

MINUTES
LANE REGIONAL AIR PROTECTION AGENCY
BOARD OF DIRECTORS MEETING
THURSDAY–MAY 3, 2007
Library Meeting Room
Springfield City Hall
225 5th Street, Springfield, Oregon

ATTENDANCE

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

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

Other: Maurie Denner, Vice-Chair, and Amy Peccia–LRAPA Advisory Committee

1. OPENING: Stewart called the meeting to order at 12:50 p.m.
2. PUBLIC PARTICIPATION:
 - A. Comments Regarding An Item on Today’s Agenda. None.
 - B. Comments Regarding An Issue Not on Today’s Agenda. None.

3. CONSENT CALENDAR:

Ralston noted that the minutes indicated incorrectly that he opened the meeting, instead of Stewart. There were no further corrections or comments regarding either the minutes or the expense report.

ACTION: MSP(Carpenter/Fortune)(unanimous) adoption of minutes of the April 5, 2007 board meeting, with one correction, and the expense reports through February 28, 2007, as presented.

4. DIRECTOR’S REPORT: Discussion included several items.
 - A. American Lung Association State of the Air Report. Hough said the ALA’s State of the Air Report came out recently, and LRAPA participated in a joint news conference with ALA and ODEQ to help put that report into accurate perspective. Hough said the ALA’s national system of reporting this data is awkward for LRAPA because they report data for a whole county. Where a county has a single airshed, or is part of a larger airshed, that is not a problem. But with Lane County going from the Pacific Ocean to the Cascade Mountains, the county contains several sub-areas with distinct airsheds. The ALA’s methodology lumps all of the county’s airsheds together and uses the worst measurements anywhere in the county, and the statistics in the ALA report do not reflect Oakridge, Eugene-Springfield, and Florence separately. LRAPA staff has spoken a number of times with ALA to explain this problem and has not been successful in convincing them that the information given in their report is not an accurate depiction of counties like this one. Metzler added that the Associated Press picked up the story on the ALA’s current report but somehow reported the 2004 data instead of the 2007 data. Although she tried to get local stations to report the 2007 data rather than the 2004 data, it was still reported, incorrectly, that ALA has ranked Lane County as fifth worst in the nation. Metzler stressed to the board that Lane County was ranked fifth by ALA in 2004, but the county is ranked ninth worst in the current ALA report.

Metzler told the board that one of LRAPA's Monitoring & Data Analysis staff members had separated the Oakridge and Eugene-Springfield data and had determined that Eugene-Springfield would have received a grade of "C" for particulate in the ALA report, while Oakridge still would have received an "F."

Ralston said he thinks this goes beyond irresponsible reporting, because LRAPA has corrected them in previous years on the information in this report and they keep doing the same thing. He said he thinks LRAPA should have some way of strongly opposing this type of reporting, because he has gotten phone calls from constituents and had to explain that what is being reported is not correct.

Patterson asked where the news story originated, and Metzler said she did not see the TV coverage. Patterson said he thought he saw it on KEZI, and Metzler responded that KEZI did not use the information they got from LRAPA but used the ALA information instead. Markos added that the picture the TV station used in that story was an archive picture which did not reflect current conditions.

Both Monk and Patterson encouraged Hough to do an editorial taking the local broadcasters to task regarding this story. Carpenter suggested requesting that the Associated Press do a correction. Metzler said she had listened to a Portland station the morning after this story was broadcast in the Eugene area, and it had been corrected by that time. Metzler added that in her discussion with the ALA, they admitted that there are other areas across the county which have the same issues with this report as LRAPA has, and they believe they are treating everyone equally. They are unwilling to change their methodology.

B. Recent EPA Activities. Hough reported on several actions EPA has taken recently that were of special interest to LRAPA.

(1) Put together a greenhouse gas inventory. This is of interest to LRAPA, given the interest expressed at the April budget committee and board meetings regarding global warming, and a request that LRAPA become more involved with climate change issues. EPA has developed a small engine emissions rule (for equipment such as lawnmowers) which would have an impact on emissions from those sources at the local level. The rule is currently out for public comment. Hough said this rule should make a difference in future emissions and should be very helpful in Lane County with the higher-priority issues of air toxics and ozone precursor emissions.

Koenig asked if the small engine rules would affect existing lawnmowers or new ones, and Hough said the rule would affect new sales, only. The emissions reduction would come from turnover of old machines over a period of several years.

Ralston commented that he doesn't think LRAPA should spend time trying to do something about a global problem. He said he has seen the science and the documentation, and there are no facts to back up the claim that global warming is being caused by human activities. Ralston said instead of CO₂ raising the global temperature, the raising temperatures are actually raising the CO₂ levels, and that the cause of the greenhouse effect is more water vapor in the air. He said he is not interested in pursuing the issue of climate change.

Patterson agreed with Ralston, stating that the issue of climate change has turned into a political nightmare, and he thinks LRAPA should continue its programs to take care of air quality in Lane County and let other people take care of their own areas.

Carpenter suggested leaving that discussion until another time, for a scope and strategy discussion. Stewart agreed, stating that this subject would be part of the goal-setting process.

- (2) Development of a rule for degreasers, which will help reduce air toxics and ozone precursor emissions. Monk asked how many facilities in Lane County the degreaser rules would apply to; and Hough responded that, because degreasers don't require permits, it is not known how many there might be. Max Hueftle said he does not believe there are any of those facilities in Eugene-Springfield. Hueftle added that Portland has quite a few of them which the DEQ has on a general permit.
- C. Fugitive Dust Emissions. Koenig noted mention in the minutes of the April board meeting, that a report could be made available to board members regarding the fugitive dust complaints issue. He said he would like to see the report. Hough said staff was still pulling that information together and can provide it to the board in additional pieces, along the way, if the board would like to have it. Koenig said he thought the report had been completed. Hough said he will make that report available when it is completed. Hough said he had met with Mr. Eldridge, at his home, the week previous to this board meeting and had asked him if he would be interested in joining LRAPA staff for inspection tours of the aggregate facilities closest to his home. Eldridge said he would like to do that when he returns to town in a few weeks. Hough said budget committee member Bob Houston, from the state geology and mineral industries group, also had an interest in that inspection tour. Hough reported that LRAPA received 33 complaints of fugitive dust fallout in 2006, out of a total of about 1,500 complaints for the year. Of the 33, only about 8 actually involved aggregate industries. Of that small number, several involved the companies doing road projects and the need to control fugitive dust when they are in different areas of the county doing actual projects. That leaves very few complaints of dust from the actual operations in the area where Mr. Eldridge lives. Hough said the reason staff wanted to include Mr. Eldridge on inspections of those facilities is so that he can observe for himself the methods they use to control dust on site. Hough added that having Bob Houston participate will be helpful because he can serve as a resource, as well. In summary, Hough said LRAPA is not seeing big clusters of complaints indicating major problems from those facilities. He added that there are also agricultural tilling operations adjacent to those properties which add to the dust problems in the summertime.
- D. Enforcement. Carpenter referred to the monthly enforcement action report attached to the director's report. He pointed to the case involving Cottage Grove Roofing and Construction Company, which shows a payment of \$100 in December of 2006 and then indicates that payments were being made on schedule. He asked if the company is continuing to make the necessary payments. Hough said staff had to send the company a warning letter because they have not been making the payments on schedule. Staff is working to get them back on schedule.

Carpenter then noted that the action involving the Downtown Motel in Eugene showed that subsequent action was still pending but then indicated that the resolution was, "case closed." He asked if that shouldn't indicate the case is still pending. Hough said he believes the "case closed" resolution is accurate. They had quickly involved the necessary licensed asbestos abatement contractor which cost them a substantial sum. Staff felt that the cost to the respondent was sufficient that no further action was warranted by LRAPA.

Monk brought up a case against James Mast in Lorane, in which Mr. Mast burned tires in February and received a notice of violation for that. Mr. Mast then burned asphalt roofing materials and, potentially, asbestos-containing materials in March. Monk said while it is not LRAPA's function to fully educate

people, the agency is failing in some ways. He said he hopes that in the pending negotiations with Mr. Mast he is made to understand in no uncertain terms that he is pushing the envelope. Hough responded that he had not yet had a chance to fully digest that case at this point.

Monk then brought up a case involving open burning by Clarence McKnight of Springfield. He noted that materials being burned included carpeting, plastics and mattresses, and that the burning was taking place inside the Eugene-Springfield UGB and said the respondent should have known better than to burn inside the UGB. Monk said if additional funding is secured from the state, he would like to see the agency do a better job of educating the public about open burning rules and restrictions. He also said fines must be sufficient to deter illegal open burning practices. He said people should know that they might get a slap on the wrist the first time, but the second time the agency really has to make an issue of it with them.

Koenig said he was glad to see the work Metzler had done, adding information regarding asbestos to the agency's website. He noted that, out of 26 violations in the current report, 11 (over 42 percent) involved asbestos. Koenig said he does not think the average person has any idea of the complexity of what is involved in removing asbestos and the fact that they can't just be blithely removing asbestos to make room for something else. He said he thinks there is a pressing need for LRAPA to provide much more information to the public regarding what is involved with handling of asbestos. He said he knows it has been on the back burner, but he would to see it moved forward now. Hough responded that working with people on getting asbestos projects done property is a big part of LRAPA's activities. It is not being ignored, and staff does have plans to do more to try to educate the public more completely. Hough said the projects that receive enforcement actions are just a small portion of the total asbestos abatement projects the agency deals with on a regular basis. LRAPA gives more attention to these projects than typical counties in the rest of the state, and LRAPA inspects a much higher percentage of the jobs than the statewide average.

Patterson said he does not think many of the people moving into the area and buying older homes know what is in the typical older house. He noted that the asbestos isn't just buried in the walls. It's in the flooring and other places, and the realtors need to be educated about the presence of asbestos in the older homes before they sell the homes. Metzler said she and Markos can tackle this subject as one of their next projects, adding that maybe the board can help prioritize it through strategic planning. Metzler said they have been visiting the permit departments of the cities and the county, and some of them have agreed to add asbestos abatement in the list of things that someone has to do when they get a permit to renovate a house. She said staff member Tom Freeman tries to meet regularly with real estate groups when they have monthly meetings or other gatherings. Some of these groups are very receptive and others are not. Metzler said staff can make it a higher priority and work harder to get the information to these individuals.

Carpenter suggested putting something on the website to indicate places where asbestos might be found, such as flooring or popcorn ceilings. Metzler said there is a graphic on the website which shows the areas of a house which might contain asbestos. Monk asked if presence of asbestos must be identified in the disclosure when a house is sold, and Metzler said she does not think it is. He asked if getting such a disclosure would require a change in state law, and Hough said it would.

Stewart commented that when he remodeled his bathroom he would not have thought about asbestos if he hadn't been involved with LRAPA. He said whenever there is a permit to do remodeling, information about asbestos should be included. He also suggested working with the outlet stores that

sell the materials to homeowners who do their own work, because a lot of those people probably do not get permits. Brochures could be displayed or readily handed out at those stores. Stewart commented that he does not think it is very practical to assume that people who are doing home improvement projects are going to visit LRAPA's website.

Fortune agreed with Stewart, that the majority of people don't know anything about asbestos and would not care. He said he also does not think it falls to realtors to make the prospective home buyer aware of asbestos concerns. He said if he bought a house and planned to renovate it, he would not be looking at websites or visiting LRAPA first. He asked who is creating the conditions that result in violations of the rules regarding asbestos. Is it the individuals who are renovating their own house, or is it the contractors. He said LRAPA should partner with the state regarding their requirements when contractors renew their licenses, and perhaps requiring that the contractor actually sign a statement that says they are aware of asbestos on any job they do. Stewart commented and he took his contractor's license exam four or five years ago, and he thought that was part of the test. He said he thinks it is a state contractor's license requirement, that a contractor has to do through a new licensing program and which includes a certain number of hours in a classroom and then a test, and that a person getting a license pretty much knows that these rules exist. Fortune said it should be a condition of getting the license, that you sign a letter stating that you will be aware of asbestos requirements on any job that you do. Having that requirement would not give a contractor the opportunity to forget what you took on your test two years down the road. He added that LRAPA would have more leverage from the standpoint of imposing stricter fines on contractors.

5. **ADVISORY COMMITTEE:** Vice-Chair Maurie Denner was present to report on committee activities. He reported that Lorena Young is leaving the committee after 15 years of service representing the general public. He said the committee recognized Young's service at its last meeting, and that Hough was at that meeting to express LRAPA's appreciation of her efforts on behalf of the agency. Denner also noted that 15 years is a remarkable period of service to any group.

Denner said the committee also saw a presentation of the Supplemental Environmental Projects (SEP) information on the agency's website, noting that it was especially good to see that presentation at the last committee meeting, because Young pushed that project and was gratified to see the progress staff has made.

Denner said he would take the budget information back to the advisory committee so that they are aware of what the budget is and the fact that the budget committee has approved it for adoption by the board.

Denner also had some comments regarding the board's discussion of the director's report earlier in the meeting. Regarding getting the word out about asbestos, Denner suggested that LRAPA might partner with the Home Builders Association, possibly getting a link on that group's website to access information on asbestos. He also suggested that LRAPA could post a story on the Web regarding Lane County issues around asbestos, stating that it would pop up in a Google search as people look to start a project. Regarding open burning, Denner said he had seen a 30-second spot on television the previous evening regarding safe burning. He said the spot was put out by the Oregon Forestry Council and did not mention not doing open burning inside the Urban Growth Boundary. He commented that LRAPA needs to get a different message out there. Ralston pointed out that people are allowed to do open burning inside the UGB as long as they have a half acre or more of property.

6. OLD BUSINESS:

State General Fund Contribution to LRAPA. Hough reported that the DEQ budget, which integrates LRAPA's budget needs, was on the Ways & Means Natural Resource Subcommittee's agenda in April and that he, Kim Metzler and Bill Carpenter had teamed up to prepare testimony in support of the budget. Hough said Carpenter and Metzler delivered that testimony to the subcommittee. Hough thanked Carpenter for his willingness to present the testimony, adding that he appreciated Carpenter's ability to provide a concise summary of the prepared testimony during the few minutes he was allowed to speak.

Carpenter reported that the Associated Oregon Industries is not usually on the side of funding for DEQ but that the organization fully supported the budget about which he and Metzler provided testimony.

7. NEW BUSINESS:

A. Director's Annual Performance Evaluation. Staff member Merrie Dinteman brought up the subject of the board's annual evaluation of the director's performance, stating that the board has for several years had staff and advisory committee members fill out evaluation forms and provide them to board members to assist in the board's evaluation process. She asked if board members wanted to continue that practice this year. Dinteman said she had prepared the traditional long form, and the short form developed last year, to send to staff and advisory committee members, with a request that those who wish to participate in the process get their forms to board members by June 1 to allow time for board members to review those evaluation forms and use the information to help them complete their own evaluations of Hough's performance over the past year. Board members had no objections to following the same process this year as they have for the past few years. The board will receive their own blank evaluations forms the first part of June, via e-mail, in Word, WordPerfect and pdf formats for both the long and short forms.

Monk asked if staff and advisory committee members send their evaluation forms to all board members or just those whom they wish to receive them. Dinteman said the instructions are to send the forms to all board members. If someone wishes to download the pdf and fill it out by hand, they are asked to send the original to the board chair and copy to each of the other board members. If it is done electronically, the form should be sent to all board members.

B. Stage I Vapor Recovery Rules. Monk reported that he had written rules for Stage I vapor recovery, which is capture of fugitive gaseous emissions from gas stations when trucks are filling the underground tanks. Monk said he had been asked by EQC to write a draft rule because DEQ did not have time to write a new rule at that point. He said he worked on the rules for about a year. Hough asked if the rules were statewide or Western-Oregon-wide, and Monk said the rule was intended to be statewide. Monk said DEQ has indicated they will review the draft rule in June or July, for consistency with the rest of their rules. Monk explained current rules provide a greater level of protection in non-attainments areas like Portland, Salem and Medford; and that the draft rule would provide the same level of protection for everyone in the state, with regarding to State I vapor recovery. He said the industry does not oppose the rule because they already have all the equipment necessary to comply with the rule. Monk said he would send the proposed rule to the board, and to Hough for his review, adding that he hopes LRAPA will be involved in discussion of this new rule.

C. Carbon Emissions Trading. Stewart said the county's economic development coordinator had asked him earlier in the day about carbon emissions trading. Stewart said he believes Portland is in the process of capping allowable carbon emissions from that city's businesses, and then selling the credits on the East

Coast where the carbon requirements are not being met. He asked Hough to research how this program works, how Portland is doing with their process, what the benefits are, the level of revenues generated and how those revenues are used.

8. ADJOURNMENT: The meeting adjourned at 1:34 p.m. The next regular meeting of the LRAPA Board of Directors is scheduled for Thursday, June 7, 2007. The meeting will be held in the Library Meeting Room at the Springfield City Hall, 225 5th Street, Springfield, Oregon.

Respectfully submitted,

Merrie Dinteman
Recording Secretary