

MINUTES
LANE REGIONAL AIR PROTECTION AGENCY
BOARD OF DIRECTORS MEETING
MONDAY–MAY 12, 2008
Library Meeting Room, Springfield City Hall
225 5th Street, Springfield, Oregon

ATTENDANCE

- Board: David Monk, Chair–Eugene; Bill Carpenter, Vice-Chair–At-Large, Springfield; Glenn Fortune–At-Large, General; Drew Johnson–Eugene; Kit Kirkpatrick–Eugene; Andrea Ortiz–Eugene; Pat Patterson–Cottage Grove/Oakridge; Dave Ralston–Springfield
(ABSENT: Faye Stewart–Lane County)
- Staff: Merlyn Hough–Director; Merrie Dinteman; Max Hueftle; Sally Markos; Kim Metzler; Nasser Mirhosseyni; Debby Wineinger
- Other: Russ Ayers, Chair, and Amy Peccia–LRAPA Advisory Committee; Paulo Montenegro–Kingsford Mfg.; Becky Riley

1. OPENING: **Monk** called the meeting to order at 12:35 p.m., following the conclusion of a LRAPA Budget Committee Meeting at the same location.
2. PUBLIC PARTICIPATION:

Becky Riley, 202 Hawthorne, Eugene, OR. Riley, a resident of the River Road area of Eugene, spoke to the board about a fire which happened at the J. H. Baxter facility in west Eugene in February, resulting in a need to replace the carbon adsorption unit, which was not completed until recently. **Riley** said something that jumped out at her as she thought about this situation was just how few complaints LRAPA had received during the time period when the carbon adsorption unit was down, even on a day when LRAPA’s inspector found medium-to-strong odors in the residential neighborhoods near the plant. **Riley** said this, to her, is evidence that, while the number of complaint calls is down, it may not be because the odors are down. She said she believes one reason is because a lot of the people who used to complain about the odor have moved away, some others have simply gotten tired of calling to complain, and newer residents do not know whom to call about the odors. **Riley** said she thinks LRAPA should do more outreach in the neighborhoods around the J. H. Baxter facility and around other facilities which might have caused odor problems. She said there should be a brochure, with a refrigerator magnet with LRAPA’s complaint number, to help people realize they can call LRAPA when they notice odors or other air quality problems in their areas. **Riley** encouraged LRAPA to think about some more proactive outreach and suggested posting information at schools and daycare facilities in the areas around the Baxter facility.

Riley said she thinks the carbon adsorption unit at the Baxter facility has helped, but that it is difficult to know how much it has helped when you consider that the facility’s production has been down, and many of the better-informed residents of that area have moved away. **Riley** noted that it appears that Baxter’s production numbers are creeping back up, closer to the levels that existed in 2003 during their peak production and the peak complaint calls received by LRAPA. She said she believes there is another problem looming from the Baxter facility, especially in light of the fact that part of the odor problem is thought to be from the off-gassing of treated product in the storage yard and from opening the retorts, rather than from the part of the facility whose odors are being controlled by the carbon adsorption unit. **Riley** said she does not want LRAPA to believe that the odor problem has been completely solved by the actions taken under Baxter’s Best Work Practices Plan, simply because complaint numbers are down. She encouraged staff to incorporate tighter caps on production into the facility’s next air discharge permit.

Riley also noted that, during the time when the carbon adsorption filter was down, the company said odors were reduced by modifying production schedules to minimize the number of charges treated, by maximizing the amount of lumber treated per charge, and by minimizing use of the Boultonizing process. She asked, if those measures really do reduce emissions and odors, why are they not required all the time under the air discharge permit. She added that she hopes they will be required in the new permit.

Discussion

Responding to **Riley's** last statement, Johnson asked if the board has the power to order staff to set permit limits. He asked if authority for what is in the permit lies solely with staff, or if the board has that authority. **Hough** responded that the board is responsible for policy and rulemaking and that specific permitting is a staff function. He stressed that it is important that the board not be directly involved in permitting, because the board might at some point be involved in a quasi-judicial role if a permit is appealed to the board.

Kirkpatrick responded to **Riley's** call for further outreach, asking what the agency does in that regard. **Hough** said there are things the agency does on a regular basis, such as the annual report of agency activities; and there are other things of a more custom nature, such as news releases at the time something happens in the community that impacts air quality. **Hough** said he also has done a guest opinion piece for the *Eugene Register Guard* on a particular topic and that staff is regularly interviewed by local media if there is a "hot" topic.

Ortiz asked if LRAPA has a webpage, and **Hough** said it does, stating that there is a separate page for the J. H. Baxter facility which includes information LRAPA has generated as well as information from other sources that has been posted on that page. **Hough** said there is information on the home page about how to contact LRAPA, either by phone or by individual e-mail addresses, and that news releases are also posted on the webpage.

Public Relations Manager **Kim Metzler** also noted that she developed a neighborhood list for the Baxter odor situation so that information could be sent to those people as it became available.

3. CONSENT CALENDAR:

Corrections to Minutes. **Carpenter** noted a typo on page 9, under short-term limits, in the last big paragraph, third line, last word, "one-our" should be "one-hour." **Fortune** said there was another typo on the last page, second sentence in the second paragraph, where it says, "he though . . ." which he believed should be, "he thought . . .".

Comment on Expense Report. None.

ACTION: MSP(Fortune/Carpenter)(unanimous) adoption of the minutes of the April 12, 2008 board meeting, as corrected, and approval of the expense reports through March 31, 2008, as presented.

4. DIRECTOR'S REPORT: Several items were discussed.

A. Plywood MACT. **Hough** explained that there are three facilities in Lane County which are subject to the plywood MACT and that LRAPA had approved one-year extensions of the compliance date for two of those facilities.

Operations Manager **Sandra Lopez** reported that SierraPine appears to be on schedule to meet the extended compliance date. Rosboro finished the modification to its boiler on April 5 and is using it to control the plywood dryer emissions.

Flakeboard America, which is the Eugene MDF plant, reported to LRAPA that they are going to miss the October 1, 2008 compliance deadline. **Lopez** explained that both the dryer and the press are subject to the plywood MACT. Based on the way the plywood MACT is written, they would have to control each of those with a bio-filter or a thermal oxidizer. Flakeboard proposed to use the existing electrostatic precipitator (ESP) as the control device for the dryer, and they have gotten approval from EPA and LRAPA to try that option. If that is not effective, Flakeboard will put on a thermal oxidizer or a bio-filter instead of the existing ESP.

Flakeboard has two projects. One is a bio-filter, which is on schedule. The other is a process redesign to change the resin injection, post-dryer. The redesign, which has been approved by EPA and LRAPA, is expected to actually result in about 50 percent less use of resin because it will no longer be inserted into the heat environment of the dryer, but will be inserted downstream of the dryer and be controlled by the bio-filter. Flakeboard's position regarding their inability to meet the compliance deadline is that delays by the city of Eugene, in issuing the building permits to install the necessary equipment to bring the facility into compliance, have delayed the construction process too long to be able to meet the October deadline. **Lopez** explained further that the city has new codes for new developments, and the stormwater review is what delayed Flakeboard's project. She reported that the city took action to defer the stormwater issue and gave Flakeboard approval to break ground and lay rebar; however, they will not be allowed to pour concrete until the permit is issued. **Lopez** added that Flakeboard has a facility in Canada which uses the redesigned process; however, the Eugene plant makes thicker MDF.

Discussion

Monk asked if LRAPA will extend the timeline further if Flakeboard is unable to meet the October 1 deadline, and **Lopez** said LRAPA cannot grant any extensions beyond October 1. Flakeboard will have to change the compliance schedule due to the delays, and the company is fully aware that they will be out of compliance on October 1. **Monk** asked if staff has a sense of how long they would be out of compliance, and **Hough** said it appears that the extended schedule would go out to the end of November, according to what Flakeboard had submitted to LRAPA. **Lopez** added that it is not yet known how long the project will take to complete, and that it could be done sooner than the end of November. Flakeboard does intend to meet the 180-day performance test requirements, to put them on par with the other facilities that have to show compliance.

Johnson asked if any other facilities in the Pacific Northwest, or in the U. S., are using bio-filters to comply with MACT, and **Lopez** said there are numerous facilities which are doing that. **Johnson** asked if any had been tested and demonstrated compliance and **Lopez** said she believed SierraPine has one. **Amy Peccia** of SierraPine was present at this meeting and said they do have one in Georgia, and that the bio-filter works and is achieving 90 percent capture efficiency.

Carpenter asked if staff would be discussing with Flakeboard what civil penalties LRAPA might impose, starting October 1; and **Lopez** said their attorney is drafting something to show that the compliance schedule is good, but staff has not yet determined the amount of any penalties. She said it would be handled through the enforcement process and determined at that time. **Carpenter** said he thought it would be wise to inform Flakeboard of that, in case they may be able to increase their efforts by doing

some of the construction work on weekends in order to try to meet the October 1 deadline. **Lopez** said Flakeboard has hired a consultant to work with the city to expedite the review and permit issuance, and that they are thinking about using hot concrete, a more expensive option which cures faster. They are concerned, however, about further delays which might be caused if the weather changes significantly in September.

Hough commented that LRAPA is working with the company on two things. One is to see what they can do to compress the remaining elements of their schedule. The other is, when the estimated schedule is compared with their original schedule, part of Flakeboard's argument is that it is not just that the permitting has taken longer than they expected, but that the delayed permitting has complicated some of the other schedules, making them less efficient.

Carpenter requested that staff provide, for the June board meeting, a sketch showing the equipment they believe they need to control the dryer and the press and how those controls will meet the plywood MACT standard. **Lopez** said she had a couple of flow diagrams showing the two operating units and how the emissions will, ultimately, be controlled by the bio-filter. The dryer will no longer have resin injected into it and will not have resin-based emissions, resulting in decreased emissions. But it will have some formaldehyde emissions from just the wood, itself. **Lopez** said that was why EPA said they could use the ESP as a control device. **Carpenter** said it was still not clear, and he asked for a little more detail regarding this project in next month's report from **Lopez**.

Monk asked if the board would support requiring staff to bring any agreement with Flakeboard's attorney to the board before signing anything. **Monk** was interested in what being out of compliance might mean for Flakeboard, financially, and did not want any agreement signed until the board had seen it. **Lopez** responded that financial impact would not be determined until the enforcement process begins and the situation can be assessed as it is on October 1. She said Flakeboard is not out of compliance right now, and determining that now would be trying to predict the future. **Monk** repeated that he wanted to know whether the board would support asking staff to bring whatever agreement is proposed back for board approval before it is signed. **Hough** reiterated that the board needs to be careful about its involvement with specific permitting issues, because the board needs to protect its ability to be objective if a permit issue gets appealed to the board. He said there are certain functions that are more the realm of the director and staff, and others that are clearly the board's responsibility. He suggested having LRAPA's legal counsel, **Glenn Klein**, present for a conversation with the board on that issue.

Ralston commented that he is comfortable with what the staff is doing, and he does not want to micro-manage. He said as long as a facility is in compliance, it should be left to staff to handle the permitting. If a facility is out of compliance, the board might need to consider some action. He said he does not think it is up to the board to decide what kind of agreements staff makes with an attorney or in permitting, as long as the facility is compliance. **Monk** responded that, in fact, Flakeboard will not be in compliance on October 1. He reiterated that he believes some of the fines LRAPA levies are not deterring the kind of activity that they are intended to deter. **Monk** commented further that this is the reason he is putting so much time into looking at the rulemaking, because he recognizes that rulemaking is the place where the board has the ability to establish some of its views on policy.

Kirkpatrick asked if LRAPA has the authority to make Flakeboard use alternatives to the formaldehyde-based resins; and **Lopez** responded that, if they are in compliance with the regulations and the standards, LRAPA does not have authority to make them use something else. **Monk** added that LRAPA cannot require alternatives unless it is in the rules.

Hough said that for plywood MACT, affected facilities have at least three different options. One is to add after-burners, which is usually a higher-energy, ongoing cost for the facility. It is quicker than other options, but facilities do not choose that lightly. Air control agencies have reservations about that, because it contributes oxides of nitrogen which can contribute to summer ozone formation, as well as carbon dioxide that is part of the climate change concern. Another option is bio-filters, and there have been some questions about whether bio-filters can achieve adequate control. Despite those questions, bio-filters are a preferred approach, from an environmental standpoint, because it does not create the CO₂ and NO_x issues associated with the combustion process of an after-burner. A third option is a process change, when combined with an existing control device, such as Flakeboard's change in the dryer part of the required controls, to reduce the formaldehyde loading on the existing electrostatic precipitator (ESP) and thereby reduce the formaldehyde emissions in the ESP exhaust. **Hough** said this is unique, in that the formaldehyde is combined with the wood fiber in a way that gives it less potential for formaldehyde emissions. **Hough** said if they can meet the standards, they are allowed to choose whatever control measure is the best fit for their operation.

Johnson commented that he thinks the statute gives the LRAPA board the authority to make rules, but he does not think the board can be specific to a source. **Johnson** said he thinks the board can say they have these alternatives, to a point, as long as they are more stringent and meet all of the other statutory provisions. **Johnson** said that is part of the authority granted to the LRAPA board under the statute and that the board can do this in Lane County, just as the EQC can in the rest of the state.

- B. J. H. Baxter Fire and Replacement of Carbon Adsorption Unit. **Ortiz** asked **Hough** about how this information should be communicated. She said there was a situation, and the neighborhoods did not find out about it until later, and she was not truly happy with the way it was handled by LRAPA. She said she really does not want to get into micro-managing the permit; however, the odors from the J. H. Baxter facility have been an issue in her community for some time, and she would like to look at ways to make the community more aware of situations like this.

Hough provided a quick chronology of the events, stating that the J. H. Baxter facility experienced a fire in the carbon adsorption unit in February and, when LRAPA staff was first made aware of it, staff expected the problem to be corrected fairly quickly. He said both LRAPA and the company were focused on how to make that happen as quickly as possible. When it was decided that the whole unit needed to be replaced, rather than repaired, the time line stretched out longer. During the time the unit was off-line, LRAPA staff did not consider it to be a major emissions release, because the facility's emissions were still down compared to recent historical emissions. Staff did not consider it to be a crisis. Some of the neighbors asked for a discussion with LRAPA regarding the situation, and LRAPA met with them about a month prior to this board meeting. **Hough** said staff asked those individuals how they would like LRAPA to handle this type of situation differently, and their response was that they should have been notified much quicker and had periodic updates during the time the carbon adsorption unit was down. **Hough** said staff agreed that this was reasonable, looking back on how the situation unfolded. He said, if staff had known from the beginning that it would take 51 days to get the new unit installed and operating, it would probably have been handled differently from the beginning. He said, if this were to ever happen again, which he does not expect it will, staff would expect to quickly notify people and keep them updated as to what was happening.

Ortiz asked if staff had a plan for that, including contact lists and direct media lists. **Hough** said part of the agency's website was created specifically to put out information regarding the Best Work

Practices Agreement with J. H. Baxter, a document which was developed through an open process with significant input from the public. It is also why e-mail lists were developed, so that staff could communicate with the community. **Hough** said those lists need to be updated because, as **Becky Riley** had pointed out earlier in the meeting, some of the people who originally complained about the odors have moved out of that area, and there are new people who are not familiar with the situation and with LRAPA's presence. **Hough** said he accepted **Riley's** comments, and **Ortiz's** news conference, as fair criticisms of the way LRAPA handled this situation, and that staff would have done things differently if it been known from the start that it would take 51 days to get those controls on line again.

Carpenter asked if LRAPA had authority, under the Best Work Practices Agreement, to take enforcement action for the effects of the fire and subsequent loss of pollution control equipment. **Hough** said the agency's general rules require all pollution control equipment to be operated at maximum effectiveness and that, when it is out of operation, it is a problem whether it is specifically addressed in the Best Work Practices Agreement or permit conditions or the general rules. He added, however, that there are provisions in the rules that recognize that things like fires happen and that equipment can be put out of operation. It is an excess emissions event. **Carpenter** said his review of the rules seemed to indicate a limitation of enforcement, having more to do with permit conditions than with anything that is in a Best Work Practices Agreement. **Hough** explained that the Best Work Practices Agreement required that the control equipment be installed. After that, the general rules require the equipment to be maintained and operated at full effectiveness. **Carpenter** asked if the operating permit was revised to include the new equipment, making these controls a part of the operating permit. **Hough** said the provisions of the Best Work Practices Agreement have not yet been fully incorporated into the operating permit. That will be done at the next renewal of the permit, which has been somewhat delayed because of some of the changes at the plant. **Hough** said the new permit will fully incorporate the Best work Practices Agreement, but the conditions are fully enforceable either through the agreement, itself, or through the general rules or permit conditions. **Hough** stressed that staff has not completed its investigation of this incident. He said the news media is, technically, to be notified of an incident of this type within an hour of its occurrence, but this incident was not reported for about 8 hours. **Hough** said that is pretty black and white in the rules; however, it is understandable that facility personnel were focused on safety and emergency measures, and not necessarily on emissions, during the period when the fire was active. **Carpenter** said he did not have a problem with that.

Hough said staff is trying to determine whether the 51 days between the fire and the time when the new unit was installed and operating were justified. Part of the investigation is to go back and look at what was done and when, what caused the delays, and if the delays were reasonable.

Carpenter said he had noticed, in his review of LRAPA rules, that Best Work Practices Agreements are not mentioned in enforcement rules and just referred to permit limitations. He said he thought the board might like to have a discussion about that at a future board meeting, to see if there is an oversight in the rules which needs to be fixed to make sure that the enforcement ability is there in situations like the one with J. H. Baxter. He noted it seemed to him that **Hough** believes that the enforcement ability is present in the current rules, and **Hough** said he believes that it is. **Monk** asked that the board have a more detailed discussion of that sometime prior to the permit renewal being issued. **Hueftle** said the permit expires December 31 of this year, and staff would want to issue the renewal by then; **Monk** stated that would leave plenty of time to have a more detailed discussion prior to issuance of that permit.

- B. Enforcement Action Report. **Monk** brought up an open burning violation by John Hyland Construction and asked if that took place within the Eugene-Springfield UGB. He found it hard to believe that the

company does not know what the open burning rules are when they must do tens of millions of dollars of work in a year. **Hough** did not know the specifics of that particular case but that he could find out and get that information to **Monk**. **Monk** said he is always amazed at the institutions that you would think would understand the rules pretty well before turning their staffs loose to perform illegal activities. He said he will be curious to see how the Hyland case unfolds.

Carpenter asked how many tons of charcoal are produced per day by the Kingsford plant in Springfield, and staff did not have that figure but could get it for **Carpenter**. **Carpenter** said he would like to get an idea of the volume of emissions from that facility. **Monk** asked that, when staff provides an answer to a question from a board member, the information be sent to all board members, or at least to him. **Carpenter** said he could wait until the June meeting to get that information.

5. ADVISORY COMMITTEE:

- A. Committee Activity Report. **Ayers** reported that the committee has been working on a summary document with majority and minority opinions about the proposed air toxics rules which they approved for presentation to the board two months ago. He said he expects the summary document to be finalized at the committee's June 3 meeting.

The committee also discussed this year's batch of customer surveys. **Ayers** then asked committee member **John Tamulonis** to present his report on the results of the survey.

- B. Customer Survey Report. For the benefit of the new members on the LRAPA Board of Directors, **Tamulonis** explained that the committee began doing customer surveys in about 1995. Survey cards were sent to permittees to try to determine their perception of the customer service provided by LRAPA staff. At first, not many cards were sent back to the agency, but response has improved since the committee tightened up the survey work a little bit and put it in letter form instead of a post card, which made it easier for people to provide comments instead of just checking boxes to answer a series of questions. The point of the surveys is to try to determine better ways to provide the services people want from LRAPA. **Tamulonis** said that in previous years some specific groups have also surveyed, such as asbestos contractors; however, the committee did not feel that those groups need to be surveyed every year.

The surveys sent out during the period reflected in the current report included general service activities, such as permit issuance. **Tamulonis** said the responses were overwhelmingly in the top two categories and, in fact, there was only one respondent who marked the "strongly disagree" category because they felt their permit had taken too long to be completed. **Tamulonis** said that, in this area of Oregon, these surveys usually get about 25 to 35 percent response, and LRAPA typically gets closer to 40 to 50 percent response rate. The rate of return was unknown for this year, because the number sent out was unknown, due to reassignment of duties among staff members.

The report included the written comments submitted with the survey sheets, and **Tamulonis** said the names of the individuals and businesses who submitted the surveys were removed for purposes of this report, because committee members in the past have wanted to eliminate any danger of retribution if someone made a bad comment about a staff member and that staff member knew who said it. The committee does see the original surveys, and **Tamulonis** said he has them if board members would like to look at them.

Tamulonis said this type of survey usually gets one or two percent negative response because this is a regulatory agency, and some of the people contacted by the agency do not agree with the rules or with having someone from the agency tell them they cannot do something the way they want to do it. He said the committee plans to look at complaints that are brought to LRAPA and ask for responses from those individuals in the coming year.

Tamulonis explained that these survey sheets are sent to a private mailbox for which he receives the bill. He is the one who collects them and opens them. He said occasionally there will be a permit form or something of that sort in an envelope which he forwards to staff, but the rest is just for the committee to look at. **Tamulonis** said he would be glad to answer any questions board members may have and noted, again, that this year's survey results have been particularly positive. He said there was a bit of a rough time when the odor situation at J. H. Baxter first arose, because some people sometimes expect an agency like LRAPA to fix the situation immediately, and that does not always happen. **Tamulonis** commented that the agency gets complaints for everything from dusty roads to matters that are outside LRAPA's jurisdiction, and the committee has talked about how the agency's website could be adjusted to provide a better sense of LRAPA's organizational responsibilities and where other agencies around the state might be involved.

Discussion

Responding to **Tamulonis**'s statement regarding when the odor from J. H. Baxter first arose, **Ortiz** said that was not when the odor problem first arose. It was just that no one knew about LRAPA. She said she has lived in her house for over 30 years, and she had no idea that LRAPA even existed. There was a time when the odor was completely un-managed, and she would have to bring her children inside and tuck things around her windows because her house is old. She had no idea there was a place to call and make her concerns known. Her neighbors also did not know there was a mechanism in place to deal with these kinds of issues.

Carpenter asked if the surveys actually need to be done every year, or if they could move to every-other-year instead. **Tamulonis** replied that if a survey sheet and a stamped envelope is inserted with each permit that is issued, it is not that many of them. He said it is good to keep track, on a regular basis, of how the agency's service is perceived by the public with whom the agency interacts. **Carpenter** said the reason he asked was because, according to the report, it does not appear that the numbers have changed much over the last five or ten years, and the agency received the same kinds of responses, year after year. He thought **Tamulonis** and the committee could save some time by just checking it every other year. **Ayers** said the committee had talked about the frequency of the surveys and determined that, as long as **Tamulonis** is willing to do the work to prepare the report each year, and the board is interested in getting the information every year, the committee is willing to continue to do the surveys annually.

Johnson asked if the city of Springfield or the city of Eugene or Lane County use similar customer service feedback tools. **Tamulonis** said he could only speak for Springfield, but that all of that city's building permits include a card sent to contractors soliciting feedback regarding the services provided by the city's community services division, except that electrical permit surveys are done over the Internet. **Johnson** asked if the city can get feedback through their website, and **Tamulonis** said the city had not done that on their website but they have gotten feedback. He said they use *Survey Monkey* and couple of other programs that provide feedback on how the city is doing on various projects. That is done on an irregular basis, for specific projects. The survey cards for permits are sent on a regular basis,

because permitting is an ongoing service provided by the city. Having people comment regarding how they think their specific situation could have been handled more to their satisfaction helps the city to provide continually better service to the public.

6. APPEAL OF HEARINGS OFFICER'S DECISION IN CASE NUMBER 07-2928, RANDY DREILING, OAKRIDGE: Mr. **Dreiling** had notified LRAPA a few days prior to this meeting that he had an appointment with his doctor at the same time as the LRAPA board meeting and would not be able to attend this meeting. **Hough** said the matter has been postponed until the June 9 board meeting.

ACTION: MSP(Carpenter/Ortiz)(unanimous) that if the board agrees to reschedule this matter until the June meeting, and if Mr. Dreiling does not make an appearance at the appointed time, the oral argument option will be taken off the table.

Prior to the vote, **Johnson** asked for clarification that this motion would affect only the **Dreiling** appeal and not future appeals where the appellant may request to be allowed to provide oral argument. **Monk** and **Carpenter** both said it would affect only the current **Dreiling** case.

Monk asked that, in the future, the chair be provided with appropriate information before authorizing oral argument because he would not have conceded to that in this case.

[Patterson had to leave the meeting at this point.]

7. REQUEST FOR AUTHORIZATION OF PUBLIC HEARING REGARDING PROPOSED INDUSTRIAL PERMITTING RULES: **Hough** explained that this request was held over from the May meeting, because several board members had questions about the proposal which they submitted prior to today's meeting. **Max Hueftle** had prepared responses to all the questions submitted by board members. **Hough** said those questions and responses had been e-mailed to board members prior to today's meeting and were also provided at the meeting. He asked how board members would like to approach those at this meeting—if they would rather skip those for which his response had satisfied the questioner, or if they wanted to discuss each one. **Ralston** said he did not know what questions he would ask since he had just gotten the questions and responses and had not read the material. **Kirkpatrick** said she would defer to **Monk**, since he had the most questions. **Monk** said he did not want to debate his questions with the board, and that many of them were just clarifications from **Hueftle**. He said he could just bring up questions where he still did not understand the proposed rule change. **Monk** said some of his questions were very simple, and he appreciated **Hueftle's** taking the time to provide the responses for him. He said he did not get through all the Titles affected by the proposed rulemaking and did not know what questions he might have on the rest of the package. **Monk** stated further that, given that rulemaking is one of the critical components of the board's responsibilities, he feels that this industrial permitting rulemaking is a critical part of what the board does. It is a very large amount of information for those members of the board who are not technically trained to understand. He said that, while he is satisfied with the responses to some of his questions, he has a different opinion of how the agency should adjust the rules in some cases.

MOTION: Ralston said he felt the board was back where it was the previous month, and he MOVED that the board approve the staff recommendation to hold a public hearing in either July or August. Fortune SECONDED THE MOTION.

Discussion of motion. **Kirkpatrick** noted that if the hearing were put off until August, that would give the board time in June and July to look at some of the rule changes and become more comfortable with them.

Johnson said he wanted to see the responses to the questions that were submitted after the April meeting so that he would formulate his own questions without asking the same things other board members asked. He said he would be reluctant to authorize public hearing at this time because he had not had a chance to digest the questions and answers and formulate his own round of questions. He said the schedule would not be pushed back too far—possible to August or September—if the board did not grant the request to authorize public hearing at this time.

Ralston said he did not see the sense of putting a decision off any longer, because authorizing a hearing for August would still give two months for board members to read over the information and to have more questions and answers at the next two board meetings.

Carpenter said he agreed with **Ralston**, that the process needs to be moved forward, and that there would be two more months to discuss the rulemaking proposal; however, authorizing hearing now would mean the current draft would be published for that hearing. If the board were to make significant changes in the proposal prior to the August hearing, that would be unfair to the public because they would be commenting on the current proposal rather than any revised proposal the board would come up with in the meantime. He asked if revisions to the proposal would result in having to start the process again, and **Hough** said if the revisions were substantive, it would require a whole new process; but if the revisions were minor, he was not sure if it would need to be re-noticed for public comment. **Carpenter** said that is the only reason he would vote against **Ralston**'s motion. **Carpenter** added that he would not be very sympathetic if **Johnson** were to come to the June meeting and say he still didn't have his questions together and had not looked at **Monk**'s questions and the responses, or if he submitted a lot of questions at the meeting next month.

Monk said what he would add to that is that it is not just a matter of asking questions of LRAPA's trained staff, for clarification. It is also a matter of having fundamental differences of opinion about how LRAPA regulates and what the ability of the board is to change the rules to give the agency more authority on any given issue and to have stricter standards if the board wants to do that, and to have those in the permits. **Monk** said that, depending on how the vote on this motion went, he would take the time to make concrete recommendations for revisions and get them out to the board so they will have two to three weeks to read them. He said he would like to have a board meeting devoted to any changes from what staff has proposed. He said the board needs the time to read and understand the proposal and decide whether to support it or to modify it, and then come to a board meeting prepared to vote on however many changes any given board member might bring to the table. He asked if that made sense.

Ralston said it made sense, but the board is limited in how much it can change things. **Ralston** said the board has to have confidence in the fact that staff knows what they're doing. It could also be that the permit holders, themselves, would disagree with any stricter regulations. He noted that he has come to LRAPA board meetings at which **Monk** has completely rewritten something and expected the board to vote on it right then. **Ralston** said he is not comfortable with **Monk** bringing in something that he has rewritten based on what he feels is right, because the board needs time to talk about that. **Ralston** said the groundwork is laid by staff and the advisory committee, and he is confident that they have done a good job. He conceded that he has been doing this long enough to understand what the issues are, so he does not have as many questions to begin with.

Johnson, responding to something he had heard Ralston say about the board “giving ourselves more authority,” said he would characterize it as taking advantage of the authority granted under the statute, to be as effective as possible for sources in Lane County. He said in preparing his comments, he will try to make a few phone calls to people who are permitted by LRAPA and find out what they think. He said that is why the time to do this is important to him, so that he can really do his homework and look at the statute and see where the board wants to be like DEQ and where it wants to be different, and to bring in his comments in that regard.

RESTATED MOTION: Monk restated the motion as—to accept the staff’s recommendation that the board authorize public hearing for either July or August. Ralston said he would say August, just to give the board more time.

VOTE ON MOTION: Two (Fortune and Ralston) in favor, and 5 (Carpenter, Johnson, Kirkpatrick, Monk and Ortiz) opposed. THE MOTION FAILED.

Carpenter said he would entertain that motion positively at the June meeting, after further discussion, and that the hearing date might still be August, depending on what the time lines are.

Ralston said what he wants to see at the June meeting is the proposed rule changes that LRAPA staff has made. Any revisions by other board members should be in separate documents that highlight the differences, side-by-side. **Carpenter** said he would agree with that, and that any revisions proposed by board members should be labeled as “Amendment 1, “Amendment 2,” etc. Then the board could vote on them, such as, “We’ll take Amendments 1 and 11, but we don’t want 2 through 10 and 12 through 23.”

Monk said his long list of questions was intended to get some clarification from **Hueftle** on specific things. He said he thought the list demonstrated that he has all kinds of really fundamental questions, as well as fundamental differences of opinion as to how the agency should be developing rules.

Johnson asked if Lane County has any non-attainment areas at present—if the Eugene-Springfield UGB is still legally non-attainment for PM10. **Hough** said that technically, both Eugene-Springfield and Oakridge are in non-attainment for PM10. It was hoped that, with the new PM2.5 standards, the PM10 status would have been a clean slate; however the way it ended up, LRAPA still needs to do a “lite” version of the plan to re-designate those two areas to attainment for PM10. For Oakridge, it would probably be more efficient to do that as part of the new PM2.5 strategy submittal. The Eugene-Springfield re-designation will probably be done separately. **Johnson** asked if there is a timeline for that submittal to EPA, and **Hough** responded that Eugene-Springfield has had complying air quality data for at least ten years. He said he did not know of a deadline for submitting the attainment plan for PM10. Oakridge was on the Governor’s list of areas that appear to not be meeting the new, more protective standard for PM2.5, and when EPA finalizes that list, a new three-year clock will start to develop a new strategy to be submitted for Oakridge. **Hough** said that, because of the Warm Homes/Clean Air project and other projects, the hope is that, by the time that strategy has to be submitted, the data will show that the problem has been corrected.

Ralston said he assumed everyone had read the summary of changes and the rule stringency requirement analysis; however, as a summary of major rules concept changes he would like to see a document which shows LRAPA’s rule, DEQ’s rule, and a statement of what the variation is and what LRAPA’s proposed rule is being compared to, such as if LRAPA’s rule is being changed to match DEQ’s rule. An example he gave

was the term, “general permits.” He said he wants to know how general permits compare to what LRAPA is doing under its current rules. **Ralston** asked if that sort of comparison is provided somewhere in the rulemaking proposal, other than in the redline/strikeout drafts of the rules in the 383-page draft rule revision document. He said he would like to see a document that takes each rule and explains how it is being changed, then another document that details how **Monk** does not agree with what is being proposed and how he thinks those rules should be written. **Ralston** said he would like to be able to put them all side-by-side and compare them line-by-line, rather than having **Monk** say he doesn’t agree with the rules just because there are some specific points that he wants to see written differently. **Hough** asked how Attachments A and C address **Ralston**’s request, and Hueftle replied that those attachments address more where the rules are going, rather than where they are now. **Ralston** agreed and said he wants to see where the rules are now, where they are proposed to go, and what the differences are. **Hueftle** said he would try to think of some ways to compare the existing and proposed rules more clearly.

Carpenter commented that some people believe that EPA has not had their eyes on the ball for the past seven years, and some of their rules are not as stringent as they should be. He noted that state and local agencies are allowed to have more stringent rules than EPA, and LRAPA’s existing rules are, in some cases, more stringent than EPA’s rules. **Carpenter** said he would like to see a comparison of LRAPA’s rules with some of the EPA rules which have been weakened over the past seven years. **Hueftle** said the stringency is not decreasing or increasing. It is maintaining the stringency within those thresholds, and the word “streamlining” is a good description of what the proposed revisions would do for LRAPA’s current rules. **Hueftle** stressed that the emissions standards, themselves, are not changing, and the emissions thresholds are not changing. The proposed rules are intended to make the permitting process easier.

Referring to one of the questions he had submitted, **Carpenter** said **Hueftle**’s summary sounded as if, because Lane County does not have any non-attainment areas right now, LAER (Lowest Achievable Emissions Rates) is not needed by local industrial sources. **Hueftle** said that Eugene-Springfield and Oakridge are technically in non-attainment for PM10, because those areas have not been redesignated as attainment areas even though air monitoring data over the past decade show those areas to be in compliance with the PM10 standards, a facility that wanted to exceed the PM10 SER (Significant Emission Rate) of 15 TPY (Tons Per Year) would need to apply LAER in order to do that.

Carpenter asked why standards would be removed from the rules, given that there is not much cushion for ozone, and both Eugene-Springfield and Oakridge might be out of compliance with the new PM2.5 standard which could mean those standards would have to be put back into the rules in the next two or three years. **Hueftle** responded that the change **Carpenter** was referring to was one of the more significant changes being proposed. That change would affect only the attainment areas—changes to the specific pollutants that are in attainment for the area. For areas that currently have non-attainment status, there would be no change. **Carpenter** asked, if **Hueftle** was saying that four of the criteria pollutants would still be affected by the proposed rule changes, to put a less stringent control technology on industry, would that not make those four pollutants more quickly approach non-attainment if LRAPA is not requiring industries to control as tightly as it does under the current regulations. **Hueftle** said it is not very clear-cut. Certain pollutants have a certain status with respect to the National Ambient Air Quality Standards (NAAQS). The Eugene-Springfield area is in non-attainment for PM10, and Oakridge will be going to non-attainment for PM2.5. For all other pollutants, all areas of Lane County are in attainment. Areas that are considered maintenance areas have been in non-attainment and have come back into attainment. The maintenance plans are what keep them from going back into non-attainment.

Ayers gave an example of how the rules have gotten more and more stringent over time. The board had previously talked about emissions banking and the concept of unassigned PSEL. **Ayers** said Weyerhaeuser has had that unassigned PSEL for a long time, and it was indefinite; but the proposed rule would make those go away by 2013. He has joked each time this has come up about how much industry will be paid for those unassigned PSEL that will be taken away, knowing, of course, that industry will not be compensated for that loss. **Ayers** said there are a lot of cases like that, where EPA has looked back at the rules and made those changes. Oregon's permitting rules have gotten more in line with EPA's view of NSR (New Source Review) and PSD (Prevention of Significant Deterioration) and have become more stringent.

Ayers also commented that he has been watching the LRAPA Board of Directors for the past 25 years and has never seen the board, at this stage in the process, go in and start rewriting rules. He said he thinks a lot of people will begin questioning what LRAPA is doing if the board starts micro-managing the rules like that. **Ayers** said that is the board's choice, but he would urge them to identify issues of concern to them, talk about those and vote on them, but let LRAPA staff write the rules.

Johnson said he did not think the permitting rules have been changed significantly in 25 years. **Ayers** said Title V was a major change to the rules, and **Johnson** said that was adopted by reference from DEQ, and there has not been a rule package this extensive. Staff member **Merrie Dinteman** commented that there was a very large re-write package for the permitting rules in 1994 which changed a lot of different titles, revising some of them, adding a lot of new rules, and eliminating some of the old rules entirely.

Johnson asked, if the stringency analysis were challenged, if there is any precedent of EPA's determination of stringency being reviewed by a court. **Carpenter** said, off the cuff, it is not the analysis that could come in as a factor. It would be the rule, itself. The court would look at the particular old rule, the particular new rule, and then, based on briefings, decide whether or not it was as stringent. **Carpenter** added that EPA has oversight authority, and they can reject SIP amendments. He said he does not know whether EPA can do anything with LRAPA's local rules, but it ultimately comes down to the SIP for the state of Oregon. **Hueftle** confirmed that the proposed rulemaking package would be a SIP amendment. **Hough** commented that both DEQ and EPA reviewed this rulemaking package several months ago, and **Hueftle** confirmed that, adding that EPA finished their review in August of last year, after EPA and LRAPA went back and forth on a few issues. He said DEQ had just finished its review of the proposal in the past couple of months. **Ralston** stated that any changes the board makes will probably be changes that neither DEQ nor EPA has yet seen. **Hueftle** said anything that is changed now would be minor changes that DEQ and EPA could review and address during the public comment period, depending on what the changes would be.

Monk said he thinks it is not appropriate for staff to bring a rulemaking proposal to the board for feedback after it has already been reviewed by DEQ and EPA. He said the board is being told not to make any changes because the current proposal has already been authorized by those agencies. He asked if it wouldn't make more sense to bring the proposal to the board, first, so that the board can comment and discuss changes that they would like to make. Then those proposals could be submitted to DEQ and EPA for their review, and they can determine whether or not they would approve the package containing the board's input.

Hough said he totally disagreed with **Monk's** suggestion, because staff does not want to bring something to the board for its approval and for public hearing, and then find out from EPA or DEQ that this is unapprovable by them. If the board agrees to major changes on this proposal, **Hough** said, it would be appropriate to take that revised proposal back through those review steps; however, he would be very

uncomfortable bringing something to the board that he did not have confidence was going to be approved by DEQ and EPA after the board took action on it. **Lopez** added that both EPA and DEQ realize that the proposal could be changed by this board. Those agencies go through similar processes, and it would not surprise them to have to look at the proposal again. **Monk** said he likens this to the way the agency has been operating with the advisory committee. The proposal goes to the advisory committee, and a lot of staff time is spent working with them to get their opinions, and then it is brought to the board. If the board decides to change the proposal or has issues with the proposal, it appears that the board is dissing the committee, and that is not at all the case. **Monk** said the fact that the proposal is brought to the board at the last minute makes it appear that way. He said he would like to see the process better defined and implemented, and that it is very clear what issues the board agrees upon and what issues they do not agree upon. Those issues that the board cannot agree upon should be sent to the committee for their feedback and their help in answering questions. **Monk** said he has sense that if the current board composition remains in place, the board will be running into this roadblock on an ongoing basis, and he thinks the board needs to have a serious conversation about how they use the advisory committee and how staff brings issues to the board, and the timing of input from different sources.

Ralston said the LRAPA board does not have unlimited authority, and he thinks the board needs to have a discussion, to the extent that the board has the right to deviate from standard policy set by the state. He said LRAPA ultimately exists to have local control for air quality issues and, if the board starts making radical changes from what is expected, they might be getting negative responses from jurisdictions who would just as soon see LRAPA go away.

Johnson said LRAPA has the same authority as the EQC, and **Ralston** said that doesn't matter if the jurisdictions decide to put an end to LRAPA. **Johnson** said the point of having a local agency is to be different from DEQ when necessary, so that people don't ask why they should have a redundant air quality agency. **Johnson** asked, should LRAPA distinguish itself or try to be identical to DEQ, and **Ralston** said he thinks the LRAPA board needs to be careful not to overstep its purview.

Kirkpatrick pointed out that this discussion did not address **Monk's** comments about how the board approaches timing and process. **Ralston** said the point has been made that this board is micro-managing like never before; and it is unprecedented, the way this board is trying to delve into things in which it has no expertise. The actual work of the agency is usually left to the experts who are hired to do that, and they ask the board for its opinions and guidance. **Ralston** said it looks more and more like people are not willing to put up with some of the things LRAPA is doing, and the board is overstepping its boundaries and doing things that they're not really authorized to do. **Kirkpatrick** asked **Ralston** if he is getting that feedback from people, and he said he absolutely is.

Carpenter noted that the rulemaking proposal is extensive and that there are hundreds of changes to consider. He said he does not think it is unreasonable for board members to ask as many questions as they need to in order to understand the proposal and get their questions resolved before making a decision on whether or not to authorize public hearing on the proposal.

Monk said he clearly heard from **Hough** that the board should not get involved in specific permit issues, due to the possibility of the board's having to serve in a quasi-judicial manner if a permit were appealed. He said he also clearly heard **Hough** say that rulemaking and budgeting are the significant places where the board can influence how the agency functions. **Monk** said review of this rulemaking proposal is the opportunity for

board members to express differing opinions about how the agency should oversee some of these things. He said if those board members who represent specific governing jurisdictions think other board members' opinions are inappropriate, they can make what judgements they wish and advocate with their governing bodies however they wish. **Ralston** said the problem is that those who are reasonable will be outvoted by those who want to have stricter standards, and that will put an end to LRAPA.

Ortiz said listening to this discussion had helped her to balance what her own thoughts are. Referring to a conversation at the earlier budget committee meeting, regarding keeping the funding stream from the city of Eugene, **Ortiz** said one of her main interests in representing her constituents is quality of life issues. In controlling air quality, LRAPA can't control the rain or sunshine, but it should control the things it can. She said people need to know the direction in which board members want to see LRAPA go. She said she likes the way the conversation has addressed **Ralston's** request to see the existing rules, the proposed changes, and **Monk's** proposed changes, side-by-side, to be able to understand them better, and she does not think the board's discussion of this rulemaking proposal needs to be divisive situation. **Ortiz** said the board needs to have these conversations and be able to express opinions that would like to see stricter regulations on all kinds of pollution—as well as the opposing viewpoint that does not want to have stricter regulations—in order to know what it really is that members want to accomplish on this board. She said as long as LRAPA is around and the board has the ability to work on these issues, it is important for board members to share their philosophies and beliefs. She said she just wanted to share her opinion that these conversations can be give and take, and do not have to be divisive.

Carpenter had some specific examples for **Hueftle**. Referring to question 12 of **Monk's** list of questions, on the issue of a source divesting itself of part of its operation, **Carpenter** asked, if a source splits itself and then falls under the Potential to Emit, where it would make two minor sources, is there any restriction in the rules, or any rules, that would prevent that from happening. **Hueftle** said it would still be considered one source if it were still under the same ownership. **Carpenter** said he meant if a part of the operation were sold to another company but was still in the same location. In that case, **Hueftle** said, they would be considered two separate sources and would have separate emissions limits. **Hueftle** said the new proposed rules include provisions to address the combining or splitting of sources, and it pertains more to criteria pollutants than to HAPs, where there is a baseline that needs to either be allotted to each of the two sources or kept at one source.

Hough paraphrased **Carpenter's** question: If there is a major source that triggers MACT for Hazardous Air Pollutants, is it possible to get out of doing MACT by splitting that source into two operations, under different ownership? **Hueftle** said it would depend on when the applicability date of the MACT is, or was. If they were subject to MACT, the EPA has a "once in, always in" policy so that, if they triggered MACT, they're always subject to that, and they couldn't "backslide" by selling part of the operation to someone else. **Carpenter** asked if that same thing would apply to criteria pollutants. **Hueftle** said that criteria pollutants are a bit different, because the 1978 baseline emissions rate can be allotted however they like, between the two sources. They can come to an agreement, so that those two separate sources that were one single source can separate those baseline emission rates however they want to. **Hueftle** added that the two sources would still be subject to the same emission standards.

Hough asked a parallel question: if there is a facility that's over 100 tons and so is a Title V source, and that facility is split into two smaller operations, each being less than 100 tons, would they still be considered a Title V source? **Hueftle** say they would not, and they could each get an ACDP as long as they did not have those

Potentials To Emit above the major source thresholds. They would still be subject to the same standards on the specific equipment and processes.

Carpenter said he understood that the point sources, or stacks, within the facilities would be under controls under the ACDPs, but he wondered if the plant-wide emissions, including fugitive emissions would be controlled as effectively under an ACDP as they would under a Title V permit. **Hueftle** said the PSELs would depend on the size and the type of the process, but they would get PSELs to keep their Potential To Emit below the significant emission thresholds for criteria pollutants. The PSEL would be set at one ton below the SER for their respective limits. Each of the two would get lower PSELs depending on where they fell in LRAPA's Air Contaminant Discharge Permitting scheme. **Carpenter** asked if those two independent numbers would ever add up to a total number of allowable emissions that was greater than the Title V allowable emissions that had been allowed before the company split, and **Hueftle** said that is a possibility. If they chose to go through the proper ambient air quality analysis, it is possible that the two separate sources could emit up to 198 tons, together, whereas the original single company could only have emitted 99 tons and still be under the Title V threshold.

Carpenter followed up his series of questions by asking if the two separate companies in the scenario they had just talked about would fall into the stringency requirements in the proposed rules. **Hueftle** said they would not because there is really no change. LRAPA is just proposing to incorporate the EPA definition. It is something LRAPA has had in practice, so the definition just clarifies and makes LRAPA's application of it consistent. **Hueftle** started to elaborate on this point, and **Carpenter** said that, because he was taking up everyone's time with this question, he would e-mail the question to **Hueftle** for a response. **Carpenter** noted that perhaps what he was hearing from **Hueftle** was that EPA allows that to happen, and LRAPA is just following EPA. **Hueftle** said this has not been addressed, and LRAPA has been going off the EPA policy and the Clean Air Act, and the proposed rule is intended to make it clear so that internal permit writers that come along can follow that and be consistent.

Johnson said this rule package includes general permits, and when he read that it sounded to him like those permits are approved by the EQC. He asked if LRAPA's permits would have to go before the EQC or if the LRAPA board would approve those. **Hueftle** said the permits would be adopted by rule by LRAPA. **Johnson** asked if the board would see another rule package each time LRAPA writes a general permit for a specific source category, or if adopting this rule package would give staff the authority to write and issue a general permit and assign multiple sources to that permit without further rulemaking action. **Hueftle** said staff would be writing the permits and, through this rule package, any sources that want to come in and get a general permit could do so, under LRAPA's rules. They would just have to follow the typical public notice requirements.

Before moving on to the next agenda item, **Hough** said he wanted to make a few general comments, just to frame the issue for **Hueftle** as he understood it. First, there are certain places where a local agency wants to be similar to the state, and other places to be different, and the board needs to choose wisely where those places are. There are certain places where it is as important to be able to satisfy that LRAPA is as stringent as both federal and state requirements and have consistency so that businesses that locate in Lane County, and in other areas of the state, know what to expect and do not experience dramatic differences between rules applied by DEQ and LRAPA. LRAPA's four goals of air quality, involvement, service and partnership are, to **Hough**, the important distinctive of what makes a local agency worth having, and the fact that LRAPA has been successful in those things is what makes this agency one of the best investments the cities of Cottage

Grove, Eugene, Oakridge and Springfield, and Lane County have made over the years. That being said, regarding this rule proposal, **Hough** said he recognizes that it is comprehensive and extensive, but it is, overall, a clear improvement over the existing permitting rules. He said he believes the process has been good to get the proposal to where it is today, as far as the reviews before it gets to the board. As far as the advisory committee level is concerned, they asked the right questions, and some of the key documents provided as attachments to the staff report for this agenda item were the result of the advisory committee's asking those good questions. The stringency analysis and the workload analysis were prepared in response to questions from the board and the advisory committee, early in the process. Because of all the discussion, **Hough** said he wanted the board to know where he stands, which is that he believes this is an excellent effort and that the proposed rule revisions are an improvement, overall. In addition, the process LRAPA follows maintains partnerships with DEQ and EPA that allow LRAPA to leverage, most effectively, its relatively limited resources as a small local agency.

8. PROCESS FOR ANNUAL EVALUATION OF DIRECTOR'S PERFORMANCE: **Hough** asked **Dinteman** to explain the process. **Dinteman** explained that each year, in May, she sends out the forms (both long and short forms) to advisory committee and staff members, with a request for them to fill out one of the forms and send them to the board members. The reason for this is because board members do not have experience with every facet of the director's performance, and the evaluations of committee and staff members are intended to provide additional information to help board members do their own evaluations of **Hough's** performance over the past year. **Dinteman** asked if board members wanted to follow the same process and use the same evaluation forms that they have used for the past several years.

Ralston recommended staying with the process that has been in place for the past few years, noting that the standard form would be the short form, but anyone who wanted to could use the long form.

Monk asked if committee and staff members send their evaluation forms to all board members or just to those they want to have them. **Dinteman** said the cover letter that goes out to committee and staff members asks them to be sure to send copies to all board members, but there is no way to be sure that is done.

Dinteman said she would send the same e-mail that she sends out to committee and staff members to the board members in early June, after others have had a chance to provide theirs to the board. Board members should fill out their forms, using the forms that they receive from others, as well as their own experience with the director.

Several board members indicated the forms and the process are fine to use again this year.

Monk asked what the time line is on this process. **Dinteman** said committee and staff members will be asked to either e-mail their forms to the board or make copies and send them via U. S. Mail by about June 2, and then the board can read through those and fill out their own forms. Board members do not need to send their forms to anyone. They will need to bring the forms to the July board meeting, and the evaluation will follow a process developed several years ago.

[Johnson had to leave the meeting at this time.]

NEW BUSINESS:

- A. Board Meeting Schedule. **Hough** said he had spoken with **Faye Stewart** and that **Stewart** will be able to be at the June 9 meeting, but beyond that Mondays will be more difficult for him than he expected. **Stewart** would like the board to reopen the monthly meeting date discussion.

Ralston noted that Mondays, Tuesdays, Wednesdays and Thursdays do not work, so the only choice would be a Friday meeting schedule. **Ortiz** said the only days she has off, for sure, are Mondays and Wednesdays, and her other days are not always the same because she does shift work. She said she will try to get people to cover her shifts for whatever day the board decides is best to meet. **Dinteman** asked if board members wanted to go with a Friday or go back to the second Tuesday, since either would be the same for **Ortiz**. **Ralston** said he would rather move back to the second Tuesday, but Friday is okay for him, too.

Monk said he would like to have **Stewart** participate in this conversation, and **Carpenter** pointed out that both **Patterson** and **Johnson** had had to leave this meeting early and were not present for this discussion. **Monk** asked **Dinteman** to send out an e-mail to get an idea of what board members' preferences would be.

- B. August Meeting Cancellation. **Hough** said he had been looking at different schedules and recognizing some of the patterns of local governments, and was asking the board to cancel the August LRAPA board meeting. He said staff would work around that, if the board authorizes hearing on the industrial permitting rules. He added that staff is planning to hold an evening hearing, in response to comments from some board members who would like to have an evening hearing to accommodate people whose work schedules do not allow them to attend a hearing during daytime hours. He said that evening session would start the public hearing, and that it would continue at the next Board meeting. Staff would record any comments from the evening meeting and have those questions/comments and staff's responses ready for the board at the next regular meeting. **Hough** said the recommendation of hearing in July or August was based on having the board authorize hearing at today's meeting. Because the board did not authorize hearing, the schedule will slip, anyway, and the end of the hearing would probably be in September. Board members did not indicate whether or not they would cancel the August board meeting.
9. ADJOURNMENT: The meeting adjourned at 2:20 p.m. The next regular meeting of the LRAPA Board of Directors is scheduled for Monday, June 9, 2008, 12:15 p.m., in the LRAPA Meeting Room at 1010 Main Street, Springfield, Oregon.

Respectfully submitted,

Merrie Dinteman
Recording Secretary