

**MINUTES**  
LANE REGIONAL AIR PROTECTION AGENCY  
BOARD OF DIRECTORS MEETING  
FRIDAY–JANUARY 16, 2009  
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; Drew Johnson–Eugene; Kit Kirkpatrick–Eugene; Andrea Ortiz–Eugene; Pat Patterson–Cottage Grove/ Oakridge; Dave Ralston–Springfield; Faye Stewart–Lane County  
(ABSENT: None)

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

Other: Russ Ayers, Chair, Amy Peccia, and John Tamulonis–LRAPA Advisory Committee; Jim Daniels–Rosboro; Rich Smith–SierraPine

1. OPENING: **Monk** called the meeting to order at 12:15 p.m.

Before beginning the meeting agenda, **Monk** thanked **Patterson**, on behalf of LRAPA’s board and staff, for his 14 years of service on the LRAPA Board of Directors and for his strong support of the agency, and presented him with a plaque.

**Patterson** said that when he first came on the LRAPA board, the agency director at the time, **Don Arkell**, gave him a very good education as to what the function of LRAPA is supposed to be and what the board’s responsibility was, in the best interests of all of Lane County. The agency has been able to take care of all the air quality issues in Lane County, without regard to urban vs. rural concerns. **Patterson** commented that, because of the factors involved in the Ethics Commission, the elected officials on the board need to be sure that the difference between elected officials and appointees from the member jurisdictions is clear. The elected officials carry the burden of trying to work for the betterment of all of Lane County, and also the interests of their own communities. If political problems are allowed to develop, the board is not doing the job it is supposed to do. **Patterson** also reminded the board that the purpose of the LRAPA Advisory Committee is to provide the board with advice from a broad spectrum of interests of Lane County’s community-at-large. He also advised the board to maintain the agency’s innovation, such as Everybody Wins and Airmetrics, which were developed by agency staff because of LRAPA’s greater freedom from federal and state bureaucracy, and have been major assets to the agency. Finally, **Patterson** commented that the LRAPA board must maintain its understanding that they represent all of Lane County, and that the agency can monitor mandates coming down from federal and state governments and help Lane County businesses and industries to comply with those mandates. He added that LRAPA is very fortunate to have the caliber of people it currently has in **Hough** and the rest of the staff. He said staff sometimes takes some criticism from the community, but he encouraged board members to develop a rapport with staff members, to give them an understanding of both sides of such issues.

2. PUBLIC PARTICIPATION: None.

3. ELECTION OF BOARD OFFICERS FOR 2009: **Monk** noted that it is tradition for the vice-chair from one year to take on the job of chair the next year, in which case **Carpenter** would become chair for 2009. He said he had spoken with **Fortune** regarding **Fortune**’s serving as vice-chair for 2009, and that **Fortune** had said he would be willing to do that. **Monk** commented, further, that the Oakridge representative on the board had

not served as chair since the early '90s. He asked if anyone wanted to speak to his comments or to put a motion on the table.

**Ralston** said he had been prepared to suggest the same thing, noting that with the two-year turn-around for the shared Cottage Grove/Oakridge position on the board, it has been difficult to have the person in that position serve as vice-chair and then chair.

ACTION: **Ralston** MOVED election of **Bill Carpenter** as 2009 Chair and **Glenn Fortune** as 2009 Vice-Chair. **Stewart** SECONDED THE MOTION, WHICH PASSED BY UNANIMOUS VOTE. **Monk** then stepped down, and **Carpenter** assumed chairmanship of the meeting.

**Ralston** said he needed to get back to work as close to 2:30 as possible and would have to leave today's meeting by about 2:25 p.m. **Stewart** said he also had a 2:30 appointment and would need to leave by about 2:25 p.m. **Carpenter** acknowledged those requests and said he would try to keep the agenda flowing on schedule.

4. CONSENT CALENDAR:

MOTION: **Stewart** MOVED approval of the minutes and expense reports. **Fortune** SECONDED THE MOTION.

Discussion of Motion. **Carpenter** pointed out that, on page 10 of the minutes, the word "happy" is used instead of the intended "happen." **Dinteman** said she was aware of that, and that the correction had been made on the original document.

**Carpenter** then asked if the ETD number on the expense report represented a percentage of the total budget, because it seemed to be identical to the total actual expense number. **Mirhosseyeni** said it is the total actual, and not a percentage. **Carpenter** asked what, "ETD" stands for, and **Mirhosseyeni** said it is the actual Expenses To Date. **Carpenter** then asked if **Mirhosseyeni** if he could change the report to state the actual percentage of the year that has passed, and that percentage of the year times the allocated annual budget. He said it didn't really tell him anything, if the ETD is the same as the actual number every year. **Mirhosseyeni** said he would do that.

VOTE ON MOTION: **Carpenter** asked board members to signify if they were in favor of the motion to approve the minutes of the November 16, 2008 board meeting (knowing that the word "happy" had been changed to "happen" in the original set of minutes) and the expense reports through November 30, 2008, as presented. THE MOTION PASSED BY UNANIMOUS VOTE.

5. DIRECTOR'S REPORT: **Hough** highlighted several items from the written report.

A. Air Stagnation Advisory. **Hough** said the area was in the midst of an Air Stagnation Advisory and called attention to a document on the table which explained the multiple ways of reviewing air quality data. He said he wanted to take the opportunity to walk through the information the agency uses to determine the daily Air Quality Index (AQI) for the current day and to forecast the AQI for the following day.

The first page of the document was a printout of the home page of the agency's web site. **Hough** pointed out the air quality report for Eugene-Springfield on a copy of the home page, which was printed about an hour-and-a-half before this meeting. The color coding indicates the Air Quality Index range

for the period from midnight to the time it was printed at 11:00 this morning, and the average from midnight until the time it was printed. He contrasted those ranges with the information from the previous day, explaining the significance of the ranges according to the levels of measured criteria pollutants in the air. He referred to another number in the same area of the page which indicated the forecast for the following day. The same information was available on that page for Oakridge. He then pointed out the Home Wood Heating Advisories in a different section of the same page on the website, and another area which gave the Backyard Burning Advisories—all based on the pollutant levels for the different areas of the county. **Hough** explained in greater detail what triggers the different levels of advisories.

The following page of the document was a graph showing the continuous measurements over the past week. He noted that, looking at the graph for Oakridge would seem to indicate that the air was very clean, even though the AQI and advisories indicated that the air was not clean. He explained that the reading at 11:00 a.m. in Oakridge indicated that the air was very clean; however, the standard is a 24-hour average, and the levels from midnight to midnight get averaged for comparison to the standard. The particulate levels rise during the nighttime hours when woodstove use is the highest, and go back down mid-day when woodstove use is not as prevalent, and the 24-hour average of those readings is the official level recorded for that day. **Hough** explained that, for Eugene-Springfield, the numbers from the monitoring site registering the highest values are the ones used to compare to the 24-hour standard. He indicated where all the monitoring sites are located and showed how the levels from those sites compare on the graph.

The third page of the document showed the monitoring data for the past 31 days, including the highest levels monitored during that period. He explained that, even though there are spikes of higher levels periodically during the rolling 31-day period, those spikes might not last as long as lower numbers at a different point and therefore do not affect the AQI as much as a lower concentration of longer duration.

The last page of the document included information not available on the website. It included information used internally to try to look ahead and anticipate air quality. The page consisted of three columns, one of which represented the previous day, the next a rolling 24-hour average, and the last the average from midnight to the time the data is checked. **Hough** explained that the standard is based on the specific 24-hour period from midnight to midnight, so the rolling 24-hour average does not affect the AQI like the midnight-to- midnight average does.

**Stewart** asked if the information on the website factors in the new PM2.5 standard, and **Hough** said it does. **Stewart** asked for further explanation of the numbers upon which the AQI is based. **Hough** explained that the Air Quality Index is 100 at the standard for any criteria pollutant. The standards are set at different levels of parts per million for different pollutants; however the levels are converted for reporting as the AQI for a given day. **Hough** pointed out that on the far right side of the home page, there is an AQI values key which explains how all the pollutants are indexed to that same zero to 100 scale. Fifty is the transition from Green to Yellow, and 100 is the point at which the standard is met. Over 100 is above the standard.

**Fortune** asked if the graph is calibrated, and **Hough** said the graph represents nephelometer readings, which is a reliable indicator of what PM2.5 is at any hour. The official data, however, would be the filters that are run from midnight to midnight. **Fortune** pointed out that the graph for Oakridge for the past 24 hours showed an average of 107, but it went from zero at midnight yesterday to zero at midnight today, with a 50 at one point. **Hough** explained that the numbers on the graph represent micrograms per cubic meter, which is the units in which the standard is measured. The standard is 35 micrograms

per cubic meter, and 35 micrograms per cubic meter on the graph would be 100 percent of the standard and an AQI of 100. Over the past 24-hour period, the average was slightly above 35 micrograms per cubic meter, which translated to an AQI slightly above the standard.

**Ralston** said he grew up in Oakridge and knows that a lot of people there heat with wood. He said the graphs seem to indicate that the particulate level spikes each day around 6:00 p.m., and he wondered if that is because people are coming home from work and lighting fires in their fireplaces and woodstoves. **Hough** said that is the case.

**Fortune** said there's a strong east wind in the morning when people get up, and then the wind dies down around sunset or in the evenings, which allows the particulate to build up. He asked **Markos** how many woodstoves were replaced in the Willamette City area where the air monitor is located. **Markos** said there were at least 30 stoves replaced in that area. **Fortune** said the Oakridge City Council had a discussion at a recent work session when one of the councilors had just driven by the monitor and noted that there were two or three chimneys really putting out a lot of white smoke. **Fortune** reiterated his previously expressed point that all of Oakridge is being blamed for just one small area that happens to be around the monitor. **Hough** explained that LRAPA's purpose in Oakridge is to define the extent of the area and to verify that the monitor is in the area of peak impact so that, when the standards are met at that location, LRAPA can be confident that it is being met throughout the entire airshed. **Hough** added that the overall trend for PM2.5 levels in Oakridge has been that there have been dramatic improvements in the past 15 to 20 years. He said if the effort to reduce particulate levels is as successful in the next five years as it has been in the last five years, the trend line for that shows that it is possible to meet standards by 2013 by just continuing the programs that are currently taking place. That will involve additional woodstove changeouts, and LRAPA is pursuing additional funding to do that. **Hough** said that, although the focus has been kept as broad as possible, LRAPA would like to focus, if possible, on the most critical subset of the area, such as giving warnings to people on problem days, especially in the problem area, rather than on just the city-wide response to rising particulate levels.

**Ralston** said he has often thought that it might be better to target those residences in close proximity to the monitoring site and try to reduce the overall levels just by targeting that one area. He said doing that would prove the case that the larger area really is not as much of an influence on particulate levels as people think.

**Stewart** commented that, just looking at the area around the monitor would seem to indicate that most residents of that area do not have much money, and that is why woodstoves are used to such a great extent in that part of town. He said the current changeout effort involves grants for part of the new heating system, but also requires some match from the home owners who might not be able to afford that. He said the cleanup effort might involve getting full-cost grants to get those households into upgraded stoves or into different heating sources.

**Markos** said the Warm Homes/Clean Air program gave only a \$500 grant for going from an uncertified woodstove to a certified woodstove, because they really wanted to discourage that option. She said in the next round, she will think different about it because **Stewart** is right about the incomes of the residents in that area. She said staff went to many homes in the trailer court on Berry Road and gave home owners \$2,000 to get a pellet stove; however, the cheapest pellet stove at that time with installation, was \$2,300. Those residents could not come up with the extra \$300, even though there were other ways to get that money, such as St. Vincent DePaul or USDA Rural Development funds. **Markos** said she will pay for the entire thing in the next round, for people who are at a certain income

level. **Stewart** commented that it is not just the cost of the stoves, but the cost of operating them, and that the pellets are not inexpensive. The forest is so close, and people can get a wood permit for \$25 and cut the wood they need to fuel woodstoves, whereas the cost of pellets might be out of their range. He said it might be better to partner with the utility in the area to try to get people into electric heating if there are programs offered through the utility. **Markos** commented that Lane Electric was one of the Warm Homes partners but they were giving people estimates of up to \$10,000 for a heat pump which, for most people, was not really an option. **Markos** added that some of the new stoves put out very low emissions, as little as 1.4 grains per hour, which is a dramatic drop from the older, uncertified stoves.

**Carpenter** said he had read about the students at the elementary school raising a flag up to indicate the air quality levels, and he asked what time of day that is done. **Markos** said the students check the website in the morning to see what the AQI is for that day, and then put up the appropriate flag. **Carpenter** commented that the flag is not a predictor. It might give a false sense of security because if people see the flag in the morning they will think the air is clean and they can burn that evening when the winds die down, contributing to higher pollution levels. **Carpenter** said it is good that the young people are involved, but it may actually be working against trying to keep the pollution levels down. He suggested having them do it at the end of the day, instead of in the morning, and **Markos** said it is not possible to do that.

**Johnson** agreed with Stewart and stated that paying for woodstoves doesn't seem to be the best use of the money, and it might be better if the money were used to subsidize payment of electricity bills, like EWEB does for low-income customers. He said from an air quality standpoint, it might be better to help them turn up their electric heat, rather than stoke up their woodstoves at 5:30 in the afternoon.

**Kirkpatrick** commented that she wondered about subsidizing installation of pellet stoves, because they require electricity to operate. If there's a power outage, the person has no heat source. **Markos** explained that there are battery backups next to the pellet stoves. She indicated that was a concern of some of the people in Oakridge; however, so far the only problem she has heard of with the pellet stoves is the noise they make, from the pellets.

**Johnson** referred to an earlier comment about the strong east winds in the mornings in Oakridge and said he wondered if Lane Electric has considered putting up a wind turbine to take advantage of that. **Fortune** said it's not cost/effective because the wind is only present at certain times, and it is not constant.

- B. Plywood MACT Update, Flakeboard. **Hough** said staff had asked Flakeboard for some additional details regarding their compliance schedule, based on board members' questions at previous meetings. Regarding the costs the company is incurring in order to keep the schedule compressed as much as possible, the general answer is that they have been under a compressed schedule just to do the work in response to the court case that was settled in the summer of 2007. Specific costs in recent months are conservatively estimated at \$244,000. They have estimated that the total cost of their efforts to comply with the plywood MACT standard at \$11,000,000; however, it appears that their actual costs will exceed that amount by the time the equipment is installed. **Hough** said Flakeboard did meet the December 31, 2008 deadline for installation of the post-dryer resination process and are taking steps to meet the subsequent compliance testing and reporting requirements.

**Johnson** asked if the \$11,000,000 represented the price of pollution control, or the price of process equipment and pollution control, combined. **Hough** responded that, in this case, the two are integrated.

He said one of the quicker, off-the-shelf, options would have been to add an after-burner, and there is equipment available that would meet the standard. The disadvantage of an after-burner is that it adds some combustion emissions like NO<sub>x</sub>, which is considered an ozone precursor, and the greenhouse gas CO<sub>2</sub>, which means that integrating the control into the resin processing was more advantageous from an air quality standpoint. Flakeboard chose the second option and spoke with LRAPA about it; and spoke to EPA about it to be sure it was a permissible means to comply with the MACT standard. The choice may have made it more difficult, initially, to stay on schedule; however, it is an integrated process rather than just add-on controls. **Johnson** noted that control equipment is usually discussed in terms of the costs, per ton of pollution controlled. He asked if that had been calculated. **Hough** said it had not, because this action was required by MACT, regardless of the dollars per ton. There was no decision to be made regarding whether this control was to be required or whether it was cost/effective. That decision was already made in the federal MACT requirements. The cost information was provided by Flakeboard in response to questions from the LRAPA board.

**Lopez** commented that **Hough** was correct in that the pollution control and process equipment for the resination process are integrated; but they also have a biofilter on the press.

**Johnson** said that when a New Source Review is done, you look at what other controls have been put on similar types of equipment, and he wondered how this situation would be considered if it were going to be required of someone else. **Hough** said that might be a challenge on something like this situation, because it is integrated. **Lopez** said that the resin usage is supposed to go down dramatically with this new process.

**Stewart** said he wanted to thank everyone for requesting this information and providing it to the board. He said he hopes the detailed information will give board members a better understanding of what the costs of this effort are. He said that, coming from the timber industry, he could guarantee that Flakeboard has not gotten any type of competitive edge over its competition, as had previously been suggested by some board members.

- C. Oakridge PM2.5 Nonattainment Area Boundary. **Hough** said LRAPA and DEQ staff had provided EPA with a pretty strong case for retaining the Oakridge UGB as the PM2.5 nonattainment area boundary; however, EPA did not find the information sufficient to rule out Westfir as a contributor to the wintertime elevated PM2.5 levels in Oakridge. **Hough** said staff is disappointed that EPA was not more responsive to the information provided to them. He said, if LRAPA had known a couple of years ago that EPA would want to add Westfir to the nonattainment area, staff would have done some additional monitoring in preparation to respond to the EPA proposal. **Hough** said having to produce a new attainment plan does not necessarily mean that the same regulatory programs would be required throughout the entire non-attainment area. Westfir will be involved in the attainment strategy discussions, but it may be that voluntary cooperation, from people who heat with wood in Westfir, may be sufficient if air quality in Westfir is as much cleaner than the Willamette City area of Oakridge as is expected. He said LRAPA will monitor the air to compare Westfir to different parts of Oakridge, and initial steps have been taken in that regard. Information, to date, has not shown anything contrary to what Westfir folks commented during the public comment period on EPA's proposed boundary.

**Ralston** brought up the point that there are several small pockets of homes surrounding the Westfir and Oakridge area, such as High Prairie, Hemlock, Westfall and Westridge; and he wondered if those were included in the new boundary. **Hough** said the boundary is now three by seven miles and that he does believe the areas **Ralston** referred to are included. **Fortune** commented that the areas **Ralston** referred

to wind around and go all the way to Oakridge but are still classified as Westfir area. He said there is a flat area east of the Ranger Station where the smoke accumulates and then curls around and heads west but does not go further toward Oakridge.

**Stewart** asked what kind of time line LRAPA has to develop the strategies and attainment plan, and whether the costs involved are factored into the agency's budget. **Hough** said EPA's action can be viewed as an opportunity to ask them to help with additional funding for monitoring and control strategy development and, most importantly, additional woodstove changeout funds. He said EPA provided a grant for about \$125,000 to \$130,000 as part of the Warm Homes/Clean Air project, and Region 10 is especially supportive of that program. He said he believes the decision to include Westfir is more driven by EPA's trying to get national consistency on solving some of these problems.

**Markos** said she was asked the previous day by someone at EPA Region 10 to estimate how many more woodstoves need to be replaced in order to bring Oakridge into attainment. She said she estimated the number at 50, and EPA staff are now going to start looking for funding in the amount of about \$125,000 to \$150,000 for that. **Carpenter** commented that the number of stoves should be doubled, to 100, to account for any that need to be replaced in Westfir and surrounding areas of Hemlock, High Prairie, Westfall and Westridge. **Markos** responded that in the original changeout program, staff went pretty far out High Prairie and determined that some of the homes that were farther north were not having any impact on Oakridge and had to be turned down for the changeouts.

- D. Continuation of LRAPA Intergovernmental Agreement. Following the city of Springfield's inquiry to the Lane County Board of Commissioners, regarding whether the county wished to maintain the intergovernmental agreement under which LRAPA operates, **Hough** said, LRAPA had received a letter from the county commissioners (also sent to the city of Springfield) on January 7, stating that the county plans to continue the intergovernmental agreement.
- E. Enforcement Report. **Monk** referred to the report of enforcement actions for the period October 16 to November 16, 2008, and asked, if a respondent contests the notice of violation and civil penalty and requests a hearing before a hearings officer, if LRAPA's legal counsel begins to work on that case at that point, and how much legal counsel time might be devoted to that case prior to arriving at a settlement. **Hough** said, according to LRAPA's agreement with Lane County, in a case which is contested, LRAPA can retain its legal costs from that point, from the amount which is eventually collected from the respondent, prior to sending the balance on to Lane County. Staff time applied to the contested case process may also be charged to that fine before the balance is passed along to the county. Any costs, including legal counsel fees, incurred prior to a case being contested cannot be retained.

**Kirkpatrick** referred to the **Randy Dreiling** case, in which the board had heard an appeal of the hearings officer's decision. She said it appeared that the appellant had 60 days to request judicial review and not done so. She asked what is the next step. **Hough** said normally the next step would be to file a lien on the respondent's property. **Monk** pointed out that **Dreiling** does not own the property where the violation occurred, but was acting on behalf of the property owner. **Stewart** commented that he did not think it is legal to attach a lien from one person's activity on someone else's property. **Kirkpatrick** said she wondered about it because **Dreiling** was acting as the agent of the property owner. **Hough** noted that this case is different from the norm.

**Carpenter** said it seems like some of the cases are closed but kept on the pending list rather than being dropped from the report. He wondered if the cases are kept as pending until they ultimately pay off any

finer. **Hough** said the intent is that when a case is closed, that should be reported once and then not show up on the report again. **Lopez** said the ones that are paying the fines in installments are kept in the pending section until the fine is paid off, at which time they are closed out and dropped from the report..

**Johnson** said what strikes him is that LRAPA issues a lot of Notices of Violation and Civil Penalties to individual property owners, private citizens, and asbestos contractors, and is probably spending a lot on legal fees to prosecute those cases; and it doesn't seem to be changing anything. There also seem to be a lot of industrial sources being cited for doing things without getting a permit. **Johnson** said either they are not getting the word that they need to get a permit, even though they already have a permit, or they can see that the fine is \$1,600 and the fee to apply for the permit would cost significantly more than that. **Johnson** said, to him, this does not make sense. The approach seems to be costing the agency money and not getting the message out, to both permitted sources and the public, in an effective way. He said he would like to see LRAPA take a different approach by spending money to educate citizens rather than using it to prosecute them, and then using those resources on enforcement against the industrial permitted source who should know better. There should be a message sent to them that it is not more cost/effective to simply ignore the regulations and go ahead with your project.

**Carpenter** commented that the advisory committee will be reviewing the enforcement rules and the civil penalty matrices, and Johnson is welcome to visit with the committee at his convenience, to deal with that. **Hough** commented that the enforcement rules discussion is not on the committee's immediate agenda because staff needs to do some preparatory work to be sure recent changes to the DEQ enforcement matrices are understood. **Johnson** said he understands that there is a matrix on how fines are assessed; but it seems like there is a resource allocation policy question that is independent of what the numbers in the matrix say. He suggested that it would be better to direct staff to follow up on what industrial sources are doing, rather than spending time and resources going to backyard burns and dealing with apartment construction projects.

**Hough** noted the enforcement report looks like a whole list of problems, and that is not an accident. Those are the enforcement cases that are pending, so they only include the cases with compliance problems. What the board is not seeing are all the asbestos projects or all the legal open burning that is occurring, all of the industrial operations that are going on in compliance, and all the permitting activities that are happening. The board is seeing the tip of the iceberg, which are the problem cases. **Hough** pointed out that most of the open burning violations in the report result from complaints. Staff is not out there looking for those violations because we consider those to be the highest-priority things we have on our list to do today. They are out there responding to complaints from people who feel that they're being impacted by someone who is breaking one of LRAPA's rules. In order to get resolution of a complaint, if staff finds a violation then the agency follows through, consistent with LRAPA's enforcement policy.

**Monk** commented that, in terms of the matrix and **Johnson's** comments, which he thought were very valid, it is his understanding that the board will have that discussion to give the advisory committee very specific directions, rather than just an across-the-board review of the matrix. **Monk** said he thought **Johnson's** suggestion was a good one, to look at what the board's intention is and how the agency is accomplishing it, and look at whether there are other, perhaps better, ways to approach enforcement. **Hough** said his plan for the enforcement rule is to follow the model that staff did on the asbestos rule, by which staff would touch base with the board and make sure review of the rule is officially assigned to the advisory committee, and then come back to the board before going any further with the rule. **Monk** asked that staff give the board ample time for its discussion of the specific issues it wants the

committee to review. He suggested a briefing at one meeting, to give board members time to review the information and provide comments and come to the next meeting ready to discuss them. **Monk** added that enforcement is an ongoing subject with the board, and there are a lot of issues that the board should address.

5. ADVISORY COMMITTEE:

- A. Activity Report. Committee Chair **Russ Ayers** reported that the committee had the same presentation regarding asbestos that the board had, and there was an animated discussion and a lot of interest in the asbestos rules at the October meeting. At the November meeting, the committee discussed the home wood heating advisories. The committee did not meet in December.
  
- B. Agency Customer Service Survey Results for 2008. As in previous years, committee member **John Tamulonis** had reviewed the customer service surveys received in 2008 and prepared a report for the board. He said the committee has done about a dozen reviews of how LRAPA staff members handle a number of general service activities for the agency. The surveys have targeted specific groups of clients at different times. **Tamulonis** said this is the first time the survey has specifically targeted people who have complained to LRAPA, regarding how well their complaints were handled and how they were treated. **Tamulonis** said complainants have a specific set of issues, and LRAPA is not always aware of how in-depth they might feel about those. Complainants all want an answer right now, and they want it to meet all their needs. Given those facts, it is not likely that any agency is going to be able meet all those needs all the time. **Tamulonis** thanked committee member **Amy Peccia** for doing the work of translating the hand-written comments on many of the forms and inputting that information. **Tamulonis** noted that about 85 percent of the respondents had written extensive comments on each one of the pages of the survey document, whereas the usual percentage of written comments with other surveys has been more like 30 percent. Staff started with 457 complaints in a one-year period, selected 50 percent of those and took out duplicates (people who complain more than once about the same thing), leaving 145 who got surveys. About 36 percent of those, or 52 surveys, were sent back to LRAPA. **Tamulonis** said that is a little higher than the typical 25 to 30 percent return on surveys in this area.

The 2008 survey had three survey sets, including: industry and J. H Baxter; backyard burning/open burning and home wood heating; and fugitive dust/unknown sources/"other." The committee's report included sections on each of the subsets, a copy of the survey questionnaire, and the written comments from each of the subsets, as well as a discussion of the overall results of the survey. **Tamulonis** stated that this is not a statistically valid survey. It is just a snapshot of what people think about some things.

**Tamulonis** said the committee did not find that there is a clear prescription to do anything much differently. Though the way the public perceives treatment by LRAPA will never be perfect, there has been substantial improvement over the years since the surveys began. He said the agency, overall, performed in the "good" to "excellent" categories in about two-thirds of the comments received. He went through the survey questions, one by one, and gave the results for each. On question number one about how the respondents were treated by staff, for every respondent who rated staff "poor," six respondents rated staff "good" to "excellent." On question two, communicating all the issues that are out there, for every respondent who rated staff "poor," two rated staff "good." For the third question, timeliness of response, half of the respondents said response was timely and half said it was not. For the fourth question, professionalism of staff, two-thirds of the respondents rated staff highly. For the next question, people being able to understand what LRAPA's response procedures are, two-thirds of the respondents thought it was really well done. For the next question, whether or not the respondent had

received a requested call back from staff, two-thirds to three-quarters of the respondents said they received the call back. The comments received on the surveys indicated overall satisfaction with how LRAPA handles complaints. Most people don't have a problem with the agency—their problem is with air quality. Most don't blame the agency for not being able to respond to something because the agency lacks the jurisdiction or ability to do what the complainant wants done. **Tamulonis** noted that with the J. H. Baxter complaints, there may be some unresolved issues because people might expect immediate results which are not possible. Some comments indicate that the response by LRAPA to a complaint situation is sometimes very complex and lengthy. While that is probably not satisfactory to some complainants, about two-thirds of the complainants indicated that LRAPA is handling the situation as well as it can with the resources it has available, while one-third think the response is inadequate.

With regard to open burning complaints, a large number of the surveys on this type of complaints indicate good to excellent response by LRAPA. There were some surveys which expressed neutral feelings about that response, and a few which said they were poorly treated. On the home wood heating complaint surveys, the bulk of the respondents rated staff in the good to excellent categories, with fewer in the poor category. **Tamulonis** said he thinks LRAPA has much clearer rules and responses to these complaints, and there is greater consistency over the years in responding to these complaints because it is more easily understood than the complex issues that emerged out of the J. H. Baxter odor situation. The solutions for home wood heating problems are much more clear cut, and it is easier to explain them to complainants and easier for the agency to respond to the problem.

**Monk** asked if the backyard burning complaints were in the metropolitan area and open burning outside of that area, and **Tamulonis** said there is no way to tell where the complaint situations occurred, or even what time of the year. The committee gets the surveys, but they do not see the complaints, themselves. One of the requirements the committee has for the surveys is that they can be anonymous so that respondents will feel comfortable submitting the information.

The last group of surveys covered in the report dealt with fugitive dust and with complaints in which the complainants were not specific enough regarding the source of the problem. **Tamulonis** noted that there was a complaint related to water quality, and LRAPA found the answer to the issue and provided that to the complainant. He said it was astounding to see LRAPA focus on a water issue and find an answer for the complainant.

**Tamulonis** said the overall responses from those surveyed were very positive, but there are a few areas where improvements could be made, including: the timeliness of complaint response; the assistance provided by staff to help people understand the complaint response; and calling complaints back when they request that.

**Carpenter** commented that the surveys indicate the person's level of satisfaction with LRAPA's response to complaints; however, there is no way to know what the complaint was or what the ultimate outcome of LRAPA's response was, or what kind of limitations LRAPA has in responding to a particular situation. **Tamulonis** agreed. He said when the committee first talked about surveying complainants, they talked about going out and talking to people and finding out what actually happened, and then talking to staff to be sure there was congruency. It would be necessary to know all the particulars from both sides—the complainant's and the enforcement staff's—before it could be determined how well the agency is actually doing with these contacts with the public.

**Johnson** noted that the comments included in the report included a lot of suggestions of actions people would like to see LRAPA take. He asked what mechanisms, other than coming to a board meeting and speaking under Public Participation, does the public have to give the board feedback. **Johnson** said he wants to use his position on LRAPA's board to advocate for the citizens of Lane County, but it wants to do it in a way that's consistent with what those citizens really want. **Tamulonis** responded that he works for a public agency, and there are a good number of people who come in and request some type of action; however, he believes that there are also a large number of people who would say you cannot do what the other people asked you to do, because you should be doing something else. **Tamulonis** said LRAPA could do a general survey of the metropolitan area to find out what people want. He said LRAPA does not have a mandate. It has no test of where it stands with the public, other than having a good number of people who are supportive of the agency's activities. **Johnson** said he would like to hear from people across the spectrum, and not just the metro area or a specified group such as people who have filed complaints with LRAPA. **Carpenter** commented that anyone can write a letter to LRAPA if they have ideas of what they would like to see LRAPA doing—or if the agency is doing something that they don't think it should be doing. They could also telephone the agency with those suggestions.

In the interest of time, **Carpenter** ended the discussion of the customer survey results, to move ahead with the rest of the agenda. He thanked **Tamulonis** and **Peccia** for their work.

7. APPLICATIONS FOR AT-LARGE, GENERAL, BOARD POSITION: **Hough** reported that the agency had received two applications for appointment to the at-large, general, board position, both of which were residents of the Cottage Grove area. One was from **Brian Forge**, who is a member of LRAPA's advisory committee, and the other was from **Gary Williams**, who is the current mayor of Cottage Grove. Both applicants inquired as to whether the board wanted to interview the applicants, and staff told them that if there were interviews, they would likely take place at the February board meeting. **Hough** told the board members that they had two options for action: to invite the applicants to attend the next board meeting for interviews; or, if there were consensus now, the appointment could be made at this meeting.

MOTION NUMBER ONE: **Monk** MOVED to interview the two applicants at the February meeting, and appoint one of them to the position. **Kirkpatrick** SECONDED THE MOTION.

#### Discussion of Motion Number One

**Johnson** said he had not read the packet carefully and thought the appointment was going to be made at this meeting. He had called both of the applicants and spoken with them. He said that, although there are only two applicants, he is impressed with both of them.

**Stewart** said he knows both of the applicants, and he thought that either of them would be a positive member on the LRAPA board. He said **Brian Forge** has served on LRAPA's advisory committee and has knowledge of LRAPA. **Gary Williams** is also knowledgeable about the agency's activities. **Stewart** added, though, that he was disappointed to see that only two applications had been received. He said he had hoped to receive an application from someone in Florence or Junction City, to give the board another perspective of the county that this board represents.

**Monk** agreed with **Stewart**, that it was disappointing not to have received more applications. He speculated that it might have something to do with the fact that the board did not do a very good job with the nine good applicants the last time this position was filled. He said he knew he did not always ask the same question of each candidate during that process and suggested that the board discuss the process today in preparation for the February interviews. **Johnson** agreed and said that was why he had called the applicants. He said he found the process in 2007 to be awkward and decided to have an independent conversation with these two applicants, which he found very informative. He encouraged the other board members to also call the two applicants.

**Kirkpatrick** asked if staff knew if both of the applicants could attend the February board meeting, and several people responded affirmatively.

**Carpenter** commented that, if there is a specific set of questions asked of all applicants, there is greater consistency; however, with a specific set of questions, there is not the opportunity to find out particular information about each applicant, as compared to the other applicants. **Carpenter** said he knows that some places stick to a specific set of questions, while others have no particular questions. He asked if staff had a set of questions from the 2007 interviews and suggested that, if the board decides to go with a specific set of questions, the applicants be given that set of questions in advance of the interviews. That would avoid the problem of giving one applicant the advantage of sitting in the audience and hearing the questions, giving him a lot more time to formulate answers.

There was some discussion of whether or not the applicants should be in the room at the same time during the interviews. **Carpenter** said he did not think one candidate could be barred because it is public meeting. **Stewart** said the county does a lot of interviews and always brings in one applicant at a time to be interviewed. **Stewart** also said the county tries to have questions that are already set and that those questions are given to the applicants ahead of time. **Stewart** said he wants to know what the applicants know, and it is difficult sometimes to get a true picture of that when they come and have questions fired at them with no chance to think about the answers before responding. **Stewart** recommended staying with a specific set of questions, but said that does not preclude board members from asking other questions based on the applicants' answers.

VOTE ON MOTION NUMBER ONE: THE MOTION PASSED, BY A VOTE OF 8 IN FAVOR AND 1 (**RALSTON**) OPPOSED. **Ralston** said he wanted to make the appointment at this meeting instead of waiting until February.

MOTION NUMBER TWO: **Johnson** MOVED that each board member submit a question to the director within a week of this meeting, and that **Hough** put together eight questions for the next meeting packet, so that the applicants can see them. **Monk** SECONDED THE MOTION.

#### Discussion of Motion Number Two

**Ralston** said he thought the questions from the 2007 interviews would be perfectly adequate and that he did not think every board member needed to submit another question. He asked if staff could provide the questions from 2007. **Dinteman** said she would find those and send them out to board members.

**Carpenter** suggested amending Motion Number Two, to indicate that any board members who want to submit additional questions, within a week, may do so. **Johnson** asked how many questions **Hough** wanted, and **Carpenter** said the most any one board member could submit would be one question. He said **Hough** could look at the questions from the 2007 interviews, and any new questions submitted by board members, and then determine a reasonable number of questions for the interviews.

**Carpenter** suggested an amended Motion Number Two: that **Dinteman** send the 2007 questions to board members, and then any board member who wishes to may submit one additional questions to **Hough** within the next week.

**Kirkpatrick** said she thought the existing questions probably are fairly broad and, rather than submitting new questions, that board members should be able to ask follow-up questions in response to the applicants' answers to the pre-defined questions.

**Carpenter** agreed with that. **Stewart** also agreed, adding that it would be appropriate to allocate 30 minutes to each interview, broken down to 20 minutes for the prepared questions and 10 minutes for follow-up questions or questions that the applicant has for the board.

AMENDED MOTION NUMBER TWO: As the second to Motion Number Two, **Monk** reworded it to be sure everyone understood what they were to vote on, as follows: **Dinteman** is to immediately send the 2007 questions to board members; then any board member who wishes to may submit another question to **Hough** in the next week; then **Hough** will determine how many questions to put in the final list; and 30 minutes will be allotted for each interview, as **Stewart** suggested. **Kirkpatrick** SECONDED THE AMENDED MOTION NUMBER 2.

VOTE ON AMENDED MOTION NUMBER TWO: THE MOTION PASSED BY A VOTE OF 8 IN FAVOR TO 1 (**RALSTON**) OPPOSED.

**Hough** said that, once the board has seen the questions and are comfortable with the list, the questions will be made available to the two applicants, prior to the date of the February board meeting.

## 8. AGENCY FINANCES

- A. Five-Year Budget Projection. **Hough** gave a brief summary of the five-year budget project, stating that the projection started last year has been updated. The projection presents a stable case and a worst case. Under the stable case, the 20 FTEs in the budget at the beginning of the current fiscal year would have to drop to 18 for future years, in order to balance the budget under a stable case. Under the worst case, the 20 FTE would have to drop down to 16 by the end of the five-year period.

Full presentation and discussion of this item was postponed until the February board meeting, due to time constraints at today's meeting.

- B. Discussion of Local Partner Dues for FY 2009/10. **Hough** explained that this is the time of year that the local government partners in LRAPA need to know what LRAPA will be requesting from them for the coming fiscal year, so that they can include those requests in their budget considerations. **Hough** described different options for the board to consider, including:

- (1) Use the standard approach of adjusting the current year's dues amount first by the updated population for each of the participating entities, and then adjusting the per capita amount by something approximating the CPI. The 11-month rolling CPI as of today is about 3.6 percent, and staff proposed rounding that down to an even 3.0 percent as was done for the current fiscal year. Per capita dues would be \$1.02.
- (2) Request the same amount of dollars as was requested for the current fiscal year, which would bring the per capita amount down closer to \$0.98. **Hough** said he was not recommending this option but provided it as an option for board discussion, recognizing the current difficult economic times.

**Stewart** said that he had a couple of different thoughts about the dues requests for LRAPA. As a member of the LRAPA board, he thought the 3 percent increase is appropriate; however, as a Lane County Commissioner, he has to take into account the county's consideration of how to use the federal timber money to best advantage, to try to maintain a balanced budget over the next four years. In order to balance its own budget, the county would have to maintain the level of services in its current budget, without adding back any of the services that were cut last year. **Stewart** said he did not know what the Board of Commissioners will decide regarding adding services back, but he cannot guarantee that the county will be able to contribute any more to LRAPA than it did for the current year, which was \$45,000 instead of the nearly \$118,000 requested by LRAPA. **Stewart** asked **Hough** if he thought there would be an opportunity to make up some of the difference from the state's General Fund, through DEQ. **Hough** replied that LRAPA was successful in getting the amount of state General Fund for LRAPA increased from \$45,000 per year to \$213,000 per year; but the agency has been put on notice that it may need to absorb a 5 percent cut in the current year and, possibly, an additional 18 percent cut next year. That is what the governor's budget has in it and what DEQ's air program is being asked to cut. DEQ is being very helpful, absorbing most of the balance of the amount requested from Lane County for this year, above the \$45,000 which the county was able to contribute, by waiving payment, for one year, on the analytical work they do for the toxics monitoring sites. **Hough** said that, given those facts, he does not expect that LRAPA will be able to get any more from the state General Fund, although he said there are two packages in the Legislature this year which might result in additional funding, and LRAPA would likely get a portion of that increase.

**Monk** said that, in light of the city of Springfield's letter to Lane County, and given what **Stewart** had just said, it does not seem appropriate to him for LRAPA to request a 3 percent increase in the local dues contributions, when every agency is facing budget cuts. He recommended holding the requests for local contributions to the FY 2008/09 levels. **Carpenter** asked if **Monk** intended that to mean the FY 08/09 level on a per capita basis or on the total amount of dollars requested from each jurisdiction. **Monk** said he would recommend basing the FY 09/10 request on the FY 08/09 per capita amounts. **Carpenter** commented that basing the requests on the same per capita amount as FY 08/09 would actually result in increases in dues because of population growth. **Mirhosseyani** agreed that basing the request on the per capita amount would result in a slight increase in the total amount of the dues. **Monk** said he would base the request on the per capita amount, recognizing that the total amount would go up slightly, based on increased population.

**Johnson** noted that, under the worst-case scenario, AirMetrics would break even. He asked if AirMetrics has ever lost money. **Mirhosseyani** said it has not, according to the records he has.

**Johnson** asked if the FY 09/10 budget should include a COLA, and **Mirhosseyni** said LRAPA generally pegs the COLA increase to the actual CPI, which would be tied to the partner entities' funding. The board would determine whether to give the COLA increase at the recommended level or to pare it down.

**Johnson** asked **Hough** what the two packages are that the Legislature is considering which might result in increased funding to DEQ and LRAPA. **Hough** said one is a funding package that is part of evaluating air quality related to transportation or land use changes. The other is related to greenhouse gas reporting, statewide, that would provide resources to DEQ and, proportionately, to LRAPA. **Johnson** asked if passage of those packages would provide full funding by the state for the work the agency would be doing under those programs, and **Hough** said that would be the case. He added that, in rough terms, the amount is roughly comparable to the decrease requested by the governor's budget. **Johnson** asked if LRAPA currently has staff with the expertise to perform the necessary functions of those programs, or would it be necessary to hire new people. **Hough** said it would require some reorganization of duties and a difference in how the agency focuses its time, but not necessarily new employees.

**Ortiz** said she would recommend that LRAPA hold its FY 09/10 dues request to the same dollar amount as for FY 08/09. She said she would have a hard time supporting any dollar increases. **Ortiz** said she works in an organization that re-evaluates positions every year, and the employees have to validate their work. She noted that employees at other governments and non-profits are taking cuts. She said she was not recommending that for LRAPA, but she wanted staff and the board to understand her viewpoint on this subject. She said she is committed to LRAPA, but she also wants to be sure that the money is being well spent; and she does not know how that is determined at LRAPA.

**Carpenter** said he thought the board needed to decide whether it wants to carve the agency's budget before it even makes the requests to local governments, or give the local participants a number that the agency thinks it needs to be able to maintain its programs and then go into the negotiation process with the jurisdictions with requests that have not already been cut or reduced from what the agency believes it needs. **Carpenter** said the board would either need to table this discussion or put a motion on the table, because two board members had stated a need to leave by 2:25 p.m.

MOTION: **Monk** MOVED to ask for the same dollar amount as was requested in FY 08/09. **Johnson** SECONDED THE MOTION.

#### Discussion of Motion

**Ralston** said the city of Springfield is going to have to cut 5 percent in everything and that his employer, Far West Steel, has laid people off. He said he could not guess what the council would do if LRAPA were to ask for more money for the coming year than it requested for the current year.

VOTE ON MOTION: THE MOTION PASSED BY UNANIMOUS VOTE.

#### 9. NEW BUSINESS:

- A. Board Meeting Schedule. **Stewart** informed the board that the current chair and vice-chair of the Lane County Board of Commissioners have told the commissioners to commit Tuesdays from 10:00 a.m. to

8:30 p.m., and Wednesdays from 9:00 a.m. to 5:00 p.m. for board business. Consequently, **Stewart** said, he cannot commit to any Tuesday or Wednesday times at all for LRAPA board meetings.

**Ralston** said he would be elected president of the Springfield City Council the following week, which means that he will have council review every week on either Thursday or Friday. He said the only day other than Tuesday that he would have available for LRAPA board meetings would be Friday.

**Carpenter** asked **Dinteman** to do the same process as was done the last time the board meeting schedule had to be rearranged, noting that it would need to be decided quickly because of the interviews to be scheduled for the February meeting.

*[Note: A subsequent poll of board members revealed that the second Tuesday at noon is still the best day for the majority of them. That schedule will be maintained, and **Stewart** will participate by telephone between 12:15 and 1:20 p.m.]*

- B. Lane County Representation on LRAPA Board of Directors. **Stewart** said the Lane County Board of Commissioners is reviewing its committee assignments and has drastically changed the way commissioners are going to be attending committees. He said the commission will only staff committees which are state mandated for intergovernmental committees. There will be no Lane County Commissioner on any of the other committees. In addition, **Stewart** said there may be a different commissioner assigned to the LRAPA Board of Directors.
10. ADJOURNMENT: The meeting adjourned at 2:25 p.m. The next regular meeting of the LRAPA Board of Directors is scheduled for Tuesday, February 10, 2009, 12:15 p.m., in the LRAPA Meeting Room at 1010 Main Street, Springfield, Oregon.

Respectfully submitted,

**Merrie Dinteman**  
Recording Secretary