

MINUTES
LANE REGIONAL AIR PROTECTION AGENCY
BOARD OF DIRECTORS MEETING
THURSDAY–JULY 12, 2007
LRAPA Meeting Room
1010 Main Street, Springfield, Oregon

ATTENDANCE

- Board: Faye Stewart, Chair–Lane County; Bill Carpenter–At-Large, Springfield; Glenn Fortune–At-Large, Drew Johnson–Eugene; General; David Monk–Eugene; Dave Ralston–Springfield; Betty Taylor–Eugene (ABSENT: Earl Koenig, Vice-Chair–Eugene; Pat Patterson–Cottage Grove/Oakridge)
- Staff: Merlyn Hough–Director; Merrie Dinteman; Doug Erwin; Cory Fulton; Max Hueftle; Sandra Lopez; Sally Markos; Kim Metzler; Nasser Mirhosseyni; Stan Biles–Strategic Planning Facilitator
- Other: Russ Ayers-Chair, and Amy Peccia–LRAPA Advisory Committee

1. **OPENING:** Stewart was unable to be present at the scheduled starting time, and Vice-Chair Koenig was not available for this meeting. Immediate Past-Chair Ralston called the meeting to order at 12:18 p.m. and started the meeting. The vote on the consent calendar included only six board members.

3. **CONSENT CALENDAR:**

MOTION: (Taylor/Fortune) adoption of minutes of the June 7, 2007 board meeting, and the expense reports through May 31, 2007, as presented.

Discussion of Motion: Monk called attention to a statement on page 19 of the minutes, under section 7, New Ideas. The first sentence read, “Referring to the SHINE report of high incidence of leukemia in an industrial area of west Eugene, Monk said the report pointed out that formaldehyde is one of the known causes of leukemia.” Monk said he did not mean to imply that the SHINE report contained the reference to formaldehyde as a known cause of leukemia. He said that information was actually given to him by Becky Riley. Hough asked if it would be okay if the sentence ended after the phrase, “. . . in an industrial area of west Eugene . . .,” and Monk said that would be okay, if the rest of that sentence were deleted.

ACTION: The motion passed, with the one correction to the minutes, by a vote of 5 in favor and one abstention (Taylor).

4. **DIRECTOR’S REPORT:** Hough went over several items of interest in the reports of agency activities for the periods of 04/16/07–05/15/07 and 05/16/07–06/15/07.
- A. Indirect Source Permit Requirements. LRAPA received contact from Eugene city planning staff and from a consultant for McKenzie-Willamette Hospital, regarding LRAPA requirements for an indirect source permit for the hospital’s proposed new facility in Eugene. These permits cover parking lots or highways that are indirect sources of air pollution. Hough told the board that the current process is parallel to the process that happened a few years ago on the PeaceHealth, RiverBend facility. Staff expects to be involved, frequently, during the planning and construction processes, to be sure the project complies with Title 20 of LRAPA’s rules.

Taylor asked if the facility will automatically get the indirect source permit, and if LRAPA’s decision on whether or not the issue a permit will take place before the city has decided whether to allow the hospital to locate on the proposed site. Hough responded that the indirect source permitting process could happen independent of the city’s overall decision. The evaluation of the application is primarily based on whether it is expected to cause or exacerbate an air quality standard problem. Therefore, the criteria

applied to the project by LRAPA would be very straightforward and would not have the wide range of issues that the city will be considering in the overall locating and permitting of the hospital.

Taylor asked if getting the permit is just automatic, or if there are some real criteria to be considered. Hough said LRAPA's criteria are spelled out in the rules and that as cars become cleaner over time, it is more straightforward for LRAPA for meeting the requirements of Title 20 because there is not as much CO emissions per trip per car, and there's less likelihood that the concentration of vehicles will aggravate or cause a standard violation. Taylor asked about the larger vehicles such as ambulances, and Hough said the percentage of ambulances probably would not be a big factor, but all of that is considered in the evaluation of the anticipated impact of the facility on the airshed.

- B. Hynix Violation. Taylor asked about the amount of the fine for a violation by Hynix in Eugene. Hough said he had not yet signed the final civil penalty notice, but the penalty matrix in LRAPA's rules would generate a fine of \$800, which is the recommended amount. Taylor said that is too low.

Hough explained that the company was aware of this potential problem of exceeding their permit limits about a year ago, at which time they alerted LRAPA to the problem. Hynix requested an increase in the permit limit, as part of their application for permit renewal. The company has been evaluating the effects of gradually increasing emissions over the next five years. They have shown, through air quality dispersion modeling, that the increase would not cause health effects problems or damage to sensitive vegetation. Hough explained that the dispersion modeling uses the plant's emissions and applies weather information to calculate the concentrations that would be experienced at various locations in the vicinity of the plant.

Regarding the amount of the civil penalty, Hough said when there is a problem that is not considered intentional or negligent, the penalty matrix in the enforcement rules specifies the amount of the fine. Taylor said she had a problem with this violation not being categorized as intentional, because the company told LRAPA they were going to violate the emissions limits in the permit. Johnson agreed, stating that it seems there are different categories for the intent, depending on whether it was an accident or whether they knew it was problem. Carpenter suggested the word, "willful," and Johnson asked if that would come into play because, if they had not increased production, the violation might not have happened.

Hough said there has been a gradual, and predictable, increase in production and some shifting in the types of microchips produced, over time. He said if the company had just requested a permit increase from 1.8 up to 2.5 or 3 tons per year, that could have been done as a separate action because it is below levels of significance, and the issue would have been settled in that way. But because there was a permit renewal pending, the increase was factored into the renewal. Staff expected to have the permitting process finished by the end of 2006, and the issue would have been resolved; however, there was a request for public hearing, followed by requests for extensions of the public hearing, which carried over into 2007. Hynix submitted a report of its 2006 emissions in March 2007, as required by the permit. Comparing that data to the old permit, which was in force while the new permit was being processed, indicated a violation. Johnson asked if the violation corresponded with the time they were expecting to have a new permit, or when they would have reasonably expected to have a received a permit; and Hough responded affirmatively, that the violation occurred after the new permit was originally expected to have been issued, in summer or fall of 2006.

Carpenter said it seemed to him that the more appropriate way to deal with this issue would have been for Hynix to request a variance while the permit was in process. He asked if staff had included in the penalty calculation the economic benefit that the company gained from increasing its production level, which resulted in the violation of permitted emission limits. He said it appeared that they could have curtailed production to avoid excess emissions, but they elected to make a management decision not to do that, likely based on the economics of the situation. Hough responded that it was very late in 2006 when Hynix realized that they were going to need to increase their permitted emissions limit, but the final calculated amount was not clear to them. When calculating economic benefit into a civil penalty, it is usually the avoided cost of air pollution control that is considered, not the economic benefit of production.

Carpenter pointed out that, even if the new permit had been issued in the middle of 2006, the new emissions limit would have applied only to the months that the new permit was in effect. The report which the company submitted in March of this year covered all of 2006, and any emissions which were higher before the new permit went into place would still have been out of compliance. He said Hynix is a sophisticated polluter who is keeping track of its emissions on a regular basis and knows what those numbers are, but it looks like they elected not to come forward and tell LRAPA when they were in excess and just waited until March 31 to submit the report that shows they were 20 percent over their allowable limit.

At this point Hough said he needed to discuss a matter with the board which he had planned to bring up later on the agenda. He said it was intended to apply to a controversial permit action on the same facility, but it could also apply to an enforcement action. Hough said he had asked LRAPA legal counsel Glenn Klein of Harrang/Long for a review of the permit issuance process, including public comment and appeals aspects. Hough called attention to the response letter from Klein, copies of which had been distributed to board members. He said the key issue is that when there is an issue that may come before the board in an appeal, the board would be involved in a quasi-judicial role at that time. If there is potential for an issue coming before the board in that way, it is important to be careful to maintain objectivity. Hough said the discussions the board has at its own meetings are okay because the discussion is among board members; however, if there are separate conversations, which constitute ex-parte communications, those might have to be declared if the issue comes before the board and the board is being asked to make a judgement on whether the staff or the director was appropriate in the action that was taken. Hough said this same issue could apply to the enforcement action against Hynix, and he wanted to caution board members to be sure to maintain their objectivity so they won't need to declare ex-parte communications or recuse themselves later.

Carpenter asked that Hough go back and review the economic benefit policy and see if that should possibly be applied to the penalty calculation for this form of violation. Johnson asked Hough to also check to see if the company's actions might fall into the category of "willful." Ralston pointed out that board members are speculating on the company's motives and their thought processes as this was taking place. They are suspecting that the company did what they did to avoid certain things. He said he thought the board might have to back things up a little bit to avoid trouble later on if they do end up having to make a judgement on this situation. Ralston added that it seems to him that the root of the problem was that the permit process took so long. He also pointed out that Hough had said Hynix could have chosen to do something else that would have sped the process up, and they would not have been in violation. Ralston said he did not think the violation was the result of a willful act at all. He suggested that, in the future, if staff knows the permit process will take a long time, they should suggest to the permittee that there is another way to increase the emissions limit in the existing permit. Monk said that,

given the controversy over Hynix's original permit, the company should have known the renewal timeline might be extended.

Taylor said her interpretation of the letter from Klein was that only the permittee could appeal the permit, not the public. Hough affirmed that the public would go straight to the courts.

Monk said that if the penalty matrix does not reflect a profit motivation, when in fact the increase in production was responsible for the violation, then the matrix should provide for that. He stated that, in looking at the penalty matrix as Carpenter requested, if it becomes apparent to Hough that that is in rule, it would apply in this case. If it is not in the rule, Monk suggested that the advisory committee look at that in the rulemaking, in other work they do around enforcement, and add a profit motivation provision to the enforcement penalty matrix. He said it seems reasonable to him that it should be. Monk requested that this matter be put in the board's new business file to take up at a future date.

Stewart commented that he has had calls from constituents who have asked him about LRAPA's permitting process. He said as soon as the board's schedule permits, it would be very helpful to him to have a better understanding of the process and how it is monitored and how the agency is sure that permittees are reporting accurately on their emissions.

Johnson noted that when the city of Eugene and Hynix had a legal dispute a couple of years ago, both parties were represented by Harrang/Long. He asked if that is still the case. Taylor confirmed that it is.

Hough clarified that Harrang/Long represents Hynix primarily on personnel and human resources types of issues. The firm serves LRAPA for, essentially, everything requiring legal counsel. Johnson asked if there is a backup plan if LRAPA has a legal dispute with a facility that also employs Harrang/Long as legal counsel. Carpenter repeated Hough's prior statement that Hynix is not using Harrang/Long for their regulatory permit requirements, and said Hynix probably has other counsel doing their regulatory permitting work. Hough added that he thinks the counsel LRAPA sought from Harrang/Long, thus far, has not been an issue. Glenn Klein alerted LRAPA to the conflict of interest which Hough had just described, and Hough said he told Klein that he is fine with signing the necessary waiver if that becomes necessary as LRAPA proceeds with advice that may be more specific to Hynix. He pointed out that the letter is introduced by a statement that this information is being provided due to the controversial nature of the Hynix permit activity and that LRAPA had sought this information as a refresher. The advice is general and consistent with what Klein has provided to the board in the past. Taylor noted that the city of Eugene and Hynix both use Harrang/long, and a lot of waivers have been signed by at least three city managers. She added that some people think that should change.

Monk said he had read LRAPA's rules when he first joined the board, and he did not think this legal opinion was exactly correct. He said he would look at the rules and send an e-mail to board members and reference the exact page if he finds that, as he suspected, Klein had missed something in LRAPA's rules.

Stewart said that if a matter is appealed to the Lane County Board of Commissioners, commissioners who have had ex-parte communications in the case must declare that. Commissioners are at risk of being removed from the decision by their peers. So there are some consequences as a result of ex-parte communications. Stewart said he did not know if anything in Klein's letter was misrepresented, but he appreciated Monk's offer to research that. Stewart went on to say that he has had citizens call him with

concerns about the Hynix permit and renewal. He asked if there is a way to require that the company reports its emissions monthly rather than yearly, adding that he did not know what the costs would be to do that, but there are definitely some concerns among citizens who believe you should trust but also verify. Stewart said he wanted to know if LRAPA staff is considering more frequent reporting as part of the permit renewal, so that the agency can address the concerns of the citizens and make sure that nothing is happening that shouldn't be happening. He commented that if the company is keeping track of the information, perhaps it wouldn't be a burden to send it to LRAPA more frequently. Hough responded that the question of whether more frequent monitoring is feasible for the facility is one of the issues staff has been wrestling with. Another issue could be more frequent reporting of what they do on an annual basis.

Stewart also commented on the fine charged for this violation. He said that could be something the board would discuss if it is appealed to the board. But it is also something that is on the board's workplan, as part of an overall review of the basis of LRAPA's civil penalty structure and the actions the agency takes in enforcement cases.

- C. Maximum Achievable Control Technology (MACT) for Boilers and Plywood Facilities. Hough said there have been some court cases, involving EPA, regarding MACT on boilers and plywood facilities, and that it is a big deal for this area with its many wood products facilities. There is a potential for delays, and there is some overlap with Monk's comment about formaldehyde earlier in the meeting, which is within the scope of some of the emissions that would be reduced by applying MACT to these facilities. The effects of these court cases will affect LRAPA staff time in working through these issues with the facilities.

Johnson asked about the two court cases that affected the Boiler MACT and the Plywood MACT. He asked if the Boiler MACT court case would mean that sources would not have to comply with the Boiler MACT standard. *[In the case of Boiler MACT, the court's order has not yet taken effect because the parties to the case are allowed 45 days to seek rehearing or to request that the rule remain enforceable pending EPA's action to revise it. If no parties file a request of this nature, the court should issue the formal mandate vacating the Boiler MACT rule. Once the court issues the mandate, the rule would no longer be enforceable. However, if any party to the case files a motion before July 30 asking the court to let the rule remain in effect pending EPA's revision of the rule, the rule will remain in effect until the court resolves those requests. EPA is evaluating its options and has not reached any decision whether to request that the Boiler MACT rule remain enforceable pending revision. If the mandate vacating the Boiler MACT is issued, sources that were subject to the rule will need to file applications for permits containing MACT limits derived on a case-by-case basis, within a time specified by EPA or state/local permitting authorities.]*

Johnson asked if either one of those decisions triggers a 112-J requirement. Operations Manager Sandra Lopez responded that if plywood facilities had done the health risk option, they were opting to use BACT (Best Available Control Technology) and are submitting applications to go ahead and put controls on for that. Permit issuing agencies were able to give them an extension on installation of those controls.

Johnson asked how many sources LRAPA permits that would have to submit 112-J applications for the Boiler MACT. Max Huefle said there are two solid fuel-fired boilers which will need to do that. Lopez added that the rest are natural gas boilers, which run fairly cleanly. Johnson asked how many there would be for the Plywood MACT. Lopez said staff believes there probably will be a number of those that will come in, although the number is not yet certain because they did not have to submit their health

risk assessment options until later this year. Johnson asked if they will have to put on controls, and Lopez said they will, or meet the production-based standards. She suggested that Johnson meet with her following the board meeting to go over all the facilities.

Monk said he would like to join that conversation. He said his understanding of the court's ruling was that EPA does not have the authority to provide the one-year extension. Monk asked Hough for confirmation that these facilities have known for at least two decades that this was coming. Hough confirmed that the MACT is an outgrowth of the 1990 Clean Air Act, but the MACT for these two categories was developed in recent years. Lopez added that the extension if a company comes in under 112-J is different from the EPA extension that the court over-turned. She explained that the 112-J extension is very specific to control requirements that the facilities will have to install because of the court's action. Facilities must demonstrate they need the time for installing controls. Monk said he thinks requiring MACT compliance for all these older facilities is a huge deal for air quality; and he hopes that LRAPA will work with them to expedite that process to bring them into compliance as quickly as possible.

- D. Federal Ozone Standards. Hough reported that the EPA is proposing to tighten the current ozone standards. Depending on where the standard ends up, it could make the difference between whether Lane County continues to meet the ozone standard, or whether Eugene-Springfield would become a non-attainment area which would trigger a set of requirements including a new strategy and additional controls, and evaluation of future ozone levels with growth. Hough said Eugene-Springfield, as well as Portland, Salem, and Medford, are all in the same neighborhood of the range that EPA is considering for the tightened standard.

- E. ODF Slash Burning Rules. Hough said there is a hearing planned in Florence on August 1 regarding the ODF smoke management plan. Hough said ODF is planning a number of changes to make the plan more protective. LRAPA has asked them to consider designating Florence as a Smoke Sensitive Receptor Area. Hough noted that a copy of LRAPA's letter to ODF was included in the background information for this agenda item. The letter includes four reasons that LRAPA thinks it is appropriate to add Florence to the list of cities afforded special protection. Other cities already on that list include Astoria, Tillamook, Lincoln City, Newport, and Coos Bay. The four reasons given for the request are the fact that the population of the city of Florence is growing rapidly and is within the population range of the other coastal cities that currently receive special protection designation; LRAPA, Forestry and DEQ receive complaints of smoke intrusions from citizens of the Florence area; slash smoke appears to be a significant contributor to those problems; and designating Florence as a Smoke Sensitive Receptor Area would be a key complement to other things that LRAPA and the city of Florence have done or are doing about the smoke problems in the area (such as the city's ban on open burning within the city limits, LRAPA's providing daily burning advisories for that area, and a proposal in the open burning rule amendments which will come to the board in the next month or two, to designate a special control area around Florence for open burning).

Ralston asked how ODF plans to control smoke from slash burning. If they don't burn the slash, what would that mean? Hough said one side of that is that they indicate they are trying to be more sensitive to Florence now in their burning advisories. The special designation of Florence would mean that ODF would be on record as trying to avoid smoke going into that area. They would try to send the smoke either to the north of Florence or to the south through the Coast Range. Hough said there is a potential problem with residual smoke, either the cold smoke before it really gets burning or the residual smoke

after the major part of the burn takes place. With the valleys going toward Florence, there is potential for the smoke to go that way.

- F. Home Wood Heating Ordinance Changes. Monk asked Hough to describe the need for the cities of Eugene, Springfield and Oakridge, and Lane County, to revise their home wood heating ordinances. Hough explained that the changes in the ordinances are necessitated by the EPA's revised PM_{2.5} standard. The Air Quality Index (AQI) is changing in response to that revision, and the home wood heating (Red/Yellow/Green) advisories are set according to the concentration cutoffs for the different categories in the AQI. LRAPA will be working with the county and the cities to revise those ordinances accordingly.
- G. Bill Carpenter's Term on the Board. The Springfield At-Large position on the LRAPA board is a two-year appointment, and Carpenter's appointment expires in August. According to the board's policy, Carpenter can be reappointed automatically, if he chooses to continue to serve, because he has served for only one term. Carpenter said he did want to continue to serve on the board.

ACTION: MSP (Taylor/Monk)(6:1-Carpenter abstained) reappointment of Bill Carpenter to a new two-year term on the LRAPA Board of Directors, in an at-large position representing Springfield.

2. PUBLIC PARTICIPATION: One of the people who wanted to speak to the board requested that this item be postponed until Stewart's arrival. The board proceeded with the Consent Calendar and started discussion of the Director's Report before Stewart arrived.
- A. Comments Regarding An Item on Today's Agenda. None.
- B. Comments Regarding An Issue Not on Today's Agenda.
- (1) Wallace Murphy, 1095 C Street, Springfield, *about pollutants from jet vapor trails which impact the area..* Murphy said he was representing citizens who are concerned about airplanes that periodically travel over Eugene and Springfield and leave vapor trails which expand to a great extent and make the sky hazy. He said he wonders what is in that vapor that they leave. Murphy said they usually are only in the air above the area for about an hour or an hour and a half, and then they are gone, and there are no more. He said he does not believe these are commercial airlines, but he has not yet been able to identify them. He asked if the board members' concern about air quality extend to the contaminants left in the air above by these planes; and, if not, he asked if the board could refer him to the proper state agency to handle this concern. Murphy asked that someone get back to him with that information, using the address he had left on the sheet of paper he filled out speak to the board.
- (2) Melissa Baird, 945 B Street, Springfield. Baird said she had two comments for the board.
- (a) *Odor Complaint*. There is a sweet smell that causes air quality issues in her neighborhood in the evenings, about 7:00 p.m. She said she suspects the odor is coming from either Weyerhaeuser or Borden (Dynea), that one of them is releasing some kind of chemicals that come through every night for about an hour or an hour and a half. She said she would like a follow-up on that.

Staff member Dinteman asked her to keep track of the dates and times when the odor is present and relay that information to LRAPA so the agency can check the wind direction and other meteorological conditions at those times and compare them against what those particular facilities are doing at those times. Stewart asked that someone on staff follow up with Baird on her complaint.

- (b) *Ralston's Comments on Global Warming/Climate Change.* Baird said that, as an archaeologist who teaches about human impacts on ancient environments, she is very familiar with the science and wanted to express her dismay at Ralston's comments in the *Register Guard*. She said that, beyond the issue of whether the science is or is not correct, his comments had politicized the subject to an issue of "left" vs. "right," which had the effect of closing off dialogue instead of opening it up as needs to happen. Baird urged the board not to make those kinds of comments in the future, because it ends the dialogue and doesn't allow people to get to the table and talk about these issues. She said she would also expect Ralston, as chairman of this board, to have a more open mind than that.
- (3) Day Owen, Box 516, Elmira. Owen also had two subjects about which he wanted to speak to the board.
- (a) *Ralston's Comments on Global Warming/Climate Change.* Owen said he wanted one of the board members to make a proposal to distance the rest of the board from Ralston's comments, because he felt those comments were an embarrassment to the whole board. He said he also wanted the board to request that Mayor Leiken withdraw Ralston's appointment to this board. Owen said he does not want someone with such a far-out viewpoint on a board that controls air quality issues.
 - (b) *Aerial Spraying of Herbicides by Timber Industry Helicopters.* Owen said children are being poisoned by aerial spraying of herbicides from timber industry helicopters, and he wanted the LRAPA board to hold a special meeting dedicated to this subject. Owen said he wanted the board to know that, right now, there is no legal buffer zone on how close a timber industry helicopter can spray next to a private home. Where he lives in the coastal mountains between Eugene and Florence, the land is all steep hillsides with clear-cuts all over them. When the helicopters fly over and spray the herbicides, it drifts and forces people to breathe it. He said he had documented proof in an article which he said details the fact that one of his neighbors has had three different members of his family, including an eight-year-old child, knocked unconscious and rushed to Sacred Heart Hospital after three different aerial sprayings. Each time the people have been diagnosed with swelling of the arteries of the respiratory system. Owen said when this came to his attention he began holding public community meetings, and people came to the meetings. He said the media has dubbed this, "The Pitchford Rebellion," because these people are country folk and farmers. Owen said when he looked at who makes up the Board of Forestry and supervises the Oregon Department of Forestry, he found that the board consists primarily of timber company executives. Owen said as he investigates this subject, he finds that the agencies that are supposed to protect citizens are controlled by private industry, and the whole system is wired in a very negative way and includes structural flaws that need to be addressed. Owen said he agrees that global warming is real and that it is a terrible problem. He said that is getting a lot of attention at state and federal levels. The problem with this aerial spraying, however, is right in the LRAPA board's backyard. People

are being knocked unconscious and rushed to the hospital, and no one does anything about it.

Owen said the Lane County Commissioner for the area where he lives is Bill Fleenor. On behalf of his constituents, Fleenor contacted every agency that is supposed to have anything to do with protecting water or air and tried to get someone to come out and test the water and the air. Every one of the agencies told Fleenor that they are not responsible for it, and he found no agency willing to talk to the people who are being affected by this problem. Owen said he would like the LRAPA board to hold a special session so that he can bring in the people who have been knocked unconscious and rushed to the hospital, to tell the board their stories.

Monk asked Hough if there is anything LRAPA can do regarding this situation, and Hough said herbicide application is usually under the jurisdiction of the Department of Agriculture and could also be under the jurisdiction of the Department of Forestry since this application was on forest land. Hough said LRAPA is interested in the situation but does not have responsibility or authority for follow-up on pesticide applications. Taylor commented that because the pesticide spray goes up into the air, and LRAPA is in charge of trying to protect the air, LRAPA should somehow be involved. Hough said the key concern would be that this is a specialized area of expertise which LRAPA does not have, and LRAPA is not equipped to address herbicide applications.

Owen suggested that LRAPA first hold a meeting and take testimony from people who are affected by the spraying, and then write a viewpoint letter that the affected residents could take to the Department of Agriculture. Stewart commented that LRAPA has no ability to govern the practice of field burning; but the board took a stance on that, wrote a letter to legislators, and testified to the legislative committee during a hearing. He said that might be something the board could entertain in this instance, as well. Owen asked for Hough's business card and for some kind of literature that includes what LRAPA's mission statement is and what the agency's responsibility is. He said he wanted something that he can take to his group so that they can see whether or not it seems to them that LRAPA is responsible for the air they're breathing. Hough gave Owen one of his business cards, and Stewart gave him a copy of the most recent annual report which includes the requested information. Owen thanked Stewart and the rest of the board for being willing to listen to him.

Stewart asked Hough to report back at the next board meeting regarding the statutes governing herbicide application and if LRAPA has the ability to comment on this issue.

- (4) Connie Jaqua, 35917 Camp Creek Road., Springfield, regarding *Ralston's comments in the paper about Global Warming/Climate Change*. Jaqua said that if Ralston's comments were designed to bring people to comment, it was well done. She said this was the first time she had been interested in attending an LRAPA board meeting. After looking at the board's discussion of new ideas, the agency's mission statement, and listening to some of board members' comments, she said she was really encouraged and believes Lane County's air quality is in fairly good hands. However, she said we need positive statements and suggestions for things that residents can do, and not off-the-wall statements such as those in the newspaper article. Jaqua said 100 percent of credible science says that activities of mankind are contributing global warming. She agrees that there are natural Earth cycles which occur every 23,000 years, but the current warming cycle is coming in decades and

people have to do something about it. Jaqua said there are other things people can do besides just control emissions, such as cutting pollution from the building industry and buildings, as well as cars. She said positive statements in the papers from LRAPA's board and chairman can help to let people know what they can do to step up and help. She asked Ralston what his comments were designed to do.

Ralston said that an earlier speaker had called his comments "far-out and abnormal." He said he disagrees with that, and so do a lot of other people, and pointed out that he has the right to say what he believes. He added that he had gotten far more comments in support of his viewpoint than negative comments. Ralston said he has seen scientific studies and documented temperature readings from the North Pole, and all over the world, which show an increase of 0.3 degrees over the last thirty years. He added that, if the temperatures are recorded by satellite, the increase shows only 0.1 degree over the last thirty years. Ralston added that things he says are usually intended to start a dialogue as this has done.

Jaqua said the only scientists who are quoting the figures to which Ralston referred are the ones who are paid by Exxon/Mobile and their lobbyists, and that no credible scientists support the view that man is not contributing directly to global warming. Jaqua said that when the chairman of the LRAPA board makes a comment, it ought to have science behind it and not be a political statement. She added that he is entitled to his statements but, if he's wrong and we do nothing, we all die. If she is wrong all that happens is that we reduce the CO₂ emissions and some of our other pollutants.

There was a bit of a one-on-one discussion between Jaqua and Ralston regarding the legitimacy of the differing points of view, and Stewart stopped the discussion because this agenda item is meant to give people the opportunity to provide comment to the board and is supposed to be limited to three minutes. It is not intended to start an open dialogue or debate. Stewart thanked Jaqua for attending the meeting and voicing her concern. Jaqua said she appreciated the opportunity. Stewart suggested that Ralston might want to meet with members of the audience at another time to talk with them about his comments.

5. **ADVISORY COMMITTEE:** Committee Chairman Russ Ayers reported that the committee did not meet in June.
6. **CONTINUED DISCUSSION OF STRATEGIC PLANNING:** Hough noted that Stan Biles was once again present at the board meeting, to help wrap up the discussion of new ideas begun at the June meeting. Hough also said that, time permitting, he would like the board to look at the document that Markos had drafted following the board's discussion last month, regarding the LRAPA Advisory Committee. He said if the board agreed with the content of that document, staff would ask the advisory committee to also review it and provide comments or recommendations to the board.

Regarding the rest of the items on today's agenda, Stewart asked if the director's performance evaluation could be postponed until the August 2 meeting if the strategic planning discussion took up the rest of the time allotted for today. Hough said he would not mind postponing that item. He said he was actually expecting that it might be postponed, which was why it was listed last among the action items on today's agenda.

Biles quickly summarized what was accomplished by the end of the June meeting. After undertaking two or three months of background preparation, interviews, etc., the board met in June and discussed the

mission/vision/goals/priorities, and new ideas. What flowed from that discussion was an indication of board comfort with the existing mission and vision statements, existing goals and existing priorities. There was some direction given on multi-year planning, as well as clarifying the role of the advisory committee. At the end of that meeting, the board was half-way through the final step in the process, which is board nominations of new ideas. Biles said the board should accomplish two things at this meeting: completing the list of nominations of new ideas from individual board members; and narrowing down the list to a manageable number of top priorities that the board would like to have staff analyze further and bring back to the board for further discussion. Biles then quickly restated the list of new ideas as it was at the end of June's meeting:

- A. Explore the concept of carbon capping and carbon trading.
- B. Increased emphasis on public information, with a particular focus on schools.
- C. Subsidizing the installation of new devices on emitting sources, in order to capture a higher percentage of pollutants (reduce emissions below current levels, even if those current levels meet standards).
- D. Create a marketplace for emerging technologies that could lead to less toxic production processes.
- E. Give awards to people and/or organizations that go beyond the regulatory minimums to improve or assist air quality improvement.
- F. Offer air quality impact analysis to local governments on large proposed developments.
- G. Develop more positive strategies (incentives, technical assistance, public information) to achieve agency goals and improve air quality.
- H. Subsidize the disposal of yard debris, financed by a "dramatic increase in yard debris open burning permit fees."
- I. Free or reduced-cost yard debris disposal in rural areas of the county.
- J. Partner with Lane Community College to give technical advice to (Title V) industry to reduce air toxics, and give rewards.

Biles asked if board members who nominated these ideas agreed with the manner in which he stated them, or if they would like to make any corrections. Biles asked if board members had any other nominations to add to this list, the purpose being to think about the completed list and select a discrete number that the board would like staff to research and develop a little bit further and bring back to them. He stressed that this list is not a list of final decisions or statements of policy.

Monk said item J in the above list was his nomination. He said the only reason he recommended LCC was because that seemed like the appropriate group to partner with. He said he wanted to clarify that by saying that LRAPA could look at other models that are being employed, such as the State of Massachusetts which he had mentioned in June. Monk said the University of Massachusetts at Lowell has partnered with their Department of Environmental Protection, to train people to look at individual industrial processes, then look at the toxics use reduction plans that those facilities have to submit to their state, and suggest some new emerging technologies to help reduce toxics emissions. He said the program is very effective. It provides incentives, gives awards, saves industry thousands of dollars, and improves air quality in the process. Monk gave an example of a company that was making side-view mirrors for automobiles. They were finding that they were having to touch that paint up constantly and emitting more VOCs. A student suggested putting metal fibers in the plastic and then powder-coating them. The company talked to Toyota and Saturn, who were buying the mirrors, who said it would work for them. They saved something like \$40,000 in the first year and reduced their VOC emissions. The product is much better with the powder coating rather than the spray paint.

Monk recalled that one of the ideas brought up at the June meeting was having a multi-year budget perspective. He noted that it was not on this list that Biles had just summarized. Biles said that item was one the board decided they wanted to act on right away, and they directed staff to do that this fall. Biles said the advisory committee information had already gone to staff and had come back to the board this month in written form for their approval and assignment to the advisory committee for its review and comment.

Stewart stated that some of the things he had been thinking of actually fit into some of the existing nominations, because some of them are pretty broad. He asked if Biles wanted more specific ideas, or if that would come from staff. Biles said it would be a good idea to bring up more specific ideas to share with other board members so that they would have a good understanding of what the sponsor intends with one of these nominations.

Stewart has two ideas to add.

- K. Biomass leaching. As LRAPA tries to reduce smoke emissions from open burning, the technology is coming forth, and we're building partnerships with different entities throughout the county to explore biomass leaching and maybe some different ways of dealing with wood waste and garbage disposal. LRAPA should be at the table trying to help with that effort. This falls into the emerging technology piece.
- L. Placing educational literature where consumers can see it. For things that LRAPA handles such as asbestos and open burning in backyard fire pits, LRAPA could partner with places that sell materials, so that if someone is replacing a roof they would know to check to see if there is asbestos present. Places that sell the fire pits could have information available with the equipment, explaining air quality impacts and restrictions on use of the pits. That information could also be placed in planning departments or building permit issuing departments. Stewart said he would like to see LRAPA be more proactive in reaching out to people to give them the information before they make a purchase so they don't break the agency's rules.

Johnson said he liked that idea, and there are a lot of other agencies that might partner with LRAPA to then partner with businesses. As an example, he said EWEB and DEQ each has a pollution prevention message, and there could be some sort of kiosk in the stores that a group of interested environmental organizations could put information into.

- M. Motor vehicle inspections. Taylor once again suggested this program with a small fee for the service.
- N. Educate people about the capacity of our airshed. Taylor said there should be consideration of airshed capacity in processes such as industrial permitting. Taylor said the topography of each different area of the county should be considered in making those decisions.
- O. Partner with state and local governments on regional (broader than Lane County) air emission issues. Following along with Taylor's suggestion, Monk referred to Hough's statement that Lane County might have compliance issues with ozone, depending on what the eventual new standard is. He said LRAPA does not have much influence over the precursors for ozone, especially those pollutants traveling along the Willamette Valley from other areas. He suggested partnering with DEQ and with other cities, as far north as Salem, to find out what their efforts are to address ozone and volatile chemicals, to see if a partnership could improve that situation. Monk said that, given the topographical considerations of our

air quality, LRAPA needs to do everything it can to work with those governmental and other agencies that have authority over some of those issues further up the Valley, to help improve Lane County's air quality.

- P. Encourage building rehab and reuse rather than demolition and rebuild. Taylor said demolition and building of new buildings cause pollution. People should be encouraged to rehabilitate and remodel existing buildings rather than always demolishing an existing structure to erect a new one.
- Q. Explore use of portable sampling equipment, such as the MiniVol technology developed by Airmetrics. Johnson said a number of different citizen groups have asked LRAPA to monitor the air in their neighborhoods. Johnson said he would like to hear how that technology, or some other cost/effective monitoring methods, could be used to do portable monitoring, what pollutants could be monitored, and what the costs would be. He said it could be things that aren't necessarily reference method but that might give some indicators of where problems might be.
- R. Move jurisdiction for field burning from ODA to DEQ. Taylor suggested trying to get the grass seed field burning out of the Department of Agriculture and back to the Department of Environmental Quality, and LRAPA. She said people think LRAPA should have something to do with control of this practice, and it doesn't make sense for control to be under the ODA.

Taylor added that anything that affects the air we breathe should be under LRAPA's jurisdiction. If LRAPA cannot get jurisdiction for something, staff should not just tell people we don't have jurisdiction but should make calls for the people to find out about who can do something about whatever their issue is. She said LRAPA should offer to call the appropriate agency and get back to the caller with the information.

Dinteman told Taylor that staff does that now. If a caller wants help with something that is not under LRAPA's jurisdiction, LRAPA will make calls to find out exactly what number the person should call and whom they should talk to. Taylor said she would like to see LRAPA make the complaint for them. Dinteman said LRAPA can do that, but staff feels it is important that the caller talk directly to the right person so that the complaint is completely understood and the caller knows what to expect.

- S. Develop administrative mechanism to use when an issue is raised that does not fit within LRAPA's existing legal authority: response to board; identify agency that does have authority; recommendations from staff on next steps. Monk followed up on Taylor's suggestion regarding helping callers get to the right agency for assistance. He said if there is some question as to whether LRAPA has authority, LRAPA should decide if there are some opportunities for change (such as taking jurisdiction for field burning away from ODA). He said there should be a quick review of whether LRAPA has authority and, if not, who does have it; what are the opportunities for working with them; what costs would LRAPA incur for bringing LRAPA oversight (such as in the matter of spraying of herbicides). He said when LRAPA does rulemaking, it should explore if it makes sense for an agency like LRAPA to have authority over activities which affect air quality, within the confines of Lane County.

Ralston commented that it is great to have a lot of ideas up on the board; but the reality is that there are only so many resources, and LRAPA has a job to do. Many of these suggestions could be far outside the agency's financial or staff resources to accomplish. He said he could see identifying and investigating a few of them, but this is a very large list. LRAPA has a small jurisdiction, and there are many things

that the agency cannot control, no matter how much it would like to do that. Ralston said if the board wants LRAPA to be something that is all-encompassing, air quality control should just be turned over the DEQ to deal with on a state-wide basis.

Johnson said he agrees that the agency is resource-constrained. He said he is hoping that the board could select a few of these items and that staff would come back with a resource funding option. He said he would hope that staff would be very creative in giving the board a lot of options so the board can talk about them.

Monk said he thinks LRAPA should explore what kind of partnerships can be formed to deal with some of the issues over which the agency has no direct authority. He said, rather than going to the legislature and saying LRAPA wants authority over more areas, LRAPA should be working with municipalities outside of Lane County, and with DEQ. He said he thinks that is probably common practice in the states of Washington and California, both of which have a number of regional air pollution control agencies who collaborate to help improve their air quality. Monk commented that effective partnerships could improve air quality while at the same time reducing overhead.

- T. Hybrid School Buses. Carpenter suggested looking into expanding the clean fuel program grants to include an ability to fund local school districts' purchase of hybrid school buses.

Stewart commented that the price of the new hybrid buses is about five times as much as the diesel buses most school district now use. Carpenter asked how long it takes for that purchase to pay out, and Stewart said he does not know about the buses, but Lane County's purchase of hybrid cars has not yet paid. Ralston added that the resources it takes to create the hybrids are much greater, and you have to factor in both the additional resources and the additional cost of the buses.

MOTION: Taylor MOVED to have staff organize the new ideas into groups of ideas that go together, also keeping the original list intact for comparison. Then the board can decide at the next meeting which ones are the most important. Ralston SECONDED THE MOTION.

Discussion of Motion. Biles said there would be some obvious groups of items which deal with public information, or emerging technologies, partnerships, etc. He reminded the board that the key is to come up with a discrete number of items that staff can quickly analyze and get to the board in a timely manner. He also commented that staff did not have any time budgeted for extensive analysis of every idea the board had brought up. He said some of the ideas might not make the list for staff research this year, but they could be researched next year or the following year.

There was some discussion of whether staff should eliminate any of the items, and it was decided that if staff determined that any of the items would not be practical to carry out, they would need to include that information in the report so that the board would understand why a particular idea could not be done. It was also decided that this grouped list and discussion would not have to be on the August agenda. It could wait until September. Taylor also suggested that if someone on the board wanted to volunteer to help with the grouping, they could do so.

RESTATED MOTION: That staff organize the new ideas into groups of ideas that go together, also keeping the original list intact for comparison. If staff found that it would not be possible to do any particular item, that information would be provided so that the board could understand that

reasoning. The discussion of the consolidated groupings will take place in September rather than August. Both Taylor and Ralston agreed to the restated motion.

VOTE: The motion passed by unanimous vote.

Biles suggested that when staff does the analysis on the items which are chosen by the board for further research, the board lay out specifically what is needed in that analysis. He suggested looking at the up sides and the down sides, the complexity, the amount of staff time to make something happen, and the possible benefit.

Biles said he had enjoyed working with the board and had confidence that the process is far enough along that they no longer need his facilitation to complete the strategic planning process. Board members thanked him for his assistance

Advisory Committee. The board then discussed the draft which Markos had prepared of the board's June discussion regarding the role of the advisory committee and who should be able to assign tasks to the committee. Hough explained that if the board members were comfortable with the document, staff would take it to the committee at its next meeting and ask for their analysis and recommendations back to the board before that part of the strategic plan is finalized at a future board meeting.

Carpenter referred to a sentence in the document which read, "Along with final recommendations on a topic or issue, the board would like to hear all options discussed by the CAC." He said he didn't know that he wanted to hear all options but might rather hear their majority and minority opinions. Ralston said he is interested in seeing opposing views to help the board make a good decision. Monk said he recalled Johnson making a comment that there should be some documentation of what alternatives were discussed, so that if a board member saw something that committee members missed, that could be imported into the discussion. He looked through the minutes of the June board meeting and found that the comment was the board should hear "other significant" opinions. Monk and Carpenter agreed that hearing all opinions might be too much, but hearing other significant opinions would work.

Taylor said if the committee has a big disagreement on something, she would like to have detailed minutes available for the board to read so they would know which committee members said which things and the reasoning behind the opinions. Monk commented that the minutes of the committee meetings are very tight and do not reflect much of the conversations. He said the minutes of the committee meetings do not necessarily have to be as extensive as those provided for the board meetings; however, if the board is going to use the minutes as a resource, they should contain more detail. Hough commented that the board minutes produced by Dinteman take a lot of work to first capture everything that was said and to then boil it down into a record that is useful as a resource. He said he wanted to be sure everyone knew that this is a significant resource issue. Monk suggested that the meetings be taped and the tapes made available so that an individual board member could go back and listen to the discussion in detail if desired. Advisory committee member Amy Peccia was present at this meeting, and Hough asked her if she thought the committee would have any problem with the meetings being taped and having board members listen to the tapes. Peccia said she had been on the committee for such a short time, she didn't feel she could speak for them on this issue. Taylor commented that taping should not be a problem because the meetings are open to the public, anyway.

Hough recapped the discussion by saying the only things that needed to be changed in the draft document before it goes to the committee for discussion are to change “all” to “other significant” and to tape the meetings in case there is an interest in hearing the details of the discussion.

Budget. Mirhosseyni distributed a report he had prepared in response to a request at the June board meeting, during the discussion of the board’s comfort with the LRAPA budget. The report provided details of costs associated with Cascade Sierra Solutions and with Airmetrics. Stewart said if any board members had questions or comments, they could be discussed at the August 2 meeting.

7. DIRECTOR’S PERFORMANCE EVALUATION: There was brief discussion regarding the number of evaluation forms board members had received from advisory committee and staff members. Board members had received different numbers of forms. Stewart had received eight, which was more than some other board members had received. He had also received Patterson’s evaluation since Patterson is unable to attend the July and August meetings. Stewart said Koenig had also called him to share his evaluation for today’s discussion. Dinteman said Koenig would be at the August meeting. Stewart asked Dinteman to copy the written evaluations and send them to all board members so that they would all have the same information to help them in writing their own evaluations of Hough’s performance over the past year. There was agreement that as many board members as possible should be present for the evaluation. Therefore, the performance evaluation was postponed until the August 2 meeting.

8. NEW BUSINESS:

A. In response to what one of the speakers during the public participation agenda item had said, Johnson said he wanted to go on record as stating that he strongly disagrees with Ralston’s position on global warming and climate change. He added that, while he disagrees with Ralston’s position, he fully respects Ralston’s right to have and speak his opinion. He also said he would stop short of the speaker’s calling for Ralston’s resignation.

There was some discussion of whether Ralston had said he was speaking for the LRAPA board when the reporter interviewed him for the *Register Guard* article. Ralston said he had not said he was speaking for the board and that the reporter had incorrectly said he is the chair of this board. Ralston noted that she was not at the meeting when Kevin Matthews requested that the board address climate change. She was following up and gathering information when she called him, and possibly embellished a bit. Taylor said she was sure Ralston had not said he was speaking for the board when he spoke with the reporter; however, this was a good reminder to board members to be careful not to say they are speaking for the board unless it is the board’s decision.

MOTION: Carpenter MOVED to direct public relations staff to ask the *Register Guard* to retract the statement that Ralston is the LRAPA board chair.

Monk said the reporter is a good writer. She tried to create sensational print, and she did that. He said the article started out by saying that it looks like LRAPA will not do anything about climate change issues and followed with the quote from Ralston. Monk said the *Guard* should be asked to clarify that Ralston is not the current chair, that he was not speaking on behalf of the board, and that it is still an open question as to what LRAPA’s future actions regarding climate change might be. Monk
SECONDED CARPENTER’S MOTION.

Hough said he had spoken with Diane Dietz the previous day to tell her he was concerned about the overall message of the article. He said he had spoken with her recently about the Everybody Wins program and some of the things that LRAPA has been involved with are of significance to reduction of greenhouse gas emissions. He also mentioned to her that he and Markos have been actively involved in the city of Eugene's climate change group. Hough said Dietz told him she had included those things in the original draft, with a quote from Hough that would have clarified that particular point. The editing of her original article for print in order to meet space limitations was outside of Dietz's control. Hough said the caption at the top of the article was also the responsibility of the editor. He said she asked him if there were any other inaccuracies besides the omissions of information, and he told her that Faye Stewart is the current chair of the board and that Kevin Matthews is a member of LRAPA's budget committee rather than the advisory committee.

Board members agreed that LRAPA has been working on climate change issues through the Everybody Wins program, the Schoolbus USA program, and the alternative fuels programs. Monk said those programs are removing carbon from the air. Johnson said there should be another article, and Hough said he had asked Dietz how the "Guest Opinion" option works. She encouraged him to write a piece for publication. The other board members agreed that a guest opinion piece might be the best way to address the problem, because retractions don't get printed in a place where people notice them.

Carpenter WITHDREW HIS MOTION. Hough was to write a guest opinion letter to the *Register Guard* to help clear up any misconceptions created by the July 11 article.

9. ADJOURNMENT: The meeting adjourned at 2:30 p.m. The next regular meeting of the LRAPA Board of Directors is scheduled for Thursday, August 2, 2007. The meeting will be held in the LRAPA Meeting Room at 1010 Main Street, Springfield, Oregon.

Respectfully submitted,

Merrie Dinteman
Recording Secretary