat on the board. If it keeps going like this, pretty soon the agency will have a 13-member board. Tannenbaum said she wasn't thinking of more people on the board but, rather, restructuring things to have a different kind of representation and charter. She said at some point it's something the board will probably have to struggle with, and the Legislature is the body that would be involved in making the decision. Ralston said this sounds like a topic for discussion during strategic planning. He said LRAPA has asked both Cottage Grove and Oakridge to participate in the annual budget, and he thinks the objection has been that they don't have full-time representation on the board and believe they should not have to pay the fee every year. He suggested that a possible solution would be that the city that is being represented on the board in a particular year is the one that pays the dues that year, and the other one does not pay that year.

Koenig asked if LRAPA has answered the letter from Cottage Grove, and Hough said it has not yet been answered. It came in very recently, and staff provided it to the board for information. He said he would expect to have some options and a recommendation available for the board at a future meeting. He suggested the discussion could be broadened to Tannenbaum's suggestion to determine, if the board were to suggest changes to LRAPA's charter, what those suggestions might be.

Carpenter suggested that this discussion wait until after the strategic planning is done.

Taylor said the answer to Cottage Grove, for right now, would have to be that the board is constrained by law from granting their request.

- C. As the meeting was breaking up, Holly Higgins addressed the board once again to thank them for listening to her comments. She said it felt very good to have an opportunity to come and be heard. Higgins said she appreciated the board's comments and discussion about the field burning issue.
10. ADJOURNMENT: The meeting adjourned at 2:00 p.m. The next regular meeting of the LRAPA Board of Directors is scheduled for Tuesday, December 12, 2006, 12:15 p.m. in the LRAPA meeting room, 1010 Main Street, in Springfield, Oregon.

Respectfully submitted,

Merrie Dinteman
Recording Secretary