

MINUTES
LANE REGIONAL AIR PROTECTION AGENCY
BOARD OF DIRECTORS MEETING
TUESDAY–APRIL 13, 2010
LIBRARY MEETING ROOM
SPRINGFIELD CITY HALL
225 5TH STREET
SPRINGFIELD, OREGON

ATTENDANCE

- Board: Glenn Fortune, Chair–Oakridge/Cottage Grove; David Monk, Vice-Chair–Eugene; Bill Brommelsiek–At-Large (Springfield Area); Brian Forge–At-Large (General); Drew Johnson–Eugene; Scott Lucas–Eugene; Andrea Ortiz–Eugene (arrived late); Dave Ralston–Springfield (after 1:00 p.m.); Faye Stewart–Lane County (via phone beginning at 12:20 p.m., following the budget committee meeting) (ABSENT: None)
- Staff: Merlyn Hough–Director; Ryan Beltran; Merrie Dinteman; Max Hueftle; Matthew Lee; Sandra Lopez; Sally Markos; Nasser Mirhosseyni; Debby Wineinger
- Other: Earl Koenig, Chair and Russ Ayers–LRAPA Advisory Committee; Landa Gillette–LRAPA Budget Committee; Jan Nelson; Laura Seyler–International Paper

1. OPENING: **Fortune** called the meeting to order at 11:04 a.m.
2. PUBLIC PARTICIPATION: None.
3. BUDGET COMMITTEE APPOINTMENTS: The board took action to vote on the nominations which were made at the March meeting, as follows:

Dick Beers nominated by **David Monk** to represent the City of Eugene;
Bob Brew nominated by **Dave Ralston** to represent the City of Springfield; and
Landa Gillette nominated by **Brian Forge** to represent Lane County at large.

ACTION: MSP (Brommelsiek/Johnson)(unanimous) appointment of new members Dick Beers and Bob Brew to three-year terms on the LRAPA Budget Committee; and reappointment of Landa Gillette to a new three-year term on the LRAPA Advisory Committee.

4. APPOINTMENT OF BUDGET OFFICER FOR 2010:

ACTION: MSP (Brommelsiek/Lucas)(unanimous) appointment of Nasser Mirhosseyni, LRAPA's finance manager, to serve as budget officer for 2010.

5. CONSENT CALENDAR:

- A. Approval of Minutes of March 9, 2010 Board Meeting.

ACTION: MSP(Brommelsiek/Forge)(unanimous) approval of minutes of March 9, 2010 LRAPA Board of Directors meeting.

- B. Approval of Expense Reports Through February 28, 2010. Prior to taking action on the expense reports, **Brommelsiek** asked about the fact that the report indicated \$337,000 on the books for grants passthrough in the General Fund, but only \$12,000 expended, to date. **Mirhosseyeni** explained that the majority of that money is the ethanol project, and that the grant from the federal Department of Energy was \$400,000. It is hoped that the grant will be completed and the funds spent by the end of June.

Hough added that the ethanol project was to encourage the distribution of E-85 fuel and included incentives for adding an ethanol tank at various gasoline dispensing facilities along the I-5 Corridor. The major part of the grant was for a rail terminal for ethanol coming into the area, and that has been slower in happening than was anticipated—probably due in part to the current economic slump. That is the last piece of the project, yet to be completed.

ACTION: Forge MOVED approval of the expense reports through February 28, 2010. Brommelsiek SECONDED THE MOTION. The vote on the motion was FOUR (Brommelsiek/ Forge/Fortune/Lucas) IN FAVOR AND TWO (Johnson/ Monk) ABSTENTIONS. A motion must have five votes to pass. THE MOTION FAILED. [Ortiz, Ralston and Stewart were not yet present at the meeting.]

6. DIRECTOR'S REPORT: **Hough** reviewed several topics from the written report.

- A. Up-Coming Rulemaking. **Hough** briefly outlined two rulemaking packages which he said would probably be on the board's May, 2010 agenda, including:

- (1) PM_{2.5} Permitting Rules. The U. S. EPA's original approach was to just grandfather the New Source Review part of the permitting process for PM_{2.5}, using PM₁₀ as a surrogate. That was challenged, in court, and EPA has reconsidered that policy. EPA has issued a stay until June 22, 2010. Because of the short time frame, but both LRAPA and Oregon DEQ are considering emergency rulemaking in order to have appropriate rules in place by June 22. The emergency rules would be in effect for a maximum of 180 days, during which time LRAPA would take the rules through the normal rulemaking process.

Forge asked if this would eliminate the grandfathering clause, and **Hough** said it would. This action would adopt real PM_{2.5} rules instead of just using PM₁₀ as a surrogate.

Johnson asked what impact elimination of the grandfathering clause would have on sources. **Hough** said it just means that LRAPA would adopt PM_{2.5} rules as soon as possible so that, if a new source were to come in, LRAPA would have the PM_{2.5} rules to apply to that new source. **Johnson** asked if it would affect the Seneca Sustainable Energy permit, and **Hough** said it would not affect any previous permitting actions or operating sources.

Monk asked if the rules would negate the agency's need for a maintenance plan for particulate matter, and **Hough** said it would not. **Monk** asked if **Hough** has any idea of when the agency might have to develop a maintenance plan for PM_{2.5}. **Hough** responded that LRAPA's highest priority in that regard is Oakridge, and that LRAPA has approximately three years to develop that plan. He said the timing was triggered by EPA's recent final ruling on non-attainment areas. LRAPA will probably handle redesignation of PM₁₀ attainment status at the same time it adopts a maintenance plan for PM_{2.5}. He added that Eugene/Springfield will not have to have a maintenance plan for PM_{2.5}, because it has not violated that standard; however, Eugene/Springfield

will need a maintenance plan for PM₁₀ once the area's status is redesignated to attainment. **Monk** asked how long that will take, and **Hough** said it will depend somewhat on workload; however, staff is expecting to accomplish that over the next three years. It also depends on EPA, because PM₁₀ is not a priority for EPA, with all the PM_{2.5} work that will need to be done. The timing for LRAPA is largely dependent on the turn-around with EPA. **Hough** said LRAPA has submitted several drafts to EPA, but they have had very extended time frames before getting comments back to LRAPA.

Johnson asked if Eugene-Springfield is still officially in non-attainment status for PM₁₀, and **Hough** said it is. He said that is why the stricter permit, required for non-attainment areas, was applied to the Seneca Sustainable Energy permit. Seneca had to meet a tighter emissions level of 15 tons per year, only because of the stricter non-attainment status requirements.

Brommelsiek noted that the report indicates there will be some changes to address greenhouse gas emissions, and asked for more detail in that regard. **Hough** said he was not entirely clear on that, because it had just come up in the past few days. He said LRAPA may wish to modify its rules for greenhouse gas reporting, such that Air Contaminant Discharge Permit sources are required to pay the reporting fees that Title V sources must pay. **Hough** said the Title V fees will go into effect automatically, because LRAPA adopts those by reference.

Max Hueftle explained that the rulemaking would include the New Source Review conditions that would allow LRAPA to establish baseline rules and Significant Emission Rates thresholds for greenhouse gases. The effect would be similar to the PM_{2.5} rules, where a new source may come in, or there might be a modification to an existing source which would increase emissions such that they would need to go through a New Source Review for greenhouse gases. Those changes to the rules would be in addition to the greenhouse gas reporting modifications described by **Hough**.

- (2) **Asbestos Rules.** The current rule includes a requirement for an asbestos survey prior to demolition or renovation work. The location in Title 43 can lead to the wrong conclusion, that an asbestos survey is not required unless the presence of asbestos-containing materials has been previously documented. The proposed rule modification would move the survey requirement to an earlier section of the rules under the heading of "applicability," which would clarify the intent of the survey requirement. **Hough** said the intent of the requirement will not be changed, and the wording will be essentially the same as it is now.
- B. **Dual-Site Air Toxics Monitoring.** The new air toxics monitoring site at Petersen Park in west Eugene began sampling the first of April. Staff had worked with Ortiz to schedule a media event for April 15, two days after this board meeting. **Hough** encouraged board members to attend the event, which was scheduled for 11:30 a.m. to take advantage of the noon hour when people might more likely be able to attend.
 - C. **Federal Ozone Standard.** **Hough** said the public comment period regarding EPA's reconsideration of the federal ozone standard is now closed. EPA tightened the standard from 84 ppb to 75 ppb under the previous administration; but EPA was criticized because the Clean Air Scientific Advisory Committee (CASAC) had recommended a range of 60 to 70 ppb. The new EPA administrator, as part of her commitment to a science basis on air quality health standards, indicated early on that she would propose reconsideration, and that was done in January of this year. The hearings have been concluded, and the comment period is over. The National Association of Clean Air Agencies (NACAA), of which LRAPA

is a member, provided detailed testimony encouraging EPA to follow the recommendations of the CASAC. Hough said it will not be clear exactly where that standard will be set until about the end of August when EPA is expected to finalize that action. He said he expects it to be in the 65 to 70 range. If so, it will not change Lane County's status, and probably won't change any of the Oregon areas. If, however, the standard is set in the low 60s, it could result in one or more of the Oregon areas becoming non-attainment for ozone, depending on the timing of the continued improvement trend Oregon is on right now. **Hough** said this is one of the more critical things staff is watching right now, because Eugene-Springfield has never been non-attainment for ozone. Ozone has always improved more rapidly than the standards have been tightened, and Eugene-Springfield has always been ahead of the curve, until now, with the potential change to 60 ppb.

Fortune asked where the rest of country is with respect to ozone levels, and **Hough** said there are parts of California, Texas and the New England states that have never met the ozone standards, even when the standard was 84 ppb. Those areas probably are not watching EPA's action as closely as LRAPA is, because they are already in a major strategy mode, regardless of where the new standard falls. He added that, for LRAPA, a change in attainment status would trigger a number of things. **Forge** asked what those thing would be, and **Hough** explained that EPA would identify the standard and the time frame for which data would be considered. Then, within a year, the governor would be asked to identify which areas of the state do not meet the new standard. EPA would review that information, and boundaries recommended by the governor, and would either agree with the recommendations or revise them. That process would take about a year. After that, DEQ and LRAPA would have three years to develop control strategies, demonstrating how those non-attainment areas are going to meet the standard. It could be as short as two years after that, for a total of five years, to meet the standard. **Hough** said that, before with the ozone standard, EPA has ranked areas by the severity of the problem—how much over the standard an area is. There might be longer time frames allowed for the more severe areas, but the longer time frames would include very prescriptive requirements.

Hough said he would expect to do, not just a Eugene-Springfield attainment plan, but to be part of a Western Oregon, State of Oregon, or maybe even Pacific Northwest Strategy, because during the summer months when ozone levels are high, the wind pattern is generally from north to south. Lane County is affected not just by Lane County emissions, but also emissions from the rest of the Willamette Valley and perhaps even north of the Valley.

- D. NACAA Database. **Johnson** said he remembers NACAA as being a very good source of information regarding these issues and asked if board members can access that website. **Hough** responded that there is a public access portion of the website that would be available to board members. **Johnson** said he wanted to see the member view of the information, and **Hough** said that is restricted to agency directors or designated staff that are working in particular areas. **Johnson** asked if LRAPA pays to belong to NACAA, and **Hough** said funding for NACAA primarily comes from EPA. There are a few states and locals that contribute directly, but LRAPA does not.
- E. Enforcement. **Forge** referred to an enforcement action against Whitsell Mfg., and asked if Whitsell had paid its ACDP fees. **Lopez** said there is some question on that case, because Whitsell declared bankruptcy. They submitted payment, but because they owe back fees, that payment was applied to the oldest amount due.

- F. Application for Greenpower grant from EWEB. **Hough** reported that LRAPA had applied for a grant from EWEB, through its Greenpower program, and that LRAPA is a finalist. Customers of EWEB have received a ballot to vote for the projects they want to see funded by the grants. **Hough** said LRAPA proposed a \$100,000 project that would change out woodstoves and do energy upgrades for low-income residents in the EWEB service area. Of five finalists, two will be selected.

Johnson asked if the low-income residents would be home owners or renters, and **Markos** said it would apply to home owners. She explained that if LRAPA deals with renters, the agency has to go through the landlord. She said she would look at low-income families who have been identified by EWEB, and replace old woodstoves with cleaner-burning pellet stoves. **Johnson** said he has talked to a number of renters whose only source of heat is a woodstove. He asked if there is any way LRAPA can influence those landlords to provide electric or some other source of heat. **Markos** said LRAPA works with Housing & Community Services of Lane County, which provides help with that. She said most agencies do not provide aid for renters. They always go through the landlord. Landlords are, sometimes, difficult to deal with in doing upgrades. **Hough** agreed that has been challenging, even for energy conservation and weatherization programs, and is one of the key problems EWEB has noted in different documents they have done. The problem is that the beneficiary of the assistance is the renter, while the investor is the landlord.

Hough clarified that a renter could work through the landlord, but it would require that kind of partnership to get the stove replaced under a program like this. **Markos** agreed and said it would be the landlord who actually pays the remainder for the appliance, depending on the amount of money the grant would make available. She said it is a little bit tricky, because you could have landlords who receive assistance through this program to upgrade their homes for renters; but there might be other low-income home owners who may not be able to get the assistance. She said for \$100,000 she could only do 33 stoves, based on figures she got from some of the dealers for a high-quality, low-emission pellet stove, which will cut emissions by about 75 to 80 percent.

Ortiz said she had gotten some information about this from Lane County, and she did not realize that it was only going to be for home owners. She said she is still supportive of it, but her census tract is about 86 percent renters. She said her neighborhood has a lot of low-income people who rent, and they don't get the benefit of a program such as this. **Markos** agreed and said she thinks that, if LRAPA gets this grant, EWEB would be a partner and would be identifying the home owners. She said if EWEB identifies low-income people who rent, LRAPA can identify the owners of the properties and contact them. She said publicity for the program would probably be through the EWEB newsletter. She added that you need to be very clear that if you change out an appliance, the appliance stays with the house. She said there was an issue in Oakridge with renters thinking they could take the stoves with them when they moved; but it must stay with the house. **Ortiz** said if LRAPA gets the grant, she would like to help **Markos** work with the neighborhoods in the areas she was talking about.

Fortune asked how many of the changeouts in Oakridge were in rented homes, and **Markos** said only three. The renters contacted LRAPA and were told LRAPA needed to work through the landlords. The landlords subsequently contacted LRAPA and arranged for the changeouts. **Fortune** asked if there are a lot of people in Eugene who heat with wood, and **Markos** said about 18 percent of homes are heated with wood, according to a survey done last fall through Advanced Marketing Research. That figure hasn't changed much since the last survey LRAPA performed. **Markos** said she would guess that a fairly high percentage of the woodstoves are not certified. She added that she had spoken with the dealers about the business they are doing. They said they are doing a lot of replacements for old

uncertified stoves, and the majority are woodstoves to pellet stoves because pellet stoves gives much more heat for less money. Pellets are much easier and less costly than cord wood. **Ortiz** asked her if she'd ever hauled one of those 50-pound bags of pellets into the house. **Markos** said that was why she had encouraged a lot of the low-income elderly residents in Oakridge to go to oil stoves, because they are high-efficiency and only require adjusting a thermostat. **Markos** said she had a letter from a woman who could not lift a pellet bag, and she found a suitable appliance for the woman.

Fortune commented that there are people out there who will only heat with wood and won't consider any other type of appliance. **Markos** said she can get them into a brand-new, high-efficiency, low-emissions certified woodstove and teach them how to use it properly.

7. **ADVISORY COMMITTEE:** Committee Chair **Earl Koenig** reported that the committee discussed Title 15 (enforcement rules) in greater details at its last meeting, and that their review is pretty much finalized. Because the last meeting did not have a quorum of members, the committee could not officially approve the draft rules for presentation to the board.

Energy from Methane Gas. Regarding the record of the last committee meeting, **Forge** asked about a discussion of Lane County turning garbage into energy. He asked for clarification and whether LRAPA would have some role in that. **Hough** responded that committee member **John Tamulonis** had provided some history about that possibility having been considered at Glenwood at one time. He said there are still some synthetic gas-type of proposals being considered locally; however, he does not expect anything that would be similar to the waste-to-energy facility (garbage burner) at Brooks, north of Salem. **Hough** said **Tamulonis** had mentioned some more innovative things that are being done in other areas, some of which are still confidential at this point.

Johnson said he had seen an article which talked about Lane County's plans to make kind of an energy park with solar and upgraded methane generation equipment. The article mentioned a dispute between the county and EPUD over that issue, and **Johnson** said LRAPA has a role there in how such a facility is permitted under Title V. He asked if those conversations have included LRAPA. **Hough** said LRAPA has been involved in the EPUD portion of that. **Hough** explained that **Tamulonis** had explained that the dispute came about because Lane County was under a lot of pressure to control the methane from the landfill, which influenced the terms of the county's contract with EPUD. LRAPA's involvement is not a part of the dispute. The LRAPA-issued permit to EPUD requires them to control emissions during the combustion of the methane for generating electricity. **Johnson** said he understood the two different points of view, with the landfill wanting to minimize production of methane to control potential pollution, and EPUD wanting to maximum production of methane to generate power. That creates a problem with the way the landfill is constructed: to minimize or maximize methane production. He added that the more yard and garden waste people take out of the waste stream, to use for compost, the less methane will be produced by the landfill.

Air Toxics. **Brommelsiek** noted comments made at the last board meeting, regarding whether or not LRAPA staff should be more involved with the Air Toxics Science Advisory Committee that is dealing with air toxics in the Portland area. He suggested that perhaps members of LRAPA's advisory committee could fill that role instead of staff having to take time to do that. **Hough** said someone like **Paul Engelking**, with his chemistry knowledge and background, would be ideal for that; but his schedule is such that it has been difficult for him just to have a good, consistent attendance record for local meetings.

Brommelsiek asked that the advisory committee discuss the possibility at its next meeting, to see if there would be some interest among committee members. **Koenig** agreed to do that.

Johnson asked where DEQ is in its statewide air toxics program and proposed benchmarks. He said DEQ has focused on Portland, and the rest of the state is waiting for DEQ to have the resources to address air toxics in other parts of the state. He asked if LRAPA can either adopt its own benchmarks for Lane County or do something else to move forward with air toxics and catch up with Portland. **Hough** responded that DEQ's Air Toxics Science Advisory Committee (ATSAC) is made up of highly qualified experts who have looked at EPA information as well as information from California and New York, and has recommended to the EQC protective benchmarks for Oregon. He said that LRAPA has been involved with DEQ's efforts since the late '90s and has had a part in the way DEQ has shaped their air toxics program. He said it would be extremely difficult to try to assemble a similar science advisory committee and duplicate the state's efforts in Lane County. **Hough** said DEQ is in the process of revising the benchmarks for ethyl benzene, manganese, and mercury (to apply to elemental mercury), and that none of those pollutants were identified by LRAPA as being high priority, during the agency's strategic planning process. **Hough** said staff just wanted to keep the board advised of DEQ's progress on the air toxics program for Portland, the first area in the state to undergo this process. He added that, if the board thinks that more detailed review of DEQ's work is a high priority, staff would certainly be open to that. He said he would need to have that feedback from the board in order to factor it into LRAPA's resources.

Johnson said he feels that it is something LRAPA should do and said he would like to have this on the board's next agenda, to discuss what it would take for LRAPA to conduct an assessment and start getting on track with what the ATSAC has done, as far as setting statewide benchmarks, and find out what are the pollutants of concern in Lane County. **Johnson** said he is not very satisfied with the way DEQ set up the timeline and prioritized different parts of the state, with Lane County being several years down the road in DEQ's timeline. He said it looks, to him, like it may be fifteen to twenty years before air toxics are addressed in Lane County, under DEQ's schedule.

Hough said part of why he agreed to be an ex-officio member of the Portland ATSAC was to get a better sense of the steps involved and the resources required to do what is being done in Portland. As far as DEQ's program keeping other areas waiting, **Hough** said Portland has also had to wait, through several budget cycles, for DEQ to have the resources to move forward with this program. **Hough** explained, further, that the process has been very complex and difficult for DEQ because there were so many issues that needed to be worked out before the committee could get on with its schedule of meetings. It was originally anticipated that the committee would meet in August 2009 and then meet several more times during the next six to eight months; however, it has taken from last August 2009 until the end of April of this year to get all the issues raised and work out a plan to address those issues, and then schedule a second meeting, to get on with the effort to produce a recommended Portland Air Toxics Solutions Plan. **Hough** stressed that this has been a huge undertaking for DEQ, and that is why he has a vital interest in how their process is working, before attempting to develop a plan to deal with the air toxics of most concern in Lane County.

Hough said LRAPA does not have to wait for DEQ to complete the process for Portland. He said the three top priorities during the strategic planning are still the three highest priorities now. Benzene is ten times the benchmark, and none of the others can compete with that for ratio to the benchmarks; and benzene (primarily from gasoline vehicles), along with diesel particulate matter (diesel vehicles) and polycyclic aromatic hydrocarbons (woodstove related), have been the three highest-priority air toxics in Oregon and Lane County, and they still are. **Hough** also gave examples of how LRAPA has been trying to stay visible in the community and keep reducing those pollutants in Lane County, such as partnering with Oregon Toxics

Alliance to try to reduce benzene exposure at gasoline stations from over-filling, and the board's adoption of rules for vapor recovery requirements at gas stations a couple of months ago.

Fortune asked **Johnson** what he would want the board to discuss in this regard, and **Johnson** said he would like to talk about the steps LRAPA would take. He added that he thinks it is good to be talking about this right now when the budget is being developed for next fiscal year; so that LRAPA could initiate a county-wide process similar to what DEQ is doing in Portland. **Johnson** said, with some of the three highest-priorities air toxics being wood heating related, LRAPA could bring EWEB, LCOG and others together to start a community-wide effort to reduce the risks from those pollutants. He said just having LRAPA's strategic plan as a place-holder, while DEQ addresses air toxics in Portland, does not provide any service to the community. He said he thinks LRAPA needs to take some action and incorporate it into the FY 2010/11 budget.

Monk said that if those three toxics pollutants are the three priorities, the air toxics program is essential to deal with them, and LRAPA is not making any progress there. He concurred with **Johnson**'s comments, and added that, if there are some strategic priorities, the board needs to figure out how to budget for that. **Monk** said emissions inventory work seems to be constantly falling by the wayside, and that should be in the coming budget.

Airmetrics. **Monk** again brought up the subject of Airmetrics and his perceived ethics violations in connection with that enterprise fund. **Monk** said he wanted to inform everyone that, since he had pled with **Fortune** and **Hough** to put this item on today's agenda for an executive session and been unsuccessful in getting that, he had filed an ethics complaint on his own. He said **Fortune** and **Hough** had said they felt it was inappropriate at this time, but he felt it was extremely appropriate. **Monk** distributed copies of materials to other board members and asked them to look through it and make their own judgements on it. **Monk** said his ethics complaint could very well land **Jerry Boyum** in hot water and cost him a lot of money. He said he wished it could have been handled in another way, but it is now in the hands of the Oregon Ethics Commission. He said he tried to give the Ethics Commission all the information he thought was relevant to the matter, and he expected **Hough**'s conversations with his staff would intensify if the Commission chose to investigate this in a meaningful way.

Fortune said this item was not put on this agenda, and he was surprised that **Monk** had chosen to put it out at this point. He said board members can review the information provided by **Monk**, and it can be placed on the May agenda, but he was not willing to discuss it at this time.

8. RECESS TO CONVENE LRAPA BUDGET COMMITTEE MEETING: The board meeting recessed at 11:55 a.m. to convene a meeting of LRAPA Budget Committee. The board meeting reconvened at 1:48 p.m.
9. OLD BUSINESS: **Johnson** said he had some old business when it was his turn.
 - A. Organizational Dynamics and Collaborative Approaches—Draft Request for Qualifications/Request for Proposals for Consultant to Facilitate Board Retreat. **Hough** distributed copies of a rough draft he had prepared of a Request for Qualifications. He said it contained more information than he thought was necessary; however, he wanted the board to be able to look at it, as a starting place, with as much information as possible. He said this is what would be sent to the consultants the board had already discussed (**Bob Chadwick**, **Stan Biles** and three others that **Johnson** had mentioned), and to any others board members thought would be appropriate. He asked that board members look at the draft before the May board meeting and then discuss it under Old Business. He said the RFQ could go out right after

the May board meeting and give people until June 11 to respond. He also suggested that, at the May meeting, the board should decide whether to appoint a committee of the board to look at the responses, or to have all board members be involved in reviewing the responses and choosing a consultant. The aim, **Hough** said, was to have someone to work with the board fairly early in the next budget year. **Hough** added that **Mirhosseyni** had put \$10,000 into the draft budget for FY 2010/11 for this purpose. **Hough** welcomed comments from board members on the draft RFQ, as well as any additional people board members would like staff to include in the distribution list to solicit responses.

Ortiz said she would like to see each board member to be able to invite three individuals from their jurisdictions to participate in the process, so that there are enough diverse opinions to really make some cultural movements in how the board sees the work that the agency does. She said she has a different vision of what LRAPA should be doing, but she will go with whatever the groups decides, as a group with different views. **Ralston** said he hoped the board could vote on that idea before just deciding to do it.

Johnson said he had spoken with a couple of people who do this kind of facilitation work, and one had said he always is interviewed for the job. The other attends meetings of the body and watches the organization's dynamic and is usually not interviewed before getting the job. He suggested that one approach could be to invite applicants to come and sit in on a board meeting and that the board select the facilitator using an interactive approach. He added that there should be an interview included in the process. **Johnson** agreed with **Ortiz**, that the "LRAPA community" includes the board, the advisory committee, the people who are usually present in the audience at board meetings, and the staff. He said it would be helpful for everyone to get to know one-another better and suggested having a picnic where people could bring their families and get to know each other. **Johnson** commented that he had lunch with **Fortune**, **Lucas** and **Ralston** the previous week and found that it was the best conversation they had had in the time he has been a member of LRAPA board. He would like to see the board have more of those opportunities, just to talk to each other. **Johnson** said the board needs to go beyond just hiring a consultant, and he thanked **Ortiz** for her suggestion to involve more individuals.

Fortune agreed with **Johnson**, that the lunch the previous week was a good opportunity to sit together and talk. He said it doesn't necessarily mean that everyone is in consensus; however, it is a good, informal way to express, and hear, different views regarding various topics.

- B. Public Outreach. **Hough** again mentioned the media event planned for two days after this board meeting, at Petersen Park in west Eugene, regarding the air toxics monitoring site at that location. He said staff had thought about trying to combine that event with an air quality forum, in response to **Jan Nelson**'s request at the March board meeting. Unfortunately, Petersen Barn is not available on Thursday. Staff then thought perhaps an evening public forum might be better, to attract people who do not have the time during the day due to work schedules. **Hough** said he is aware that board members have busy schedules, but he would like to have as many board members as possible at the media event on Thursday, and at an evening air quality forum.

Markos said there are three dates in May that would be possibilities for the forum, and she would e-mail those dates to board members to check on their availability. She said she would also encourage board members to contact people whom they know would be interested in attending such an event, because LRAPA has not had much success when staff has held a general forum and question and answer session. She also noted that a specific request in **Jan Nelson**'s comments at the March board meeting was that board members be present to answer questions.

Ortiz said she did not know what purpose would be served by getting board members' personal opinions about whatever questions were asked. She said she is always available to be contacted and enjoys getting together and talking with people; however, she thinks having the public ask questions of board members at a public forum might be counter-productive. **Ortiz** said her vision of a public forum would be to have a panel of someone from LRAPA and representatives of other agencies, and begin with LRAPA doing an overview of the history of its activities in the community, what is being done today, and projections of what LRAPA will be doing in the future. The panel could consist of someone from the industrial community permitted by LRAPA, perhaps someone from Oregon Toxics Alliance, and others, each of whom could provide a brief presentation of the segment of the community they are representing. People could be allowed to submit questions so that the forum could be guided to some extent. There could also be an opportunity for public comment, so that members of the community could express concerns, issues, or suggestions.

Markos said LRAPA has a presentation prepared, which covers what LRAPA is and what it does, long-term trends, where the agency is headed, and what the challenges are going to be.

Ralston asked what the dates in May would be, and **Hough** said he did not remember the specific dates; but they were all on Tuesday and Thursdays. **Ralston** said his evening schedule is very busy, and he doubts he would be able to make an evening forum.

Johnson asked what the goal of the public forum would be, and **Markos** said members of the community ask about the agency, and **Jan Nelson** asked for some very specific actions. **Markos** said giving the public an overview of the agency and what the board can and cannot do would be very helpful. **Johnson** said he thinks that what people might be wanting is more than just a forum where someone makes a speech, but rather some acknowledgment that the board hears what the public is saying, and here is what we can and cannot do in response.

Ortiz said a prime example of the need to get word about LRAPA out into the community is the presence of the J. H. Baxter facility in west Eugene. She said she has noticed that people—particularly the activist community—do not understand the board's authority, or what LRAPA is legally capable of doing with regard to industrial permitting. **Ortiz** said the forum does not need to be simply an outpouring of information, but it would be helpful to have some information people could take away with them. She said she has been berated by people who think she should be doing more, as a LRAPA board member, to deal with an issue that is of concern to them; and they do not understand that a board member's authority—and that of the agency, itself—is limited by the authority given to it under the law. If people had a better understanding of that, it would be easier to answer questions and have a dialogue with people when the next application for a new industrial source comes in. **Hough** asked if there are regular meetings of the activist groups, to which LRAPA might give a presentation and respond to questions from the groups? **Monk** said there might be some organizations that would invite LRAPA to speak.

Ortiz described the concept of a "listening circle," where there is a room of something like forty people, some of whom could be from activist groups and some from the anti-activist group. The major issues are identified, and then people break up into smaller groups. There are six or eight tables set up with chairs, and each one talks about a specific issue. Everyone gets heard and also listens to others' opinions. Having a board member at each table gives people a chance to interact directly with a

member of the governing board of the agency. **Ortiz** said greater understanding results from the process because of the diverse viewpoints represented in the group. She stressed that, in addition to board members, or a panel made up of LRAPA and other groups, the public would be invited to the meeting and would take part in the conversations. There would be people from the industrial sources permitted by LRAPA, as well as people who think LRAPA is ruining the world.

Forge said he sees some advantages to such a process. He commented that during the public participation segment of the monthly board meetings, people can come in and say what they want to say, but they get no response from the board, and the board just moves on to the next item. **Forge** said people need to know that LRAPA is out working to improve air quality in the community all the time, and an event such as **Ortiz** described would be a great way to get that information to people.

Markos said the city of Eugene developed a good model for this purpose. They had a series of meetings on climate change and how to deal with it. The model was to divide the general issue into a number of topics, and have a different meeting on each topic. At each meeting they had about 75 people. First there was a speaker, and then they came up with a list of priorities. A letter was placed on each table, and each letter stood for a different priority topic. People could join a table that was to talk about a topic in which they had an interest. **Markos** said it would be good to have a board member at each table and allow people to join a table for some one-on-one time with a board member and other interested people, ask questions and expressed opinions. The board members could act as facilitators, take notes about what the real issues are, and then the whole board could discuss those issues. **Markos** said the city's experience with the model was very successful, and she thinks it could also be successful for LRAPA.

Fortune said he sees inherent danger with that, because it would put one board member at a table to answer questions, and board members would likely have different answers to questions. If it were something the board had not discussed, the board member's response would be a personal response and not that of the full board. **Markos** responded that the facilitator (board member) would really be writing down issues and not always answering questions. It was intended to find out what topics are important to people in the community.

Ralston agreed that there would be problems with such a format, because a forum in that format would attract activists on both ends of the spectrum, and they would not see eye to eye, no matter how much they talked about an issue. **Ortiz** suggested perhaps having two board members, from opposite ends of the political spectrum, at each table.

Monk said **Fortune**'s point was well taken—that board members would have to commit to not speaking for the whole board, but rather to be a facilitator to take notes. He said in such a format, there might be one topic that you choose to discuss at the event; however, there might be others in which you also have an interest but are not able to participate in more than one. There could be an opportunity to communicate with staff via e-mail after the event. **Monk** said this model has been very effective in attracting large crowds and getting input from intelligent people who care about the issues.

Markos said she would like to have input from all board members regarding how such an event would be run, because LRAPA needs to figure out the best way to make the agency more visible, more open, and more accessible.

Johnson said people do often have wildly divergent opinions on various issues, and it is difficult to bring those people together; however, there generally are areas where their interests overlap. He agreed with **Ralston** that it is difficult to get those divergent viewpoints into a room and try to reach some understanding; but in the right forum, where different ideas are kicked around, people can start to find common ground from which they can work to resolve issues. He said he thinks it would make this board more functional and more able to respond to community concerns. He stressed that the board will not make everybody happy, because there are too many different opinions on how air quality concerns should be addressed. But the board can listen and hear what people's interests are and share their own interests with the public, and find common ground. He said he likes the ideas presented by **Markos** and **Ortiz** and hopes that can happen.

Ralston said he thinks there is value in having a public forum, or open house, with the public, to educate people regarding LRAPA's mission and goals and what the agency can and cannot do; but he wants such an event to stay away from controversial topics such as global warming about which there is so much confusion as to the actual facts of the situation. **Markos** said she had only used the city of Eugene's series of meetings regarding global warming as an example of the model of how the meetings were run and how the process functioned.

Lucas said he thinks having the board members available at the event would be beneficial.

- C. Cascade Sierra Solutions (CSS). **Johnson** said he disagreed with the board's action at the March meeting, to forgive CSS expenses incurred prior to July 1, 2006 and request reimbursement for expenses incurred by LRAPA after July 1, 2006. He said he had made it clear that it was always his understanding that the intent was that there would be a full accounting of the funds expended for the establishment of CSS and that LRAPA would be repaid in full for those expenses. **Johnson** said **Hough** had indicated that there was no clear board direction to that effect, but when he (**Johnson**) went back through meeting minutes, he found assurances from **Hough** and **Banks**, on multiple occasions, that there would be a full accounting and full reimbursement. **Johnson** said he had e-mailed, to board members, a summary of the sections of meeting minutes where CSS was discussed, beginning in February of 2006. He asked the board members to look at the information and said he would like to discuss it at the next board meeting. He said he would like one of the board members who voted in favor of the motion at the March meeting to put a motion on the table to reconsider that action, in light of the information he had furnished. He said if board members are not willing to do that, he would like to discuss an independent audit. **Johnson** said he had spoken with LRAPA legal counsel **Pete Shepherd** because he did not know what to do with the information he had found. He said he is concerned about the ethics of the situation and about the board's responsibility to provide sufficient oversight of Everybody Wins. He said there were several pots of money involved, such as EPA grants and state tax dollars, and he wants to know how those monies were used. He said **Banks** was LRAPA's accountant at the time that she also set up a non-profit of which she became the director. **Johnson** said that appears, to him, to be a conflict of interest, and it is the board's duty to find out about it. He said **Shepherd** had said the first thing the board should do is to set up an independent audit or an accounting of all of those expenses. **Johnson** said if other board members agree with him, that his concerns are worthy of having an independent audit, he would like to have their support in doing that. **Johnson** added that **Brommelsiek** had suggested that the board ask staff for copies of the pertinent documents, and he thought that was a good idea; however, he is concerned that he does not have the expertise to know how to do that kind of a preliminary audit. **Johnson** said he is also concerned that the amount

of money that has been transferred back and forth between LRAPA and CSS, without adequate oversight by the board, could be in the six-figure range.

Fortune said what would need to happen is that someone who voted in favor of the motion in March and wants to reconsider that item would need to put forth a motion to reconsider that at the next meeting. If that does not happen, **Fortune** said, it would be a dead issue.

Johnson said, even if that does not happen, he would like the board to consider the issue of an independent audit. **Fortune** said that can be placed on the agenda as a new item.

Johnson reiterated that there are two separate items: one to reconsider the vote at the March meeting; and other to consider an independent audit. He asked, if a board member who voted for the motion in March put forth a motion to reconsider, and a second did not come from another of the board members who voted in the affirmative, could the second come from him.

Ortiz said a motion to reconsider must occur at the meeting immediately following the one at which the original motion was made and the vote was taken. Therefore, that would have to happen at this meeting. **Ortiz** said, for her, the issue is not about the money, but about the ethics. She said if **Johnson** wanted to put a motion on the table to have an independent audit, she would support that. But that is a separate issue, and she felt that reconsidering the previous vote would be “beating a dead horse.”

Johnson said the board was assured that LRAPA was to be reimbursed, and what he felt happened at the March meeting was that the debt was forgiven. The vote forgave \$7,000, but that might not be the correct amount.

Brommelsiek asked if the letter had already been sent to CSS, asking for reimbursement of expenses incurred after July 1, 2006, and **Hough** said he had not yet sent the letter to CSS.

MOTION: Brommelsiek MOVED that the letter not be sent until after the next board meeting. Monk SECONDED THE MOTION.

Discussion of Motion. **Fortune** said unless the March motion were rescinded, there should not be any further motions in that regard. **Ortiz** agreed. **Brommelsiek WITHDREW HIS MOTION, and Monk WITHDREW HIS SECOND.**

Ortiz said it has been a month since the board had that conversation. **Monk** said this is different, but tangential, and that there is a third issue. **Monk** said **Johnson** had been very diplomatic in the manner in which he presented his information. He said **Hough** had said he had **Dinteman** look through the minutes and that nothing was found to substantiate what **Johnson** and **Monk** were saying—that the board wanted LRAPA to be reimbursed. **Monk** said it took him about 15 minutes to find, in the March 2006 minutes, where **Banks** said LRAPA would be reimbursed every dime that it had spent to set up CSS, and **Johnson** asked **Hough** if he needed a motion to that effect. **Hough** said no, that the consensus of the board was quite clear. **Monk** said he found that easily, and he hoped that staff had just missed it. He said it seemed to him that **Hough** was misrepresenting the truth, and that was what he took away from the March meeting. **Monk** then said it is true, as **Hough** said, that the amount LRAPA put into CSS was small when compared to the amount some of the larger air quality agencies had contributed

to get a showcase in their districts. In the same minutes where that is brought up, **Monk** said, it is also said that directors from those other agencies refused to accept voting membership on the CSS board to avoid conflicts of interest. **Monk** said that, for **Hough**, as LRAPA director, to be advocating, recommending that LRAPA forgive CSS debt when he sits on the CSS board is clearly a conflict of interest. **Monk** said part of the conversation at the May meeting should be to ask **Hough** to resign his position on the CSS board.

10. NEW BUSINESS:

- A. Scheduling Board Discussions. **Brommelsiek** noted that a number of issues had come before the board today that were not on the agenda. He asked if there is a way that staff can send the proposed agenda out at least ten days prior to the meeting so that people who have items that they would like to see considered can submit them for all to see. That way, when the final agenda comes out, all board members will know what will be discussed at the meeting.

Ralston said this is not the first time that has happened. Board members have shown up for the meeting, thinking they know what they will be talking about, and someone has said they have something new that they want the board to vote on that day.

Lucas supported **Brommelsiek**'s idea of sending out a draft agenda at least ten days prior to the meeting date so that board members can submit any new issues for consideration as agenda items.

Hough said the purpose of the New Business agenda item is so that board members can bring up items they would like to see on future agendas for board discussion. He said the current process is to put together a draft agenda and have a teleconference with the chair and vice-chair about a week before the board meeting, to finalize the agenda. Within about 24 hours, **Hough** said, he e-mails to all board members the agenda and a preview of what the up-coming items are.

Johnson said this is an example of the item he brought up for CSS because, according to **Ortiz** and **Fortune**, he could not have brought it up under New Business at this meeting and put it on the May agenda. It would have to be handled at this meeting. The subject is off the table after today's meeting. He suggested adding an approval step at the beginning of the meetings, to approve the agenda, so that a member could make a motion to add something to the agenda. If the board members voted against adding the item, it would not be discussed at that meeting.

Monk said a board member should be able to bring up something for discussion at a meeting without it's being raised under New Business and then waiting until the next meeting, or a subsequent meeting. He pointed out that New Business is the last thing on the agenda, and many times some board members have already left by that time.

Hough asked that, if board members want to submit something new for inclusion on an agenda, they submit the information to him and to **Dinteman** at least ten days prior to the meeting date.

11. ADJOURNMENT: The meeting adjourned at 2:33 p.m. The next regular meeting is scheduled for Tuesday, May 11, 2010, **12:15 p.m., in the Library Meeting Room at the Springfield City Hall, 225 5th Street, Springfield, Oregon.** The board meeting will, once again, be held in conjunction with a meeting of the LRAPA Budget Committee.

Respectfully submitted,

Merrie Dinteman
Recording Secretary