

MINUTES
LANE REGIONAL AIR PROTECTION AGENCY
BOARD OF DIRECTORS MEETING
TUESDAY–APRIL 14, 2009
LIBRARY MEETING ROOM
SPRINGFIELD CITY HALL
225 5th Street, Springfield, Oregon

ATTENDANCE

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

Staff: Merlyn Hough–Director; Merrie Dinteman; Max Hueftle; Sally Markos; Nasser Mirhosseyni; Debby Wineinger

Other: Russ Ayers, Chair, Amy Peccia–LRAPA Advisory Committee; Kevin Matthews–LRAPA Budget Committee; Jim Daniels–Rosboro Lumber

1. OPENING: **Carpenter** called the meeting to order at 11:00 a.m.

2. PUBLIC PARTICIPATION:

John Herberg, 2940 Alder Street, Eugene, Representing the Oregon Toxics Alliance (OTA), Regarding Getting An Ambient Air Monitor in West Eugene. **Herberg** distributed two documents to board members and staff, one from OTA and the other a copy of excerpts from a letter from EWEB to Lane County Commissioner **Rob Handy** concerning ambient air monitoring in west Eugene. **Herberg** pointed out that the letter from OTA included a list of various industrial sources of Hazardous Air Pollutants (HAPs) being emitted in Eugene, noting that most of them are located in West Eugene. He said if you add rail yard activities and heavy traffic, the area is likely Eugene’s most threatened neighborhood when it comes to air quality. Residents of the area do not have the means to adequately measure air quality and have asked repeatedly for ambient air monitoring; and the issue preventing this has always been funding. With Seneca’s proposal to locate a co-generation plant in that same area, the HAP emissions would increase further, and **Herberg’s** letter detailed what those emissions were projected to be.

Herberg then referred to the letter from EWEB which states that: “If you have a specific proposal to work with the other sources of air emissions in the west Eugene area to establish an ambient air monitoring station and fund it cooperatively, EWEB and Seneca would be interested in hearing the proposal.” He said there is a need for ambient air monitoring in west Eugene, and there is expressed interest of at least one Lane County Commissioner, as well as the expressed interest of EWEB and Seneca to partially fund it. **Herberg** urged LRAPA to work with EWEB, Seneca and all interested parties to get an ambient air monitor in West Eugene.

Carpenter said the LRAPA board has talked about doing at least a “snap-shot” of what the air quality looks like in that area and asked **Hough** if he wanted to add anything. **Hough** said LRAPA is interested in doing more monitoring in that area, and staff put together a proposal to try to get some air toxics monitoring done near a school in that area under an EPA program to do that monitoring at 62 schools, nationwide. **Hough** said that the screening of air quality near Lane County schools was not high enough on EPA’s ranking in order to be one of those first 62 schools. He explained that the ranking is based on EPA’s periodic National

Air Toxics Assessments. He added, however, that EPA's Region 10 supports LRAPA's proposed project and will continue to work with LRAPA to identify funding for that. He said the Oregon schools that got the included in the national project were an elementary school at Toledo and a few schools in Multnomah County.

Hough said that, with the budget projections for the coming fiscal year, and the budget reductions on the horizon, it will be difficult to even maintain the air toxics monitoring the agency is currently doing. Funding the air toxics monitoring has always been a challenge because it is not specifically mandated by federal or state requirements and because the analysis portion of air toxics monitoring is very expensive. **Hough** added that the Bethel Public Safety Building at Four Corners is one of LRAPA's longest-running monitoring sites for PM. He noted that in the agency's annual report, the site is listed as the "Key Bank" site, which is what the building was used for at the time the monitoring station was originally located there.

Carpenter suggested moving this item to New Business to allow more time to discuss it further. **Monk** agreed and said that in the board's budget discussions, there would need to be discussions of how LRAPA will address air toxics monitoring. He reiterated that he does not understand why LRAPA has an air toxics monitor at the Amazon site, and he believes that air toxics monitoring should be done somewhere in west Eugene. He said the fact that LRAPA had submitted a proposal to EPA to do air toxics monitoring at a Bethel area school indicates to him that that is the most at-risk population in the city.

3. EXECUTIVE SESSION. **Carpenter** announced that the board would meet in executive session, under ORS 192.660(2)(f). He asked everyone except **Hough** and **Mirhosseyni** to leave the room and said everyone would be invited back in as soon as the executive session ended. He announced, further, that representatives of the news media could attend the executive session but could report only the general topic as announced, and could not report any details of the discussion. After the executive session, those who wanted to attend the rest of the board meeting and/or the budget committee meeting, were readmitted to the room.
4. BUDGET COMMITTEE APPOINTMENTS: Two nominations were made for appointment to three-year terms on the LRAPA Budget Committee.

Stewart NOMINATED Gary Williams of Cottage Grove to represent Lane County.

In Kirkpatrick's absence, and at her request, Hough NOMINATED Earl Koenig of Eugene, and a current member of the LRAPA Advisory Committee, to represent Eugene.

Ralston SECONDED BOTH NOMINATIONS.

VOTE ON NOMINATIONS: The two nominees were appointed BY A VOTE OF SEVEN TO ONE (Monk).

5. PERSONNEL POLICY REVIEW: **Hough** explained that the current personnel policy was adopted by the board in 1998 to incorporate some changes made by then-director **Barbara Cole**, with advice from attorney **Sharon Rudnick** of Harrang/Long. He said it needs some fine-tuning and updating because of some little housekeeping changes made over time. The significant change, he said, was made in 2005 when **Jim Johnson** was the agency's Interim Director. An attachment to the personnel policy document explained a change made when there were some lay-offs concerning severance.

Hough said if the board would like to make any changes to the policy, he would suggest that they follow a process similar to that followed by **Barbara Cole** in 1998. Areas of interest should be identified and, perhaps,

a board sub-committee could be formed to devote the necessary time to shaping changes to the policy. **Hough** said this policy has been the direction given to the LRAPA director, beginning with **Barbara Cole**. The director is responsible to implement policies, rules and regulations of the Board of Directors, and is also responsible to employ a staff of technical professional persons to operate the programs of the agency. **Hough** said the discussion at this meeting was primarily for information but, based on previous conversations, there is interest in looking at parts of the personnel policy.

Carpenter asked for a definition of “red-circled salary.” **Hough** said if a position is reclassified downward, such that the person in that position is currently making more than the top of the reclassified range, the person would be “red-circled,” or basically frozen at that level, until any cost-of-living adjustments to the general salary structure would rise past that person’s current salary. **Mirhosseyeni** agreed that **Hough**’s definition was accurate.

Carpenter asked if the term “COLA” (cost-of-living adjustment) was included somewhere in the personnel policy manual, because he had not seen it. He asked how the COLA comes into being inside the employees’ benefits. **Hough** responded that COLA is part of the budget discussion each year. For example, last year the budget committee approved a three percent COLA for staff, effective July 1, 2008. **Mirhosseyeni** added that there is a salary scale which changes whenever the board adopts a budget which includes a COLA for staff.

Johnson asked if **Hough** was suggesting any amendments to the personnel policy handbook at this time, and **Hough** said he was not suggesting any changes at this time but did want to familiarize the board with the current policy, given the fact that there has been some indication that board members want to look at the policy to see if there should be some changes.

MOTION: Monk MOVED to establish a board sub-committee to look at the personnel policy manual, to see if there are adjustments that should be made. Ortiz SECONDED THE MOTION.

Discussion of Motion

Ralston said he had read through the manual and thinks it is very thorough; and he thinks revisions would not be relevant at this time. **Ralston** said he has seen no financial crisis that would warrant having to go to the extent of laying off good employees.

Ortiz said she supported **Monk**’s motion, because she thinks it is always good to revisit these issues every two to four years. She said she does not think it is reflective of the conversations the board has been having, that it puts parameters around those conversations that are restrictive. She said that is one of the reasons she would like to continue the conversation, but she would like to wait at least until after the budget process is finished.

Ortiz also said **Hough**’s comment that there is no budget crisis at this point was an interesting one, given that the cities have not yet completed their budget processes. **Hough** said staff has prepared a base budget and also a list of contingency measures that they believe would be sufficient to handle possible budget reductions without layoffs. He said there are some very significant impacts on the contingency list, but they are not of greater crisis than some of the other things he had been monitoring here, locally. **Hough** said one thing that has helped LRAPA to be in a better position now, where it is not in a greater crisis, is that the agency has been operating for the past year with two positions less than what would be ideal to operate the agency’s programs. In addition, there have been two resignations during the current fiscal year, and duties have been rearranged with existing staff in order to avoid refilling those two positions. Those savings have helped to absorb some

of the shortfall in the current budget and put the agency in a better financial position going into the next fiscal year.

Stewart agreed with **Ralston**, that the existing personnel policy manual is a good document, and he does not necessarily see a need for the board to spend time on it now. He said, if the board wants to look at the personnel policy to see if there should be some changes, that is one thing. However, if the board wants to look at the policy, in the context of the conversations that the board has been having over the last couple of months, and an apparent desire by some to ultimately restructure the agency, looking at the personnel policy now is backwards. **Stewart** said the board should give direction for restructuring first and then, after deciding on potential reorganization, look at changing the personnel policy.

Monk said his intention would be to do much more than just a casual tweaking of the existing document. He said he saw clear contradictions with the legal advice the board had just received in executive session, in some of this. He acknowledged that most of the board members share **Stewart's** opinion and said he would drop it for now.

Carpenter said he does not think it is a bad idea to review the handbook, and he agreed with **Ortiz** that it should be done every four or five years. He said, however, that he would probably vote against the motion now because he wants to see how the budget process works out. He added that he might be willing to revisit this after things are a bit more detailed, perhaps in July or August.

Forge commented that he agreed with **Ortiz**, that the personnel policy should be reviewed, but that the budget needs to come first.

VOTE ON MOTION: THE MOTION FAILED on a vote of THREE IN FAVOR (Johnson/Monk/Ortiz) and FIVE OPPOSED (Carpenter/Forge/Fortune/Ralston/Stewart)

[The board meeting adjourned for lunch at noon, and the LRAPA Budget Committee met at 12:20 p.m. The LRAPA Board of Directors meeting reconvened at 1:38 p.m. Stewart had to leave before the board meeting reconvened.]

6. CONSENT CALENDAR

A. Minutes

MOTION: Ortiz MOVED adoption of the minutes of the March 10, 2009 board meeting. Fortune SECONDED THE MOTION

Discussion. Monk noted a typo on page 24, second-to-the-last paragraph, fourth line, “. . . oversight role involved the board’s ability to oversee the action of the direction and other LRAPA employees.” The word “direction” should be “director.”

VOTE: The motion to adopt the minutes, as amended, passed with SIX IN FAVOR and Johnson abstaining because he had not read the minutes.

B. Expense Report

MOTION: Monk MOVED approval of the expense reports through February 28, 2009. Ortiz SECONDED THE MOTION.

Discussion. **Carpenter** noted that Airmetrics showed \$20,000 budgeted and nothing received for equipment this fiscal year. He asked if it would be zero for the rest of the fiscal year. **Mirhosseyeni** said it will not be, because Airmetrics may still need to acquire some equipment.

Monk said it looks like Airmetrics' sales is right on target with the budget, but the Materials & Services category is much lower than the budgeted amount. He asked if the parts in Materials & Services go into making the MiniVols. **Mirhosseyeni** said the way the enterprise fund operates is that, when they acquire the materials and services, they put those into inventory and, once the MiniVols are assembled or sold, those come out of materials and services and are reported as expenses. That is why there is a difference between what was budgeted and what was actually spent.

Carpenter said there are a couple of items on the Special Project Status Report, that is part of the monthly expense reports, which came and went a couple of years ago. He suggested it might be time to take those off the report. **Mirhosseyeni** responded that they will be taken off the report; however, those projects are not yet in the closing stage and will not be removed until they are actually closed out.

Carpenter asked if the City of Portland's Sunday Parkways project is being done again this year, and if LRAPA is getting any money from that. **Mirhosseyeni** responded that they might be doing the project again with their own funds; however, they have not asked LRAPA to help them secure additional funds for that.

VOTE: THE MOTION PASSED BY UNANIMOUS VOTE.

4. DIRECTOR'S REPORT: Several items from the written report were discussed briefly.
 - A. Air Monitoring Network Plan. **Hough** called attention to the Air Monitoring Network Plan attached to the director's report. He said the plan was prepared to comply with newly adopted EPA regulation 40 CFR Part 58, Subpart B, Subsection 58.10. The report must be submitted annually to EPA, by July 1. The plan is used to determine if the network meets EPA, state and local monitoring objectives as defined in CFR Part 58, Appendix D, and to propose modifications to the network for the following year. The regulation requires that the plan be posted for public comment 30 days prior to submission, and LRAPA's plan will be made available on the agency's website for the 30-day comment period. **Hough** said the main benefit of having the plan is that it is a good, quick look at where LRAPA's monitoring sites are. He added that the Monitoring & Data Analysis Section had done an outstanding job of putting this plan together, with aerial maps and photographs of the actual sites, along with the EPA-required descriptions of the purposes of each of the sites and how they fit into the overall EPA national network of air monitoring.
 - B. Diesel Retrofits for Public Works Vehicles. **Hough** reported that LRAPA is putting together a grant proposal for funding to retrofit diesel vehicles operated by public works departments throughout Lane County. The funding is available as part of the federal stimulus package, and is a good opportunity for air quality improvements. LRAPA has contacted public works departments at Lane County and at the cities within the county and has gotten commitments to retrofit 91 diesel vehicles for Lane County and the cities of Cottage Grove, Eugene, Florence, Junction City, Oakridge, Springfield and Veneta.

- C. Hearth, Patio & Barbecue Symposium. **Carpenter** asked why staff would be attending a Hearth, Patio & Barbecue Symposium in Salem the day after this board meeting; if it was to educate staff on the issues, or if there is some rulemaking being contemplated. **Hough** responded that he and **Markos** would both be in Salem the following day, for two purposes. One would be to attend a meeting of the Natural Resources Subcommittee of Ways & Means, which is reviewing the DEQ cut list which includes the LRAPA items discussed at today's meeting. **Hough** said he would be testifying during the public comment portion of that meeting. The other reason for being in Salem was to attend the Hearth, Patio & Barbecue Symposium to participate in a panel discussion. **Hough** explained that Hearth, Patio & Barbecue Association is the current name for what used to be called the Wood Heating Alliance at the time Oregon adopted its first woodstove certification program. The current, broadened organization is intended to include multiple seasonal activities under one umbrella. It is a national organization for all of the manufacturers, dealers and retailers. LRAPA's purpose for participating in the Symposium was to communicate the need for cleaner-burning woodstoves. EPA is preparing to do another round of New Source Performance Standard tightening on woodstoves. **Hough** added that the Hearth, Patio & Barbecue Association was the main sponsor, with EPA, for the Libby, Montana woodstove changeout.

5. ADVISORY COMMITTEE:

- A. Committee Activity Report. **Markos** reported that the committee wanted to finish the asbestos discussion at its last meeting. They had **Tom Freeman** talk at the first meeting regarding asbestos; and at the next meeting has **Freeman** present again, along with someone from an asbestos abatement company. At the last meeting the committee had two goals: one was to take a position and provide recommendations to the board regarding the proposed asbestos rule amendments; and the other was to talk about educational outreach efforts. **Markos** said the committee talked at length about the problem the board has identified, that LRAPA has so many asbestos-related violations. She said **Freeman** had talked about there being a lot of people who run businesses out of their homes and do "under-the-radar" remodeling projects. Those individuals do not want to know about asbestos and do not want to worry about regulations or the costs associated with asbestos handling. There is no way for LRAPA to know who they are or how to contact them. That presents a huge challenge for LRAPA, with respect to educating them about asbestos-containing materials and proper handling and disposal. **Carpenter** asked if those would be people without contractor's licenses, and **Markos** said they are.

Markos said that, after all the discussions, the advisory committee decided that their recommendation to the board would be that the committee supports the rule changes, as proposed by staff.

Markos said she had put together a list of LRAPA's current efforts to educate people about asbestos, and the committee brain stormed some new ideas, focusing on the problem with the big box stores. She explained that Jerry's and Home Depot have both been approached repeatedly and asked to distribute LRAPA's asbestos brochures with sales of supplies for home remodeling projects; however, both stores have said they do not want to provide these educational materials to their customers. The committee talked about liability issues possibly being the problem, because the stores do often subcontract with people to do the work when they sell a product, and they are liable for the products they sell. **Markos** noted that there was a lot of sheet vinyl produced that contained asbestos, and much of it sat in warehouses for 15 to 20 years and is still being sold. Staff is trying to determine how best to approach the stores. One idea that she said was brought up when she tried to do the same thing with the City of Eugene's Stormwater program, was to have customers approach the stores to say they want more information about a subject; the feeling being that the stores might listen to their customers where they

would not listen to a government agency or municipality. **Markos** said the committee also talked about getting someone from Jerry's or Home Depot to attend a committee meeting and talk about the issue and why LRAPA is concerned, to try to generate some cooperation. **Markos** said she and **Freeman** have talked about writing an article for publication in the *Register Guard's* Home Section, and she will work on that as soon as she has finished some other projects. She said LRAPA has also not been able to get the City of Eugene's building department to put anything regarding asbestos on their building permits, and she has heard that some other organizations have created stamps for the city to use for that purpose, rather than having something printed on the forms. She said staff has contacted the city about that possibility for asbestos information and will see if there is a positive response to that request.

Committee Chair **Russ Ayers** said it is apparent that LRAPA is already doing some really good things with public outreach. Regarding the information in the director's report, that everyone who gets a remodeling permit gets contacted by LRAPA, he asked if that is just for residential permits, and **Markos** said it is. She said she gets all the permit application information from Lane County, the City of Springfield, and the City of Eugene, and a mailing with a letter and booklet about asbestos goes out every week. Sometimes weeks she sends out 60 or 70 booklets.

Ortiz said she is distressed to hear that Jerry's does not want to cooperate with this effort, because they are a pretty good neighbor in the west side of town. They have been very supportive of the schools and have employed a lot of kids from that area of town. They have also donated generously to the infrastructure in the area. She said the Chamber of Commerce is always looking at ways to bridge to other communities, and that might be a natural place to start. She said she might talk to **Jerry Mason** of the Chamber about this. **Ortiz** asked if Jerry's is just uncooperative with LRAPA in this regard, or if they are the same with everyone who makes a similar request; and **Markos** said she thinks it is the same with everyone. She again suggested that it is the stores' fear of being sued that makes them reluctant to cooperate with LRAPA on the asbestos awareness effort. Because they sell sheet vinyl, they might be concerned that someone might find that it contains asbestos and come back and sue the store. Or if they sub-contract with an installer, and the installer does a bad job of removing old tile that has asbestos, they might come back and sue the store. **Fortune** said, to him, it would not be one client that would go back and sue the store. It would be the attorneys who would file a class action suit against them, in which case it would be a huge defense expense to the store. So it would not be just one client. It would be the potential for many clients who purchased the same product filing a lawsuit against the store.

Ortiz referred to a conversation at the last board meeting and her comment that she was concerned about day-laborers being exposed to asbestos without knowing it because of the language barrier. She said someone had told her that Mexico does not place restrictions on asbestos like the U. S. Does. **Stewart** confirmed that. **Ortiz** said maybe working with asbestos is not an issue for them, and **Markos** said she had checked with OSHA and gotten some information which she would share with **Ortiz** after the meeting.

Monk asked **Markos** if the advisory committee has an established agenda for the next few months, or if the board should give them some direction for things to review. He said he noticed that the committee's "future agendas" has the civil penalty matrix still out in the future. **Hough** said the board has talked in recent months about several topics which they wish to assign to the committee, but there have not been specific, confirmed assignments. Three topics mentioned at the last board meeting were the permit review process, the area source air toxics rules, and the agency reorganization. There is some question as to whether the board wants the committee to focus on any, or all, of those topics. **Monk**

suggested that the board assign the committee to discuss the civil penalty matrix because he thinks that has been an ongoing concern among board members. He said he thinks it is important for the board to give direction to the committee so that they are reviewing the kinds of issues that the board wants them to review.

MOTION: Monk MOVED that the board assign the advisory committee to look at the penalty matrix, at its earliest convenience. Johnson SECONDED THE MOTION.

Discussion. **Carpenter** said the board should take some time at the next meeting to look at everything that has come up in board discussions, for assignment to the advisory committee. He said he does not have a problem, between now and then, having the committee start on the penalty matrix. **Carpenter** recalled when a person appealed an enforcement action decision to the board a year or so ago, and the issue the board had with the amount of that penalty. He said he would like to make sure that the matrix is fair.

VOTE: THE MOTION PASSED BY A VOTE OF FIVE IN FAVOR, ONE (RALSTON) OPPOSED, AND ONE (FORTUNE) ABSTENTION.

- B. Committee Appointments. **Markos** reported that she had followed up after the last board meeting by calling **Cheryl Baugh**, who had said she may or may not be able to attend committee meetings, and she is not able to do that. **Baugh** is no longer in contention to be appointed to the LRAPA Advisory Committee. The board talked about finding a place for **Diana Bollenbaugh**, who works at Forrest Paint, and **Markos** said she had called **Bollenbaugh** and found that she is still interested. The board also discussed in March the fact that **Jim Leary** is an industry representative who works for County Coach. **Leary** is now back at work since the company reopened, and he is still an active member of the committee. **Markos** commented that there is no limit on the number of people who represent industry, so it would be up to the board if they wanted to appoint **Bollenbaugh** as another industry representative.

Carpenter asked if there were still an opening for a general public position, and **Markos** said there is not. **Carpenter** said he thought **Bollenbaugh** was applying for a general public appointment, and **Markos** said she had marked that category on her application because she did not realize that, because she works for one of LRAPA's permitted industrial sources, she would have to fill an industrial representation spot.

For the fire suppression representation spot, **Markos** said **Rick Rogers** had decided he wanted to take a break and may apply again later for a general public spot. She said she had two applicants for the fire suppression spot: **Chuck Gottfried** and **Link Smith**.

Ralston said after reading both applications, he thought they would both be great LRAPA Advisory Committee members; however, for the fire suppression category, **Link Smith** has superior fire suppression knowledge, with seventeen years working in fire fighting. He has been involved in slash burning, debris burning, and issues with burning permits, and his application indicates he "would like to promote stable, financially attractive, alternative markets for materials that are typically burned."

ACTION: Ralston MOVED to appoint Link Smith to a three-year term on the LRAPA Advisory Committee, representing fire suppression. Monk SECONDED THE MOTION. Smith was appointed by a vote of SIX IN FAVOR AND ONE OPPOSED.

Monk commented that **Chuck Gottfried** also would bring impressive credentials to the table, and he wondered if he could fill a general public spot. **Markos** reminded him that there is no general public spot open, but there is an agriculture spot which has been open for a couple of years and for which she advertised extensively and gotten no response. **Monk** said he thought **Gottfried** would be an appropriate appointment for that agriculture position, and **Fortune** agreed, noting that **Gottfried's** application included extensive experience with the Oregon Department of Agriculture, as well as with the Department of Environmental Quality. **Markos** said she had talked with Gottfried about that possibility, even though they thought it might be a bit of a stretch.

ACTION: Monk MOVED to appoint Chuck Gottfried to a three-year term on the LRAPA Advisory Committee, representing agriculture. Forge SECONDED THE MOTION. The MOTION PASSED BY A VOTE OF SIX IN FAVOR AND ONE (Ralston) OPPOSED.

11. NEW BUSINESS: **Carpenter** said he had sent an e-mail to board members following the problems experienced at the March meeting, with people wanting to make changes in the agenda. He said he wants to make the New Business agenda item an important time for board members to bring up new matters.
- A. Board Assignments to the Advisory Committee. **Carpenter** repeated his earlier suggestion that there be an item on the May agenda, to review all of the tasks the board has suggested for the advisory committee over the past six months, and to prioritize those items.
- B. Air Toxics Monitoring In West Eugene. **Carpenter** said he does not know whether the board can get to this in the next couple of months, due to the time necessary for budget discussions; however, he would like the board to discuss why the current air toxics monitor is located at the Amazon Park station and whether another location might be better. He asked **Hough** to comment on that.

Hough said staff tried, unsuccessfully, several times, to put in a second air toxics monitor at another location. There are new budget challenges now; however, **Hough** said, if LRAPA were able to have a commitment of funding for a biennium, he would like to consider the option of monitoring one year of the biennium at two locations, which would provide information from the new site, while also maintaining the historical reference site. LRAPA has invested several years at the Amazon Park site, as the general population exposure site, which meets EPA criteria. There would be a gap with no air toxics monitoring, but there would be the benefit of two monitoring points for one year. The difficulty, **Hough** said, would be that the agency will be scrambling, financially, to try to maintain the current level of air toxics monitoring, because of the questions of what the Legislature will do about DEQ funding and what will happen with local budgets.

Carpenter said he went to a presentation about development of refineries in the North Bay area of California and, with those new developments, some of the refineries, themselves, agreed with the municipal regulators to assist in paying for some of the monitoring costs. The reason was that it is a benefit for them to show that their off-site monitoring was safe for the general public. **Carpenter** said that the letter from EWEB which was referenced during the public participation section of this meeting, by the Oregon Toxics Alliance, indicated possible EWEB and Seneca involvement, for cooperative funding of air toxics monitoring in the area where Seneca proposes to locate its co-generation facility. The board could discuss options to recruit locally to pay for at least some of the costs of a monitoring station.

Monk said the board has had the discussion for quite a few years regarding whether Amazon Station is the proper location for Lane County's air toxics monitoring. **Monk** said the Air Monitoring Plan attached to the director's report indicated that the highest concentrations are expected to occur in the areas covered by the monitoring network, and Amazon Station is not the highest concentration of air toxics. He said he understands there are high concentrations of PM in that area, and it makes sense to have a long-term baseline analysis of that. However, if LRAPA is trying to protect the most at-risk population, the agency has no idea of what is happening in west and northwest Eugene which, **Monk** said, is the area of highest risk. **Monk** said if there is any money in the budget, he would like to see the agency do some air toxics monitoring in that area, even if it is fewer samples than the board would like to see. He said it would not have to sample all of the HAPs, perhaps only sample for 30 or 40 of what LRAPA's data says are the potential contaminants of concern in that part of town. **Carpenter** said maybe the board could have staff look at that, because there may be some economies of scale.

- C. Public Informational Meeting Format. **Monk** said he and **Johnson** and **Kirkpatrick** had all attended the public informational meeting about the Seneca proposal and had stayed afterward to discuss it. He said **Hough's** stated reason for having the meeting was to listen to public questions, comments and concerns, to ensure that LRAPA addresses all relevant issues during its review. He said if the purpose of the meeting was just to give the public the opportunity to speak, staff succeeded in that. However, if staff was trying to educate the public about what LRAPA has the authority to do, and what the permit review process is, staff failed. **Monk** said that even when the agency is exercising its authority to be as protective as possible, if the public does not know what the agency can and cannot do, the public will be disappointed and dissatisfied because they do not know what the agency does.

Carpenter asked if **Hough** could do a section of the director's report devoted to this, and **Monk** said he wants staff to not only reach out to the public and give them the opportunity to say what concerns them, but to also educate them about what to expect from LRAPA. He said that is a really big piece that was missing at the Seneca meeting, and it sets the agency up for frustration and displeasure from the public. He added that there could have been a 10-minute segment about the limitations under which the agency operates. He said if the agency intends to do such a meeting in the future, he thinks it should have a better format.

Ortiz said she was also at the Seneca informational meeting and would agree with some of the comments. She said she thinks the challenge is that people think that they can affect the outcome by attending a public forum. She said when someone comes and makes comments, and then the agency representatives just thank them for their comments and go on with business as usual, it lends to a level of frustration for the community because they don't realize that there are policies and procedures, and laws that limit what the agency can do. She agreed with **Monk**, that giving the public that kind of information in the future would be time well spent

Hough said the Seneca meeting was something LRAPA has not done in the past. Because of public interest in the proposed facility, staff is anticipating that LRAPA will have a public hearing on the proposed permit. The informational meeting was intended to augment that with a session where people could ask questions and get some answers prior to the formal public notice period portion of the permit issuance process. **Hough** said staff is not yet prepared, in a lot of ways, to present the results of its evaluation of the proposed facility, because staff is still researching and getting answers to technical and legal questions. The main thing is that staff knew there is a lot of interest and a lot of concern, and they

wanted to make sure that they heard those concerns and questions. He said some of the questions may not be relevant to LRAPA's process. Some of them might not be addressed if the agency did not receive those questions early in the process.

Monk asked how staff intends to respond to the people who did ask questions at the informational meeting. **Hough** said staff tried to get enough contact information to be able to notify people about next steps. Along the way, staff identifies the issues and responds to those issues. Some of them will be the same issues raised at that informational meeting. **Monk** said he had a few people contact him to say they have not yet received answers to their questions, and he did not know what to tell them.

Ralston said his perspective is that part of the task was to gather questions to have them properly answered during the public process, so that staff will have all that information available when the permit is ready to go on public notice.

Carpenter said he thought **Monk's** point was that some of the questions may not have been grounded in sufficient information, and he suggested that staff could have some fliers or some kind of information available at this kind of meeting. He said he did not know if that would be possible due to the complexity of the permitting for the facility.

Hough said he has decades of experience with public meetings, and one thing he has found is that people come to public meetings of this type with concerns that they want to communicate. People will share their concerns whether you can do anything about them or not. **Hough** said he thinks it is important to hear people's concerns regardless of whether you can necessarily do anything about them. Along the way, LRAPA needs to educate people about the issues for which this agency is responsible, but you can let people know that you, personally, care about what they think, even if it is not something you can ultimately factor into your responsibilities.

12. ADJOURNMENT: The meeting adjourned at 2:20 p.m. The next regular meeting of the LRAPA Board of Directors is scheduled for Tuesday, May 12, 2009, in the Library Meeting Room of the Springfield City Hall, at 225 5th Street, Springfield, Oregon. The Budget Committee meeting will begin at 11:00 a.m., and the board meeting will follow that, at approximately its regular time of 12:15.

Respectfully submitted,

Merrie Dinteman
Recording Secretary