

MINUTES
LANE REGIONAL AIR PROTECTION AGENCY
BOARD OF DIRECTORS MEETING
FRIDAY–NOVEMBER 14, 2008
LRAPA MEETING ROOM
1010 Main Street, Springfield, Oregon

ATTENDANCE

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

Staff: Merlyn Hough–Director; Merrie Dinteman; Max Hueftle; Sandra Lopez; Sally Markos; Nasser Mirhosseyni

Other: Russ Ayers, Chair, and Amy Peccia–LRAPA Advisory Committee; Rich Smith–SierraPine

1. OPENING: **Monk** called the meeting to order at 12:15 p.m.
2. PUBLIC PARTICIPATION: None.
3. CONSENT CALENDAR:

ACTION: Ralston MOVED approval of the Consent Calendar, including the minutes of the October 14, 2008 meeting, as submitted, and the expense reports through September 30, 2008 as presented. Patterson SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE.

4. DIRECTOR’S REPORT: **Hough** highlighted several items from the written report.
 - A. Plywood MACT Update, Flakeboard. **Carpenter** pointed out that he had asked at the last board meeting for information regarding how much money Flakeboard has spent in their efforts to get the facility into compliance with the plywood MACT requirements. He asked if staff had received that information, and **Lopez** said she had misunderstood and thought that the information was no longer needed and so had not asked the company to provide that. **Carpenter** asked if the report from Flakeboard each month indicates whether they are on schedule with their approved plan to achieve compliance by the extended deadline, and how what they are doing each month will affect their anticipated startup date. **Lopez** said the reports tell LRAPA whether they are on schedule with the required actions but do not specifically state whether their current actions will affect the actual startup date. **Carpenter** asked if Flakeboard has any incentive to get the work done ahead of schedule, and **Lopez** said LRAPA has approved a Stipulated Final Order under which the company is working to achieve compliance, and the company has approved up to 60 hours of over time per week by the contractors who are installing the required control equipment.
 - B. Enforcement Report. **Monk** noted that there were numerous open burning violations in Eugene and Springfield, but there is no indication of whether those are inside the city limits. **Hough** responded that he did not have that specific information at this meeting. **Monk** said he is amazed at the number of people who seem not to be getting the information regarding what is and what is not allowed with regard to open burning. He said he wondered if there were something more the agency can do to get the word out better to more people. **Ortiz** commented that, in her neighborhood, there are people who do open

burning at night. She said a person can call LRAPA and file a complaint if they smell smoke or see flames; however, the caller does not necessarily know the address where the burning is taking place. She said she is reluctant to go out in the middle of the night to get the address to provide that information for a complaint. **Ortiz** said the people should know that it is not legal to do open burning at night. **Monk** commented that some people know that it is illegal and do it at night, for the reasons **Ortiz** brought up, and he does not know if LRAPA can do anything about that. **Monk** said he has suggested in the past that when someone does this intentionally and gets caught, the fine they're assessed often gets reduced too much. He said they should have to pay closer to what the original fine is in order to deter repeated violations in the future. **Monk** noted that the board is scheduled to take up a review of the civil penalty matrix and enforcement rules sometime in the next year and can discuss, at that time, ways to improve the situation.

C. Oakridge PM2.5 Nonattainment Area Boundary. **Hough** reported that LRAPA has had some follow-up meetings with EPA regarding the area to be included within the boundary, in light of EPA's proposed addition of Westfir to the nonattainment area boundary. He said LRAPA systematically walked through the technical basis for why the agency thinks the historical boundary makes sense instead of changing it to include Westfir, and that EPA listened carefully to the information provided. **Hough** said LRAPA will not know, until EPA publishes its decision in the December *Federal Register*, whether EPA has been convinced to keep the current Oakridge city limits boundary.

D. Committee Appointments. Several committee members' terms on both the LRAPA Advisory Committee and the LRAPA Budget Committee will expire in the next few months, and staff asked the board for direction as to how they wish to proceed with reappointments and/or recruitment of new applicants.

(1) There are five advisory committee members whose terms will expire in 2009. **Markos** confirmed that staff still has applications from the individuals who applied for appointment to the advisory committee the last time appointments were made, and said that staff could contact those individuals to determine if they are still interested in serving on the advisory committee, if the board would like to do that.

Monk said it made sense, to him, for staff to check the existing pool of applicants for positions on the advisory committee and to talk to the incumbents to determine whether they are interested in reapplying for reappointment to new three-year terms. **Ortiz** said she would prefer that the public be invited to apply for appointment to the advisory committee. **Ralston** said he does not object to opening up the process to new applicants; however, he is inclined to reappoint people who have served on the committee long enough to be familiar with the issues. **Monk** agreed that there is a learning curve and that it is important not to lose that valuable knowledge. **Hough** explained that the board's policy, with regard to committee appointments, has been that if a committee member wishes to continue to serve at the end of the first term, reappointment can be made automatically; however, after a second term, the person must reapply and compete with anyone else from the community who wishes to apply for appointment to an LRAPA committee.

(2) There are five budget committee members whose current terms will expire in 2009. Those appointments should ideally be made prior to the beginning of the FY 09/10 budget cycle in the spring. The historical process has been for individual board members to nominate a resident of the jurisdiction they represent on the board for appointment to a three-year term on the budget committee. Staff explained that this process has worked better in the past than having staff advertise for applications for that committee.

Monk noted that four of the five committee appointees are at the end of their first terms and suggested that the appointing board members approach those individuals to see if they are interested in serving another term. Because the Lane County appointee had resigned from the committee, **Monk** asked **Stewart** if he would be willing to seek a nominee for the Lane County position; and **Stewart** said he would do that.

Board members agreed to continue with the process of having board members nominate residents of their jurisdictions for appointment by the board. The terms that are expiring in early 2009 include: **John Ahlen** representing Eugene (appointing board member **Johnson**); **Don Hampton** representing Oakridge/Cottage Grove (appointing board member **Fortune**); **Bob Houston** representing Springfield, at-large (appointing board member **Carpenter**); **Suzanne Pearce** representing Eugene (appointing board member **Kirkpatrick**) [*Note: it was incorrectly reported at this meeting that **Ortiz** was the appointing board member for **Suzanne Pearce**; however, according to the record of when **Pearce** was appointed, the appointing board member was **Earl Koenig**, who was replaced on the LRAPA board by **Kirkpatrick**. **Ortiz** and **Kirkpatrick** were notified following this meeting that responsibility for contacting **Pearce** regarding reappointment, or finding a new nominee for appointment, fell to **Kirkpatrick**.]*

- E. Hynix Emissions Credits. **Kirkpatrick** asked if the Hynix emissions could be reallocated since that facility has closed. **Hough** responded that it would be emissions above the Significant Emissions Rate that would affect new businesses coming into the area; and because the Hynix emissions are below the Significant Emission Rates, he did not know that they would have trading value to any new source. **Hueftle** said when there is a permanent source shutdown, the facility is allowed to bank those emissions as long as they are above a certain threshold. He said he believes the banking period allows the credits to be banked for about ten years.
5. ADVISORY COMMITTEE: Committee Chair **Russ Ayers** reported that the committee met two weeks prior to this board meeting. He said **John Tamulonis** had done a lot of work on the customer feedback surveys for the past year and should be ready to present that information to the board at its next meeting. **Ortiz** asked if the committee is willing to help the board in its efforts to improve the agency's outreach regarding regulatory programs. **Ayers** said the committee would be willing to take on the subject of outreach and suggested that such groups as building contracting professionals could be invited to committee meetings to participate in those discussions, adding that anyone whom LRAPA would like to include could be invited to participate.
6. EDUCATIONAL ITEM—Asbestos—Properties, Health Effects, and Federal/State/Local Restrictions and Requirements:

Staff member **Tom Freeman** gave the board an overview of the different types of naturally-occurring asbestos, where it is generally mined, and the kinds of man-made materials in which it can be found. He explained the health effects of exposure to airborne asbestos fibers and described several diseases caused by that exposure. **Freeman** said LRAPA tries to educate the public about asbestos and that he does regular asbestos awareness programs for almost anyone who will listen, including such groups as real estate, rental owners, heating and air conditioning companies, contracting firms, and plumbing companies. LRAPA also has a booth, from time to time, at home shows, to get the word out about the possibility of finding asbestos when doing demolition or renovation projects. **Freeman**'s presentation included slides of building demolition projects which had been done without regard for asbestos which turned out to be much more expensive because when asbestos was encountered, all the materials were contaminated and had to be removed and

disposed of properly by asbestos abatement contractors. He explained that when he finds a problem like that, he requires that the person doing the demolition contact an asbestos abatement contractor and have the materials abated, that day, which is more expensive than having a survey done prior to starting demolition and having the affected areas abated on a non-emergency basis. Asbestos abatement is expensive, anyway, and having to get someone in on an emergency basis makes the cost much higher. He explained, further, that this is the reason why some of the fines assessed for these types of situations might seem too low to board members. The fine is only a small part of the overall cost incurred by someone who has run into asbestos accidentally and then had to have it abated after the fact. On one job which he showed the board, the cost for a roofing job had gone from an original estimate of about \$30,000 to replace the roof, to \$230,000, because the asbestos-containing materials were broken up and made airborne (friable), contaminating the entire area around the building; and all of the roofing material, plus all the other materials which had been contaminated, including vegetation and soil, had to be removed and disposed of as asbestos-containing waste.

Freeman said the federal NESHAP (National Emissions Standards for Hazardous Air Pollutants) requires a survey, in the applicability section of that rule. The survey is required to determine if there are asbestos-containing materials present, to reveal whether the federal act is applicable. If the survey shows asbestos, the federal rules are applicable regarding handling and disposal of the materials; if the survey shows no asbestos, no special handling is required. The 2002 rule revisions to both DEQ and LRAPA rules included provision to require an asbestos survey prior to demolition or renovation; however, it was put into the “work practices” section of both sets of rules. The rule states that anybody conducting or providing for the conduct of an asbestos abatement project shall comply with these rules, and one of the rules is the survey requirement. In 2007, LRAPA attorney advised staff that the rule should be changed and the survey requirement should be moved from the work practices section and put into a new applicability section, because if there is no asbestos present, no asbestos abatement project has been performed, and the survey is not required. There is no way to know whether there is asbestos present without doing a survey. **Freeman** said that is one of the changes in the amendments staff is proposing to make in Title 43, the agency’s asbestos rules.

Questions and Answers

Kirkpatrick said her home has asbestos-containing material under a quarter inch of plywood, and she is considering demolition. She asked if a contractor would take a core sample of the floor as part of a survey. **Freeman** said they would do that and would do the same with roofing, because it is not uncommon to find several layers of roof, any of which could contain asbestos. He gave the example of a church not far from LRAPA’s office which had a new roof put on over an old transite roof. Driving a nail through the transite material shatters it, making the asbestos within the transite friable. He said it is much better to remove transite roofing in whole pieces, and a roofing contractor can do that. It does not have to be an abatement contractor.

Kirkpatrick referred to a pamphlet Freeman had shown board members, “Asbestos In the Home,” and specifically to a graphic which shows places in the home where asbestos-containing materials may be found. She noted that many of those things appear to be floor tiling products that Freeman had talked about at this meeting, and asked what things are still being used today that might contain asbestos. **Freeman** said sheet vinyl and linoleum installed as late as 1993 has been found to contain asbestos, and that a lot of the flooring in houses now is from 30 or 40 years ago. He explained further that NAFTA has created a situation where Canada, as a leading producer of asbestos, can ship the asbestos material to Mexico, and it could come back to the U. S. in almost any product.

Ralston asked why anyone would want to make anything out of asbestos, given all the health problems and regulations connected with it. **Freeman** commented, you would think that, knowing that asbestos-containing materials cause cancer, Congress would not allow it. In the late 70s there actually was a ban prohibiting the manufacture of building materials containing asbestos, but that ban was overturned. It is now allowable to produce building materials with asbestos in them. It is prohibited to spray asbestos-containing building material, such as popcorn ceilings; however, you can go to an auto parts store and get a can of sprayable undercoat that's about 4 percent asbestos, to spray on your car or trailer. **Kirkpatrick** asked if the asbestos content is listed on the can, and **Freeman** said that it is. **Ralston** said his home has popcorn ceiling material, which he assumes is asbestos, and **Freeman** said he should assume that it is, to be on the safe side.

Monk commented that rock fiber is commonplace, and **Freeman** said that mineral wool typically does not have asbestos; however, zonalite, which is an insulation material which is poured in between joists, above the ceiling, to fill the gap between what they call the "cord" of the truss, does have asbestos in it. He said actinolite and tremolite are the asbestiforms that are found in zonalite or perlite, which are used on the West Coast. Asbestos-containing materials become regulated at greater than one percent content, and trace amount is non-regulated. He added that there is some feeling among people who work with these materials and regulate it, that one percent may be too high a level because they think that actinolite and tremolite are probably more dangerous, from a health perspective, than chrysotile, which is the more prevalent and probably the least hazardous.

Carpenter asked if a person could remove non-friable asbestos-containing materials from their home, and also if that type of material does not need an inspection. **Freeman** said one of the exceptions to the rules is owner/occupant status. If you own your home and you're living in it, you can do anything in that house you want to do. You can remove friable popcorn ceiling if you want to do that. The exception goes away if you rent the house to someone else, or if it is to be demolished or converted for commercial use, where others could be exposed to the asbestos. **Freeman** said the rules do apply to storage, transportation and disposal, even if you are the owner/occupant. **Carpenter** said that was his other question—what happens when you take the material to the dump. **Freeman** said the rules specify how it is to be packaged, labeled, and where it can be disposed of. In Lane County, the only place for disposal of asbestos-containing waste materials in Short Mountain landfill.

Freeman said most people do not intentionally try to violate asbestos rules, and that they really do not know about the presence of asbestos or the survey requirement or handling requirements. He said whenever he presents asbestos information to a group, he stresses the survey because it is important. He added that there is no requirement that asbestos-containing materials be removed just because you find them. He said, in fact, if it is in good condition, he recommends that you leave it alone. The popcorn ceilings are a problem because they catch dirt and cobwebs, and people will take a broom and try sweeping it off, which breaks the material up and causes it to drop down.

Carpenter commented that it doesn't seem that notifying people about asbestos when they're remodeling is LRAPA's responsibility as much as it should be the responsibility of the building departments that issue building permits for renovation and demolition. He said that seems to be where the information should really get passed along. **Freeman** agreed, but the building departments enforce the Uniform Building Code, not the Clean Air Act or NESHAP. He said when LRAPA put the survey requirement in the rules, staff went to every incorporated jurisdiction in Lane County and explained the changes in the rules; but LRAPA can't get those jurisdictions to include a check box on their building permit applications to ask if the structure has been surveyed for asbestos. The building departments will allow LRAPA to put brochures and pamphlets with the other literature in their offices. **Carpenter** said he does not see this as an LRAPA failing, but more that the

individual jurisdictions are not protecting their own citizenry from enforcement actions by LRAPA by just putting a little check box on their building permit application forms.

Carpenter asked if nuisance structures which are used by fire departments for “burn to learn” exercises are surveyed for asbestos before they are burned. **Freeman** said they usually are. There is a requirement that they be surveyed for asbestos and, if asbestos is present, that it be abated by a licensed asbestos abatement contractor prior to the “burn to learn.” By definition, intentional burning is a demolition and covered under the federal NESHAP regulations, as well as LRAPA’s regulations.

Stewart commented that, on “burn to learns” that he’s been involved with, the fire department comes in and does the surveys. They gut the structure to nothing and then put up plywood to light and put out repeatedly. They go through a detailed, expensive process. Regarding the building permit applications, **Stewart** said it is more complicated than just putting a check box on a form. He said he does not know whose fault it is that there is not more cooperation; however, he feels that LRAPA does have some responsibility to try to get the word out as much as possible. He said a “do-it-yourself-er” will watch a TV show and then go to the home improvement store and buy some floor covering for the bathroom and install it himself. It is not necessary to get a permit for that, as it probably is not necessary to get a permit to do a lot of things around your home. **Stewart** said he thinks LRAPA needs to partner with home improvement stores and put out placards that state something like, “If you’re going to take anything out, you need to have an asbestos survey done because of the potential exposure.” **Freeman** agreed that he has seen TV remodeling shows where they take out popcorn ceiling without saying a word about asbestos. **Freeman** added that, even though there is no check mark on the building permits, LRAPA staff does work pretty closely with building departments—particularly with the county. If a building is to be demolished and not be replaced, it is stamped with “Oregon state law requires that all asbestos be removed.” But if it will be replaced, the demolition permit is rolled in with the building permit for the new structure. The statement is still there, but it is not as easily found. **Freeman** said he works closely with **Jane Burgess** at the county, and that they often confer when either of them finds a situation where they think they might need some help.

Fortune asked what LRAPA’s rules say about demolition after a structure fire, regarding asbestos surveys. **Freeman** explained that there may be popcorn ceilings, floor tiles, or other materials that contain asbestos. After the fire department has extinguished the fire, those materials could be spread out all over the site. Before cleanup begins, the site should be surveyed, and asbestos-containing materials removed and disposed of properly before beginning reconstruction or total demolition of the structure. **Freeman** said you can either do an asbestos survey or assume that all suspect materials are positive for asbestos and treat them accordingly. **Fortune** asked if LRAPA has any role in contacting the owners after a structure fire, and **Freeman** said LRAPA is not usually notified after a structure fire. He added that the fire departments will sometimes contact LRAPA, and insurance companies are pretty good about getting surveys on structures that need to be repaired or replaced after a fire. **Freeman** named a couple of companies who do fire damage restoration, stating that they have staff members who are accredited to perform asbestos surveys. In addition, asbestos abatement companies have someone on staff who is accredited to do surveys.

Kirkpatrick asked if LRAPA provides diagrams like the one in the “Asbestos In the Home” pamphlet in the packets of information that people receive when they purchase a home. **Freeman** said that information is not given out when homes are purchased; however, LRAPA gets information regarding building permits which are issued for remodeling of homes, and the agency sends those individuals a copy of the brochure. **Kirkpatrick** said it seems to her that every home owner should receive this asbestos information. **Freeman** responded that the realtors are getting better about disclosing information about asbestos in homes they are

selling, because they can find themselves liable if the new home owner encounters asbestos that the realtor failed to disclose.

Stewart commented that LRAPA can put the information out there, but there is no guarantee that people will read it. **Freeman** said he has been dealing with asbestos for twenty years and that he does not see the numbers of exposures that he used to see. People seem to be a lot more knowledgeable about asbestos than they used to be and will call LRAPA if they see a structure being demolished or remodeled and suspect that there is asbestos present.

Proposed Changes to Title 43, LRAPA Asbestos Rules

In addition to the presentation of general information about asbestos, **Freeman** introduced proposed changes to the agency's asbestos rules in LRAPA Title 43. **Hough** said staff had put this item on the board's agenda both to educate them about asbestos and related regulations, and to introduce proposed changes in the agency's asbestos rules and give the board early involvement in the rulemaking process. **Hough** said staff is not proposing major revisions in the rules and that the main purpose of the changes is to place more emphasis on the asbestos survey to determine whether a structure has asbestos-containing materials in it before any renovation or demolition is done. He stressed that the survey has been required for several years, and the only change would be to put the requirement in a different part of the rule to make it clearer. By putting it in the applicability section of the rule, it would better serve the intended purpose of getting people to perform the survey before disturbing any asbestos-containing materials, to avoid exposure to the asbestos fibers and also avoid enforcement action by LRAPA. In addition, if the rule were clearer, staff would have a stronger legal position if it encounters an egregious, flagrant violation.

Monk stated that the proposed changes seem straightforward and necessary. He noted that staff was suggesting that the proposal be given to the LRAPA Advisory Committee for review and recommendations. He suggested that the committee also look at ways to educate the public about asbestos, such as partnering with some of the home improvement stores and building departments in a more proactive way.

Ortiz commented that this information is being disseminated by LRAPA for the health of builders handling asbestos-containing materials and others who might come in contact with such materials. She agreed that partnering with service industry people might be helpful in getting the information to the right people.

Monk asked why the survey rule would not apply to residential buildings with four or fewer units, because to him that says, "rental." **Freeman** responded that the exemption is for the survey, only, and does not exempt work on those structures from the rest of the asbestos handling requirements. **Monk** argued that a structure with four residential units is not the same as a single-family residence, even if one of the units is owner-occupied. **Kirkpatrick** agreed with **Monk** but pointed out that the definition in the rule states that five or more units is commercial and four or less is private. **Monk** maintained that the rule is clear that a home owner/occupant can do whatever they want in their own home, but work done by someone other than the owner/occupant must be done by a licensed asbestos abatement contractor; and the rule requires the asbestos survey in order to ensure that the health of the occupants and the workers is not put at risk through exposure to friable asbestos particles. He said the exemption for a structure with four or fewer living units does disservice to the asbestos program. **Monk** said he thought the advisory committee might want to look at areas such as this one, where there seems to be a contradiction in the rule.

Stewart asked if the board would need to hold public hearings on any changes made to these rules. **Hough** responded that staff's intent, in bringing this before the board at this early stage, is to get early involvement

by the board, based on earlier board discussions indicating that this is what the board wants. The board can give the advisory committee specific direction regarding the staff proposal and get recommendations back from the committee. At that point, staff would bring the proposal back to the board with a request for authorization of public hearing on the proposal, prior to adoption.

MOTION: Stewart MOVED to assign review of the proposed amendments to Title 43 to the LRAPA Advisory Committee, for their review and recommendations; and to also task the committee with review of the agency's current outreach efforts with regard to asbestos, and recommend enhancements to those efforts. Fortune SECONDED THE MOTION.

Discussion of Motion.

Patterson asked if LRAPA is aware of all asbestos abatement contractors who work in Lane County, and **Freeman** said any time there is an asbestos abatement project the contractor is required to notify LRAPA at least ten days prior to starting the job. **Patterson** said his concern was with someone hiring a contractor from outside this area who might not have a good track record for following proper procedures. **Monk** commented that he assumed that, as with other contractors, there is a process by which abatement contractors are rated, and records are kept of complaints filed against them by clients. **Freeman** said asbestos abatement contractors are licensed through the CCB. He said the ones that commonly work in Lane County are listed in the Yellow Pages, and all of them are pretty good. He said there are some contractors who will not work in Lane County—that the ones who do not work according to the rules do not come back. **Monk** commented that he has heard that **Freeman** operates “by the book,” and that he has a good reputation in the state for making sure that all asbestos abatement contractors are held to the same standards

Ortiz said she would support the motion because she thinks it is a good idea to take the time to be sure the regulations are done in the best way; however, she does not want it to take too long. She said what she would like to happen is development of an outreach plan or a list of the people in the community who should be LRAPA's partners in getting the information about asbestos to the people who need it. She said she would like to see, not just the government jurisdictions, but also various stores and community organization involved in such a partnership. **Monk** said he believes all board members want that, and that should be the direction to the advisory committee.

Carpenter said he would like to see the rulemaking take a separate, faster, track; and having the committee handle the rule review and the problem of how to get the word out to the community as two separate tasks would help to accomplish that. **Stewart** agreed and said that was the intent of his motion, to send the rulemaking review and comment to the committee and to also ask them to discuss enhancing the outreach program to help get the word out better.

Monk said he had read the whole rule and thought there were some contradictions in it. He said he would write those down and send them to **Freeman** so that they can be conveyed to the advisory committee for their review and comment.

VOTE ON MOTION: THE MOTION PASSED BY UNANIMOUS VOTE.

7. NEW BUSINESS:

- A. Letter from Springfield City Council to Lane County Board of Commissioners Concerning LRAPA Intergovernmental Agreement. **Hough** brought up the subject of the Springfield City Council sending a letter to the county board of commissioners, asking them to take up the matter of the intergovernmental agreement under which LRAPA operates. **Hough** said he had had a call from the Springfield city manager the previous day advising him of the upcoming agenda item. **Hough** had prepared a letter which he delivered to the Springfield mayor and city council, briefly summarizing the key reasons for maintaining LRAPA. **Hough** said one of the points he had made was that, for the relatively small dues investment from the local participating jurisdictions, LRAPA returns far more to the community. For example, LRAPA has brought into Lane County over \$650,000 for the Warm Homes/Clean Air project in Oakridge. LRAPA also coordinated major investments in improving school buses for school districts in Lane County and in bringing clean fuels to Lane County ahead of the mandated schedule. He also noted that Everybody Wins has been fitting many of the local trucking businesses like Leavitt Trucking in Springfield with APUs and other fuel-saving and emissions-reducing equipment. **Hough** pointed out that LRAPA's main focus is improving air quality, and working together with EPA and DEQ and LRAPA's intergovernmental partners has made the local air quality program much more effective than would be the case without the local agency. He said there are other examples of why LRAPA is a good investment for the local jurisdictions, which he would be happy to discuss if the board had an interest in doing that.

Monk asked **Ralston** if it was a fair statement to say that the city of Springfield has asked the county commissioners to look at whether the intergovernmental agreement is something that the county wants to continue, the implication being that the city of Springfield is not interested in doing so. **Ralston** responded that that was a fair statement. **Stewart** said the Springfield mayor had contacted him about this, and he had then contacted **Hough**. He said it was his understanding that, with the city's financial position, they would consider opting out of the intergovernmental agreement if Lane County were also considering doing that. **Monk** asked **Ralston** if **Hough** would have an opportunity to speak at the city council's work session the following Monday. **Hough** said he planned to be there and would not plan to speak unless the council asked for input; and **Ralston** said he could probably arrange that.

Monk asked **Stewart** if the county had scheduled its discussion, and **Stewart** responded that the commissioners would soon begin budget meetings for the first three Tuesdays in December, looking at all the different organizations in which the county participates. He said, even with the Secure Rural Schools funding being partially restored, the county can only hold participation in those organizations at the same level for about four years, and the county will need to make some decisions about how they will reduce those activities. **Stewart** said the purpose of these budget committee meetings will be to gather information. They will have speakers come in and will provide opportunity for public input, as well. **Stewart** said the first budget meeting would take place on Tuesday, December 2, from 9:00 a.m. to noon. The second would be Tuesday, December 9, 1:30 to 4:30 p.m. The third would be Tuesday, December 16, from 5:30 to 8:30 p.m. **Stewart** said the revenue problems include not only the Secure Rural Schools funds but also a 5 percent cut in state revenues for health and human services and other areas. The county will have to either make cuts in all those services or find ways to continue to maintain them at current levels.

Monk noted that DEQ has also been asked to cut its budget; and **Stewart** speculated that that will probably also hurt LRAPA because DEQ had agreed to continue to do the air toxics analysis at no cost to LRAPA, and further cuts in their budget might not allow that to happen. **Hough** said LRAPA has been given notice that there is to be a 5 percent reduction in the current biennium's budget. He said he expects that to come in February, based on the governor's proposal which should be out in early

December. **Hough** said LRAPA's state General Fund revenues may be cut as much as 18 percent, depending on economic forecasts between now and the next legislative session. **Monk** suggested that **Hough** ask **Andy Ginsburg** or someone else from DEQ to come and speak to the county commissioners when this item is put on their agenda for discussion. It would be good for DEQ to tell the commissioners what would be the effect of eliminating LRAPA and having DEQ take over the air program in Lane County.

Carpenter suggested directing **Hough** to investigate turning LRAPA into some kind of special district that would have its own taxing authority throughout the county. Then the voters would decide how to fund a local air quality control agency. **Monk** asked if **Carpenter** intended for that to happen immediately, or depending on the outcome of the county's discussion about the intergovernmental agreement. **Carpenter** said he did not know if LRAPA can wait to find out how the intergovernmental agreement is handled. **Stewart** said he had done pretty extensive research into forming more service districts, as with public safety districts. He said it takes cooperation of Springfield and Eugene and Lane County, because of the Metro Plan; and several members of different jurisdictions have clearly stated that they don't approve of additional service districts. **Stewart** recommended that, if LRAPA is serious about researching this option, **Hough** should talk to the director of the local OSU Extension Service, because they have been exploring all the different options for taxing districts and taxing measures, to try to cover revenue loss to the OSU Extension.

- B. Getting Agenda Information to Board Members Prior to Meetings. **Kirkpatrick** said receiving the packets on the Friday before a Tuesday meeting leaves too little time to review the information prior to the meeting. She said she was pleased to receive information by e-mail this month and would really like to receive the agenda packets much earlier than has been done in the past. She said she would like to have the bulk of the reports and information sent by e-mail as early as possible, and the director's report and minutes delivered later with the full packets.

Monk agreed and suggested that for items which require more thorough review and thought, it would be better if staff could send those things electronically, earlier than the full packets would be ready for delivery.

Ortiz said she would prefer to get everything electronically, because she reads bits of an agenda packet at one time and goes back and reads more at another time; and it is better for her to have everything electronically, in one place.

Stewart said the current process works well for him. He said he spends Saturday evenings and Sundays, and whatever other quiet time he has, to read materials for boards and committees. He said reading material on the computer is hard on his eyesight, and he prefers hard copies. If he got everything electronically, he would print it all out, anyway.

Carpenter said he would prefer to get the printed copies, because he does not want to have to spend the time printing everything out. He said he wouldn't mind getting things earlier in electronic form, but he wants the hard copy at the end of the process, a few days before the meeting.

Monk suggested going with an initial change, to provide electronic copies of any action item that will be on the agenda, seven days in advance of the meeting day, followed by the hard copy packet delivery

a few days before the meeting. **Hough** agreed to get electronic copies to board members earlier and to still provide complete hard-copy packets as is currently done.

- C. December 2008 Meeting. **Hough** noted that the December meeting date would be Tuesday, the 9th, and that with the Thanksgiving holiday at the end of November, it might not be possible to get the minutes of this meeting done in time for approval at the December 9 meeting. He asked if it would be okay with board members if approval of the November meeting minutes were included in the January 2009 meeting agenda. Board members said that would be okay.
- D. SHINE Report in Trainsong Neighborhood. **Ortiz** reported that the report about cancer clusters in the Trainsong Neighborhood was presented this week. **Ortiz** said the Eugene mayor had appointed about five people from affected neighborhoods to a committee, with a staff person. **Ortiz** said the meeting was not adequately advertised, and the turnout was not as great as it should have been. Neither DEQ nor LRAPA was represented at the meeting. She said there were a lot of questions about air quality and why there is no air monitoring system in the Trainsong area when there are so many different sources of pollution affecting the area. **Ortiz** said the committee had a meeting the following day with their lobbyist from Washington DC, who asked them what they want to have. She said her wish is to have an air monitoring station in Trainsong, and to be able to have the data analyzed to identify the sources of the pollutants affecting the area. She wants to be able to know if they are all operating within the law, and how much pollution they are allowed to put into the air. **Ortiz** pointed out that those neighborhoods are where people of lower socio-economic status live, including a lot of kids and families. She said she wants LRAPA to know that she believes it is a priority to get an air monitoring station there as soon as possible.

Monk noted that **Representative Edwards** was at the meeting and said he would attempt to find some funding for a monitoring station. **Hough** said LRAPA did include in its request, through DEQ, through the governor's office, funding for an air toxics monitoring site in that area; however, the feedback received is that, with the proposed budget cuts of up to 18 percent, that funding is not likely to be in the governor's proposed budget. **Hough** said it was one of several air quality-related items for the state that was cut off the list before going to the legislature. **Hough** said LRAPA is pushing for that funding. He asked **Ortiz** if she would like LRAPA to regularly attend the meetings of the Trainsong Neighborhood committee of which she spoke earlier. He said he had made it clear to various staff of the involved agencies, including committee staff person, **Brenda Wilson**, that LRAPA will respond to any invitation to attend; and it seemed to him, from what he heard, that the group needs some formative time before that will be appropriate. **Ortiz** said they are in their formative time frame. She said they are all activists and all have to fit work on this committee into their schedules. She said the members had all heard different messages from the mayor and have decided that their next goal is to meet with the mayor and find out exactly what her expectations are, before going any further. **Hough** said his preference is to be invited to attend the meetings, rather than to just show up, and **Ortiz** said she would keep that in mind.

- E. Air Toxics Rules. **Carpenter** said he and **Monk** and **Hough** had discussed in a pre-agenda meeting a few weeks prior to this meeting, how the air toxics rulemaking seems to be getting delayed. He said they discussed at least taking a "snapshot" sample of toxics in the Four Corners area of Eugene, to get a sense of the accuracy of modeled data. **Carpenter** said he would like the board to talk about LRAPA doing at least a one-time monitoring on a semi-stagnant day, to see what the levels are for pollutants present on what would be the predicted highest possible location for modeling for EPA.

Monk agreed that there should be a conversation early in 2009 about whether there is any opportunity to do that kind of monitoring. He said that conversation should include some suggestions from **Hough** regarding where in LRAPA's budget that money could come from. He noted that it sounds like the Department of Human Services would like to have that additional data to determine whether, in fact, that cancer cluster is tied to environmental causes, rather than tobacco consumption.

Carpenter said the other thing such a study would do is to determine whether the air toxics regulations can be handled on a slow schedule or if they need to be expedited.

- F. Advisory Committee Appointments. **Monk** asked if the ad went out for the advisory committee members and the at-large board member. **Markos** said it did. **Monk** asked when the board would likely be reviewing the applications, and **Markos** said the ad put the deadline to receive applications at December 31. **Monk** said it would make sense for the board to get the applications in January and perhaps set up interviews for the following meeting.
8. ADJOURNMENT: The meeting adjourned at 2:17 p.m. The regular meeting of Tuesday, December 9, 2008, was cancelled. The next regular meeting of the LRAPA Board of Directors needed to be rescheduled due to a joint elected officials meeting being set for noon on January 13, which would have been the LRAPA board meeting date. [*The January meeting of the LRAPA Board of Directors is scheduled for Friday, January 16, 2009, at 12:15 p.m. in the LRAPA Meeting Room at 1010 Main Street, Springfield, Oregon.*]

Respectfully submitted,

Merrie Dinteman
Recording Secretary