

MINUTES
LANE REGIONAL AIR PROTECTION AGENCY
BOARD OF DIRECTORS MEETING
MONDAY–NOVEMBER 22, 2010
LRAPA MEETING ROOM
1010 MAIN 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); Scott Lucas–Eugene; Andrea Ortiz–Eugene; Faye Stewart–Lane County; Dave Ralston–Springfield
(ABSENT: Drew Johnson–Eugene)

Staff: Merlyn Hough–Director; Merrie Dinteman; Matthew Lee; Sally Markos; Nasser Mirhosseyni; Colleen Wagstaff

Other: Earl Koenig, Chair, and Russ Ayers–LRAPA Advisory Committee; Jim Daniels–Rosboro Lumber; John Evans–Lane Transit District; Scott Freeburn–International Paper

1. OPENING: Board Chair **Fortune** called the meeting to order at 12:17 p.m.
2. ADJUSTMENTS TO AGENDA: There were no adjustments to this month’s agenda.
3. PUBLIC PARTICIPATION: None.
4. CONSENT CALENDAR:
 - A. Approval of Minutes of October 25, 2010 Board of Directors Meeting. There were no changes to the minutes.
 - B. Approval of Expense Reports Through September 30, 2010. There were no questions about the expense reports.

ACTION: MSP(Brommelsiek/Monk)(unanimous) approval of the consent calendar, as presented.

5. CONTINUATION OF DISCUSSION–PREPARATION FOR FUTURE REVENUE SHORTFALLS: This subject was brought up by **Stewart** earlier in the year and was put on the September agenda. **Stewart** was unable to attend the September meeting, and the board decided at that time to continue the discussion at its November meeting. **Hough** said the situation had not changed significantly, to his knowledge. He said he had spoken again with state sources, who confirmed that state agencies are still anticipating a 25 percent reduction for the next biennium–July 2011 through June 2013. That translates to a reduction in State General Funds to LRAPA of approximately \$112,000 for the biennium, or about \$56,000 per year. **Hough** said that is the only concrete change of which he is aware for the next biennium. **Hough** reminded board members that the State General Fund amount passed through to LRAPA had been reduced over the years to \$45,000 per year; and LRAPA was successful in getting that increased in the 2007 Legislative Session to over \$200,000. The reduction for the current fiscal year reduced that amount to \$182,000; and the anticipated reduction for the budget years beginning in July 2011 and July 2012 would reduce the annual State General Fund contribution to LRAPA by an additional \$56,000–still significantly higher than what was received in

2006. **Hough** commented that there will be a new governor in January, and it is unknown whether that will make a difference.

Mirhosseyni said the contingency plan is a part of the current budget and will continue to be part of the budget for next year. **Hough** explained that the contingency plan contains a number of choices to reduce costs, and a worst-case scenario would likely result in reducing the full time staff from the current 20.3 FTE, of which 18 are regular staff, to 16.3 FTE.

Fortune asked if staff is anticipating anything which would necessitate use of contingency options during the remainder of the current fiscal year, or if that is expected in the following fiscal year. **Hough** said staff does not expect the need for those reductions during the current fiscal year but does anticipate that there might be that need in the next fiscal year. **Fortune** commented that the need will probably not be known until around June, and **Hough** agreed. **Hough** said he did not know if the local intergovernmental partners had any updates on their forecasts for whether they will include LRAPA dues in their budgets for next year, adding that LRAPA should have that information in time to include it in the proposed budget for FY 2012. (July 2011 through June 2012).

Stewart said the Lane County Board of Commissioners discussed budget a couple of weeks prior to this board meeting, and that the county's contribution to LRAPA, through the Public Works Department budget, will likely be paid for FY 2011-2012, even if the Secure Rural Schools funding does not get re-authorized. He said the following year, FY 2012-2013, will be more difficult because the county is anticipating having to cut the Public Works budget by about half, or around \$20-million. **Stewart** said he thinks it's unlikely that the contribution to LRAPA would survive that cut. **Monk** noted that new members of the Board of Commissioners, elected earlier in November, had said in their campaigns that they believe in smaller government. He asked if **Stewart** had a sense of whether the new board will follow the budget recommendations of the current board. **Stewart** responded that he currently has no indication of what the new board members will want to discuss. He said that the commissioners discuss all dues and association costs to other organizations, each year, as part of budget development, adding that county staff has no plans, at this time, to recommend any changes to the county's contribution to LRAPA. **Stewart** said he will continue to keep the LRAPA board apprised of the county's budget discussions.

Fortune commented that the county is in the process of hiring a new administrator. **Stewart** confirmed that the current administrator would be leaving December 15, and the commissioners would be discussing an interim administrator the day after this LRAPA board meeting and will then go into a process to fill the position permanently.

Fortune said that the City of Oakridge does not have any plans to reduce its contribution to LRAPA.

Brommelsiek referred to the contingency plan included in the budget, specifically reducing the air toxics monitoring. He said he would like the Air Toxics Program Development Committee to discuss that, to see if they can find alternative sources of funding, to avoid having to reduce the monitoring.

Ortiz said she does not expect the Eugene City Council to change its contribution to LRAPA over the next two years. She said the council realizes LRAPA is important to residents of Eugene; and there is an expectation, from the councilors' constituencies, that the council will do what it can to ensure that the city continues to make its contribution to the agency. **Ortiz** said she also has not heard anything from the city manager about plans to reduce the city's contribution.

6. LTD—PLANS FOR EUGENE/SPRINGFIELD EMERALD EXPRESS (EmX): **John Evans**, Senior Project Manager with Lane Transit District (LTD) was present to speak to the board about the EmX project. **Hough** introduced him and said that, in addition to the EmX construction projects, LRAPA is particularly interested in the addition of retrofits on LTD diesel buses and LTD's experience with cleaner fuels, as well as their exploration of hybrid buses.

Evans said he wanted to give the LRAPA board an overview of where LTD is with the existing Franklin EmX line, the schedule for the Gateway extension in Springfield, and progress on the West Eugene EmX line. He said he is devoting most of time currently to the process of choosing the best route for the West Eugene EmX expansion. He said there is a lot of misinformation out there, and LTD is trying to make sure that people who live and work in the area have the actual facts so that they can help to determine the best route. He distributed copies of a chart of LTD ridership trends, a graph of bus fuel economy (cost year 2010), a report titled "The Evolution of Clean Diesel," and a June 2008 memo from fleet manager **George Trauger** regarding bio-diesel costs.

- Franklin EmX. The only EmX line which is currently operating is the Green Line that goes from downtown Eugene to downtown Springfield. **Evans** said LTD has been seeing a steady increase in ridership, even when they have cut back on some other services. Ridership is currently at an all-time record high, and **Evans** said a lot of that has to do with such factors as peak enrollment at the U of O and existing cutbacks on things like the Breeze system, which U of O riders might have used otherwise. **Evans** said there was a downward trend in ridership at the end of 2009 at the peak of the recession; but ridership has increased steadily since that time. He added that the largest percentage of riders have group passes, which seems to be the most effective way to gain riders. LTD expects ridership to continue to increase over time, especially as new routes are added to the system.

Forge asked if EmX is still free, and **Evans** replied that it is no longer free. He said it was initially free to riders because one of the fundamental pieces of EmX is having people buy their tickets before they get on the bus. The automatic ticket machines took longer to get up to speed than expected. It seemed like a natural thing to make it free until those were available. The machines became available at the last part of last year, at which time riders began to have to pay to ride.

- Springfield EmX. **Evans** said the Springfield EmX line is in the final stages of signal priority work and driver training and will begin operation on January 9.
- Connection of EmX System. **Evans** said one of the benefits of EmX is its frequency and dependability. Also, when the existing line gets connected to Gateway, people will be able to enjoy "one seat ride," which means they will be able to ride the same bus to any destination that is on the line, without having to change buses. It makes it much simpler to take the bus, without the complications of having to worry about where you need to transfer.
- West Eugene EmX Route. **Evans** said LTD released the Alternatives Analysis, which is the official report that summarizes the differences among all the alternatives. There are three main build alternatives, including:
 - (a) From the downtown station to the 6th/7th corridor, to Chambers to West 11th.
 - (b) South from the downtown station to West 13th, past the fairgrounds, to Chambers and out to West 11th. This alternative also includes variations such as one-way streets and adding a lane or taking a lane.

- (c) From the downtown station, west on 6th/7th, then continuing on West 7th Place to Seneca and south on Seneca to connect with West 11th by Fred Meyers. This alternative would essentially avoid a big stretch of West 11th.

Evans said the second alternative, taking West 13th to Chamber to West 11th, makes the most sense in terms of productivity, cost, expense, ridership, and time savings. He said it is not dramatically better, but it is better from a transit perspective. LTD completed the documentation and submitted it to FTA at the end of June of this year for review and approval, and FTA gave their approval at the end of October. LTD then got the report ready and made it public. Between June and October, LTD has worked with property owners and neighborhood groups, to tell them what the plans are and what property acquisitions would be necessary for the different alternatives. Property acquisitions would be necessary if a section of the route requires an exclusive lane. They could result in property impacts, parking impacts and tree impacts. Exclusive lanes are sometimes needed to get the bus out of mixed traffic and provide the fastest possible travel time for riders. LTD has been asking people if the plans are something they can live with, or if the plan should be altered to avoid or mitigate specific impacts revealed during the public participation process.

Evans said LTD has a Joint Locally Preferred Alternative Committee which is made up of the bodies who have to formally adopt an alternative, including the Eugene City Council, Lane County Board of Commissioners, the Metropolitan Planning Committee, and the LTD board. The committee will recommend an alternative to their respective bodies, and that process will hopefully take place over December, January and February, with an alternative chosen in late February or early March.

Monk asked if the LTD board will be final decision-maker, and **Ortiz** said the final decision must be made by all three bodies: the LTD Board, the Lane County Board of Commissioners, and the Eugene City Council. **Evans** agreed, stating that each body will have its own resolution, and they must all be the same.

Monk said that one of the purposes of inviting LTD to address the LRAPA board was a request at an MPC meeting, that LTD could use LRAPA's help in educating people about the air pollution reductions from use of public transit. He said LTD had obviously run into trouble with some of its alternative plans, and he asked if **Evans** saw any value in having LRAPA engage in this process in some meaningful way. **Evans** said LTD could absolutely use LRAPA's help in that regard.

Evans said every transit system in the U. S. is required to do a productivity analysis every year, indicating essentially how many riders the system is getting, based on the amount of population in the area. LTD ranks 30th out of all 555 bus operations in the country. Eugene-Springfield does better than major cities such as Cleveland, Portland and Seattle. **Evans** explained that LTD has been looking at alternatives to improve traffic flow throughout the Eugene-Springfield area. As population grows and more people are traveling the roads, the lanes get clogged and slow everything down. LTD can add more buses, but those also slow traffic because of the stop-and-go nature of the system. Bus Rapid Transit (BRT) was chosen as the best alternative several years ago, because it gets the buses out of the traffic lanes. In addition, the bus lanes also become turn lanes, getting other vehicles out of the traffic lanes when they slow to make a turn. BRT is a viable, sustainable, long-term solution that helps with air quality, helps with traffic flow, and helps with addressing general population increases over time.

Brommelsiek asked if LTD has actually modeled the benefits of the various scenarios being considered for the West Eugene BRT route, and **Evans** said they do have an elaborate regional model and that part of that

is a requirement of the Federal Transit Administration (FTA), in order to get funding. The funding application process requires LTD to choose an alternative, refine the modeling, based on that alternative, and submit the application for funding to build the project. **Brommelsiek** asked if the various alternatives have been modeled to determine the air pollution benefits of each, and **Evans** said LTD has modeled the transit and transportation effects of all alternatives and then done a separate air quality analysis of those modeling results. He said the summary of that information is in the Alternatives Analysis Report which was made public earlier this year, adding that the report is available on LTD's website.

Evans then spoke about the buses, themselves, stating that LTD's mass transit system uses hybrid diesel/electric buses and that there have been concerns about whether or not they should go with biodiesel. He said biodiesel has been tested by LTD, based on two different blends of biodiesel: 5 percent and 10 percent. **Evans** said the tests showed that it is slightly more expensive to use biodiesel, and that the mileage is slightly less using biodiesel. LTD uses a million gallons of fuel per year and watches fuel costs pretty closely. The state currently mandates a 2 percent biodiesel blend, which LTD is using; however, there is a lot of research that needs to be done, especially locally, regarding how and when LTD can implement a higher blend of biodiesel into its fuel supply, and how that will affect the fleet.

Fortune asked about the different kinds of buses LTD uses, and **Evans** said the Class 6100 buses are existing EmX hybrid diesel-electric vehicles. They just purchased five new 9100 buses, which will get better mileage, for the Gateway line. **Fortune** and **Ralston** noted the 2.9 miles per gallon figure in LTD's documents, and **Evans** explained that the hybrid diesel buses are heavier than the non-hybrid diesel buses; however, a full bus has lower impact on air quality and greenhouse gases than any other form of transit. There was brief discussion about the weight of the buses, and the low mpg, compared with heavy diesel trucks, and **Evans** said he was not sure how much the buses weigh but he could get that information. **Lucas** commented that the stop-and-go of the buses probably accounts for some of that, and that if they were out on the freeway they would probably get better mileage.

Lucas added that he has noticed that the bus drivers tend to accelerate quickly from the bus stops and also to have to jam on the brakes at red lights. He wondered why they don't coast a little more. **Ortiz** agreed that the abruptness of the starts and stops can knock you down if you aren't seated on the bus. **Evans** said part of that is the need to maintain a schedule. In addition, the electric motor assists with the initial propulsion, and you get that direct ratio of torque. He said LTD is moving toward a higher ratio of hybrid buses and have a grant to purchase new hybrid buses in 2011. There are 21 hybrids in LTD's current fleet, all 60- and 63-foot articulated buses. The grants will be used to replace their 19-year-old, 40-foot, high-floor diesel buses with 40-foot, low-floor hybrids. They will replace 24 older buses, giving LTD a total of 45 hybrid buses, or 42 percent of its 108-bus fleet. **Evans** said industry tests showed a fuel efficiency gain going to hybrid diesel of 10 to 25 percent, and LTD showed, from its brief tests, about a 17 percent gain in fuel efficiency.

Stewart commented that, if you ride in one of the diesel vehicles and watch the rearview mirror, there appears to be a lot more pollutants coming out of the vehicle with bio-fuels than with straight diesel. **Monk** said if all the buses had particle traps installed on them, capturing 95 percent of the diesel particulate, it would seem to be a moot question of whether or not you're burning bio-fuels. **Monk** said all of LTD's post-2007 buses currently have particle traps and, to the degree that LTD can continue to install them on older buses that are still in operation, that should minimize the air quality impacts of the buses, themselves. **Evans** agreed.

There was some discussion regarding the fact that large buses are often seen, especially in the evenings, with just a few riders instead of being filled. Some board members wondered why smaller buses cannot be used

when ridership is low. **Evans** explained that LTD considers the costs of operation. Most of the cost of operating a bus is in the operator; therefore, it costs about the same to operate a larger bus as it does to operate a smaller bus. If LTD can attract more people to ride the buses, that is where the efficiencies are realized. It is to LTD's benefit to have available capacity. They want to always fill that capacity, but they are not always able to do that. **Evans** said EmX fills its capacity on a regular basis, but the traditional service is less so. **Ortiz** said a lot of the comments she hears indicate that people think the near-empty buses they see are a waste. She said it would make sense, to her, to switch to the smaller buses after the peak ridership of rush hour. She said it wouldn't save as much money as people might think; however, the appearance would make sense to people. **Lucas** said it seems inefficient to him to use the larger buses. He noted that some lines would probably have heavier ridership during the day when students use those lines to get to and from school; whereas others might be used more in the evenings to take people to malls or entertainment spots. **Evans** said LTD has thought a lot about that, and their board goes back and forth on it. It has to do with bringing the drivers back and forth, switching out vehicles, and what the net savings would be.

Ortiz noted an innovative use of the buses by the U of O. The school pays for a "party bus" that transports students out to Kings Row. **Hough** asked if ridership did not support the Breeze buses or the express bus from River Road Station that used to go to the U of O campus. **Evans** said either the ridership didn't support it directly, or the needs could essentially be met with a more efficient system. The Breeze can be met with EmX. People will walk a little farther to catch the EmX, so the Breeze line was a little redundant, even though it was very convenient for people at the U of O. **Evans** said there was some duplicative service with the Number 30 line out West 11th, which was replaced with two other existing routes. There is a little less convenience, but **Evans** stressed that in hard financial times, you cannot afford those kinds of luxuries, so LTD cut back in those instances. He added that the lines are not eliminated forever, but are temporary cutbacks. Whenever ridership can be increased with the new EmX system, LTD will be looking at places to institute further efficiencies and changing routes to better feed the more efficient system, while building ridership and not losing riders. **Evans** also stressed that every time a route is changed—or even the timing of a route—it can carry throughout the entire system. Making changes to a mass transit system is very complex and must be done with care.

Hough said the rise in fuel prices a couple of years ago increased LTD's cost of operation, and LTD had to consider cutting services. But the rising fuel prices increased ridership on public transit. He asked **Evans** what the "fix" is for that kind of situation. **Evans** said the ultimate long-term fix LTD looks at is trying to get away from fuel based on commodity, subject to pricing like that. What LTD is doing in the short-term is purchasing large amounts of fuel when the price is down and storing it at a large fuel-storage facility in Coos Bay, instead of having to buy on a continuing basis and pay whatever the current market price is.

Board members thanked **Evans** for providing information about the overall EmX project and its different phases. **Evans** asked board members to let him know if they have any follow-up questions, so that he can get the information to them.

7. DIRECTOR'S REPORT: **Hough** reviewed a few of the items in the written report.
 - A. Permit Renewal, J. H. Baxter. **Hough** reported that staff had issued the permit renewal for J. H. Baxter in West Eugene. He said the final permit document, and the review report, were posted on the agency's website. LRAPA received quite a few comments during the public comment period prior to issuance of the permit, and some significant changes were made to the permit as a result of those comments. The changes pertain to monitoring and some of the performance requirements in the permit.

- B. Portland Air Toxics Advisory Committee Meeting. **Hough** said the next meeting of the Portland Air Toxics Advisory Committee was scheduled for December 1, and he again issued his standing offer to any interested board members, to ride to Portland with him and others. He said **Brommelsiek** planned to attend, and that **Paul Engelking** and **Russ Ayers** from the LRAPA Advisory Committee would also be attending. **Hough** said he had not seen the specific agenda and start/end times, but he assumed it would begin about 8:00 to 8:30 a.m., and anyone wanting to ride with him should meet in LRAPA's parking lot at 5:30 a.m.
- C. At-Large, General, Board Position. **Hough** said **Forge**'s current term will expire in February, and the board has the option to automatically reappoint him if he wants to serve a second term, or can advertise the position and ask **Forge** to reapply along with other applicants. **Hough** said the general pattern has been that the second term is essentially automatic. **Hough** asked **Forge** if he wished to continue for another term, and **Forge** said he was willing to continue to serve. Consensus among board members present was that **Forge** should be reappointed in February, without LRAPA advertising for new applicants.

D. Enforcement Report.

- (1) **Monk** referred to the enforcement report, specifically an action against States Industries, and asked if the Department of Justice is involved in the case. Staff member **Colleen Wagstaff** explained that the acronym, "DOJ," in this case stands for Default Order and Judgement, and it means that a lien is being filed against the respondent's property because the civil penalty assessed to them was not paid.

Hough explained that it was States Industries' intent to keep LRAPA fully informed about changes at the facility, and they were committed to work with LRAPA. The process has been complicated by some other pending issues. **Monk** asked what was the value of the plywood press States industries installed, and **Hough** said he did not know. **Monk** said he was wondering if they were trying to craft a way of not having to pay the fine, in the context of their selling the facility. **Hough** said this was a plywood press they had at another facility. They have been consolidating, and they vacated one of their properties and moved the equipment to the other facility. **Hough** said he believes this was an oversight in that process—that this needed to be recognized in the permit. The new press was permitted under the old facility, and it needed to be included in the permit for this facility and go through the Notice of Construction process. Permit writer **Matthew Lee** confirmed that.

- (2) **Fortune** asked for an update on the Camp Christian case, and **Hough** responded that LRAPA's legal counsel has been trying to talk with Camp Christian, to work with them to ensure that the asbestos gets cleaned up and the case gets settled. However, **Hough** said, Camp Christian has not been willing to have a serious conversation about it. They have, instead, appealed the board's decision to uphold the hearings official's decision in the case, which will result in additional expense for both them and LRAPA.

8. OLD BUSINESS:

- A. LRAPA Board Makeup—Status Report from Committee. Nothing new to report.

B. Organizational Dynamics and Collaborative Approaches—Interviews With Facilitators.

(1) *Discussion under the Director's Report agenda item.* **Hough** reported that **Bob Chadwick** and **Diane Seehawer** of Consensus Associates had completed all interviews and had arranged for a two-day workshop for December 16 and 17. **Hough** said it looked like those dates would fit with most board members' schedules and said staff was working on the specific location for the workshop. **Hough** said **Chadwick** and **Seehawer** were working on the specific agenda for the workshop.

Stewart said he wondered if it might be better to have the workshop more toward the middle of January, given that there will be at least one new member on the board at the beginning of 2011. **Fortune** confirmed that his two-year term on the board representing Oakridge and Cottage Grove will end in February, and someone from Cottage Grove will take over that position.

Stewart also said he had heard **Johnson** say, at one point, that he would be leaving the board soon. **Ortiz** said the Eugene City Council has standardized its appointments to boards and commissions, to make all terms expire June 30 instead of being scattered throughout the year. **Ortiz** said she had mentioned that to **Johnson** to see if he is interested in serving an extra few months. She said she does not want to push him out early, but there are other people in Eugene who are interested in being on the LRAPA board. **Ortiz** said **Johnson** had not answered, one way or the other, and she had not talked to him again about it.

Monk agreed with **Stewart**, that it would be a shame for the board to go through the work and then have two or three people leave the board. He added that is another reason for having a more consistent board orientation packet available for new board members. He asked what **Hough** thought of having the workshop after the first of the year. **Hough** said he would leave that up to **Chadwick** and **Seehawer**. He said one option would be to find out from Cottage Grove who the new appointee would be and invite that person to attend the workshop. **Stewart** said he didn't think the process would lose anything by putting the workshop back a month or so, and including any potential new members makes sense to him. **Fortune** agreed. **Ralston** also agreed that it makes a lot of sense to contact Cottage Grove and give the potential appointee the opportunity to participate.

Ortiz asked **Stewart** if he had any idea who would be sitting on this board for the Lane County Board of Commissioners in 2011, and **Stewart** responded that he does not know what the interests of the new board members are going to be. He said he is willing to continue on the LRAPA board but will have to wait and see what happens when the board of commissioners changes after the first of the year.

Ralston said he will continue on the LRAPA board because Springfield likes to keep people with experience and familiarity with board positions, so that there is not a huge learning curve. **Ralston** said he has been on the LRAPA board for ten years, and there is institutional knowledge that is built with that tenure. A new person would have to learn a lot just to get up to speed.

Lucas said the 16th and 17th of December will be a tough time for him because he'll be just about to leave town; and it will be difficult for him to give the workshop the attention and energy it deserves. He said he will do the workshop then if that's what the group wants, but he would not object to pushing it into the new year.

(2) *Discussion under the Old Business agenda item.* **Hough** asked board members to keep December 16 and 17 available and said he would talk to **Chadwick** and **Seehawer** and explore the Cottage Grove representative question.

C. Air Toxics Program Development Committee.

(1) *Discussion under the Director's Report agenda item.* **Hough** pointed out that he had sent the committee meeting summary and attachments to board members by e-mail, as suggested by the committee's chair, **Brommelsiek**. **Hough** said he had also attached to the director's report hard copies of two reports that staff provided for the committee at its November 1 meeting. One of those was a review of the LRAPA programs and an estimate of the resources that LRAPA provides for air toxics-related work. **Hough** said it was a challenge to determine that, because LRAPA's programs are so integrated that it is difficult to carve out how much of it is for criteria pollutants, like particulate matter and carbon monoxide and ozone, and how much of it pertains to the long list of air toxics that EPA had identified. **Hough** said staff used a variety of indicators to come up with that estimate, which was that roughly 40 percent of LRAPA's program activity (about \$1-million of the core budget) is air toxics-related. The two air toxics monitoring sites—at Petersen Park in west Eugene and at Amazon Park in south Eugene—are the most expensive monitoring LRAPA performs. Even though the agency monitors for other pollutants at many other sites, air toxics monitoring takes about 45 percent of the air monitoring budget because of the analytical costs.

The second attachment to the director's report was a review of emissions inventory efforts and how best to accommodate the need for EI for permitting, as well as EI for air toxics. **Hough** said the agency relies, currently, on EPA's National Scale Air Toxics Assessment (NATA) which is done every three years. Another source of information is the Toxics Release Inventory (TRI), which is done every year, though there are some questions as to whether it is done entirely consistently, across the board. **Hough** pointed out the reductions in overall air toxics emissions reported in TRI shown in recent years, and said he believes those reductions are due largely to the Maximum Achievable Control Technology (MACT) requirements that affect a large number of industrial sources.

Monk asked if **Hough** was saying that the reduction in emissions from International Paper (IP) from 2006 to 2007 was MACT-related. **Hough** said he had not looked at the specifics, but he reminded **Monk** that there were two or three phases of MACT required that applied to the pulp and paper industry that affected IP. **Monk** asked for confirmation that IP has been MACT compliant for quite a while, and **Scott Freeburn** of IP responded that it has. **Russ Ayers** added that there have been two or three MACT requirements, and there are more coming which will affect IP. **Monk** said once you have instituted MACT, you look at what residual risks still exist, and the graph provided by staff says to him that staff really needs to determine whether, in fact, there still is something that can be done to reduce those emissions once MACT has been applied to those facilities. **Hough** responded that, as of the time frame of the report, MACT had not been fully employed at all sources. Consequently, there will be some future effects from those MACT requirements.

(2) *Discussion under the Old Business agenda item.* Committee Chair **Brommelsiek** reported that the committee met on November 1, at which time staff spent a lot of time going over the agency's air toxics program and resources devoted to air toxics in the areas of monitoring, emission inventory, exposure monitoring and reduction activities. The committee discussed a number of topics, including the reduction activities, point source MACT, NESHAPs, wood heating and open burning, area sources, mobile sources and the vehicle fuel standards, transportation systems, traffic flows, and vehicle idling.

Brommelsiek said staff showed how the agency's programs overlap with regard to attention to air toxics. About a million dollars a year of the agency's budget is spent on air toxics, of which about \$300,000 is devoted to sample collection and analysis from the monitoring. The remaining \$700,000 goes for parts of several staff members' time.

At its November 1 meeting, the committee also discussed the Lakes Environmental Software which staff had been considering to help in developing emissions inventory. As a result of that discussion, another committee meeting was held on November 18 for staff to present the software in more detail. The software was originally developed to manage permits, including emissions information, regulatory issues, notifications, etc. Staff looked at various different alternatives and determined that the Lakes software would be the most helpful with regard to both criteria and NESHAPs pollutants. In addition, the software would help with about half of the existing data management systems LRAPA has been using. **Brommelsiek** said LRAPA current uses about eight different systems, none of which will communicate with the others. It is hoped that Lakes will replace at least four of those. He said what he particularly likes about it is that the emissions information which LRAPA has already submitted to EPA for the NATA evaluations can be downloaded back into this model, eliminating the need to manually input that existing information into Lakes. The permitting and monitoring data that sources collect and submit to LRAPA can be input directly, in electronic format, into the Lakes model. The reporting format of Lakes meets both state and EPA requirements for reporting, so staff would not have to massage numbers and figures to come up with submittals to those agencies. **Ralston** added that, currently, LRAPA staff has no way to submit it formally because it won't come through in any format the other agencies can receive. Consequently the data must be hand-entered. **Hough** commented that EPA recently changed their requirements for how the information is submitted and confirmed Ralston's concerns.

Brommelsiek said the database created using Lakes can easily be expanded to include area and smaller point source information, which will be very helpful as the agency does more air toxics impact modeling. He said he had asked **Tim Sawyer** if the information in the Lakes software could be directly loaded for modeling; and **Sawyer** told him it could not but that it would be very easy to modify what does come out of the emission inventory information from this tool, for input into the modeling. **Fortune** added that **Sawyer** had also indicated that he felt staff would be able to use Lakes to perform some of the other functions which are currently being done by several existing different software programs. **Brommelsiek** said, overall, the Air Toxics Program Development Committee unanimously recommended to present to the board with a recommendation to purchase the Lakes Environmental software for use for both permit management and air toxics work.

Forge asked if Lakes would eliminate the multiple existing programs, and **Fortune** said it would eliminate at least four of them immediately.

Fortune said the cost would be approximately \$31,000 to purchase the tool with a three-year maintenance agreement. **Ralston** added that \$10,000 of that would be for the work needed to coordinate with the manufacturer to upgrade LRAPA's program to configure better to what the agency's needs are. The cost also includes training for staff.

Monk asked if the proposal from the committee is simply to purchase the tool, leaving staff to determine to which fund to allocate the expense, and **Brommelsiek** said the committee's recommendation did not include direction as to, specifically, how to pay for the tool. He said, from his perspective,

he could see part of it coming from the General Fund and part from the set-aside for air toxics; however, the board could decide how the agency should pay for it.

Ralston said the recommendation from the committee was to leave it to the board to determine how to pay for it. From his perspective, it really doesn't matter where the money comes from; but there is already a set-aside of \$75,000 for air toxics program development, and that Lakes would be the perfect tool to use to develop the program. He said he could also see splitting the expense between the air toxics set-aside and the General Fund.

Monk said he agreed that LRAPA should purchase the Lakes software because it really would create a lot of efficiencies. But he thinks it does matter what fund pays for it, because Title V funds are severely restricted in how they can be spent, and this software was essentially set up for permitting and compliance, and that would be part of its purpose if purchased. He said **Hough** had indicated, at the committee meeting, that the first source of funding he would look at for this purchase would be Title V. **Monk** suggested that, to the degree that Title V funds are available, it is appropriate that Title V pay a large percentage of this initial cost, and that the \$75,000 be used for subsequent additions, in terms of bringing in area source data.

Hough said he had spoken with **Mirhosseyni** after the committee meeting about appropriate allocation of the expense. LRAPA would normally allocate expense wherever it could legitimately be charged. If Title V is appropriate, then it would be charged a percentage. If other programs were also appropriate, the General Fund would also be charged a percentage. **Monk** asked if staff would bring their determination regarding funding back to the board before the purchase is made, and **Hough** said the allocations would be made after the purchase. **Mirhosseyni** explained, further, that, because the current budget does not include a line item for this purchase, it has to come out of the \$75,000 set-aside, which comes from the fund balances for Title V and the General Fund. The purchase expense would be taken from the fund balances, proportionately. **Monk** said he would appreciate it if, when staff decides on the appropriate apportionment, that they communicate that to the board so that the board can decide whether it makes good sense.

MOTION: Brommelsiek MOVED that the board approve the purchase of the Lakes Environmental Software, to be charged initially against the \$75,000 air toxics commitment, and then be apportioned to the appropriate budget accounts. Ralston SECONDED THE MOTION.

Discussion of Motion. **Stewart** asked **Hough** if he had any concerns about the direction from the board. **Hough** said he is supportive of it; however, if he were going to make one comment, it might be about the eight existing systems. He said the current programs have been developed over the last 35 years, and the agency is in a position now to systematically start integrating these systems with the changing of staff and the changing of skills in recent months. He said that could be a conversation at a different time.

Fortune said he wanted the board to realize that, in the past, there have been some problems when an action item has been brought up that was not on the agenda for discussion. He said that was what was happening with this motion. He added that if board members are comfortable with the action, he did not see a problem with it. **Ortiz** said she did not disagree with what **Fortune** was saying; however, she felt this situation was different because the proposed action had been vetted by a board committee.

Monk said he agreed on both counts. He said, if possible, in the future, when this kind of recommendation is going to come from a committee, it would be good to have it in the packet, or to have it communicated in some other way, prior to the meeting, so that board members can give it some consideration prior to the board meeting.

Stewart asked if the committee was able to review other products, or if Lakes was the only product available that would accomplish what the agency needs. **Brommelsiek** said staff had reviewed other products, and they provided summaries of all of them for the committee. There was one which was also good but which was much more expensive. **Ralston** added that it was also less functional for LRAPA's needs.

VOTE ON MOTION: THE MOTION PASSED BY UNANIMOUS VOTE.

Brommelsiek said the committee would not meet again until after the next Portland Air Toxics Advisory Committee (PATSAAC) meeting in Portland on December 1.

D. Personnel Policy Review Committee.

(1) *Discussion under Director's Report agenda item.* **Hough** said the committee met on November 16, and he thought they had a very productive meeting going through the first draft of the updated personnel policy document. The next meeting date had not yet been set at the time of this board meeting.

(2) *Discussion under Old Business agenda item.* Committee Chair **Monk** reported that, at the committee's last meeting, legal counsel **Sharon Rudnick** reviewed a draft of changes to the existing personnel policy manual, based on changes required by state and federal laws since the policy was last revised. **Monk** said it was fair to say that **Rudnick's** intention was to provide the greatest amount of flexibility for the board decision making, and for management, with regard to personnel issues, and to provide some certainty for staff about a variety of things. He said, for the most part, the changes being suggested are good and essential and that the committee agreed to run it by staff to get their feedback before making a recommendation to the board. **Monk** said he would like to hear staff feedback regarding provision for a staff member to appeal a disciplinary action to the board, particularly if the disciplinary action were brought by the director. He said that apparently has not happened in the past. The director is the person to hear an appeal if a supervisor brings a disciplinary action, but it makes sense that a person would want to appeal a disciplinary action by the director to the board, as the director's supervisor.

Monk said another area where the board gets involved is the ethics requirements. He said when you read the proposed policy changes, the changes are relevant for ethics issues and conflict of interest, for both staff and board members, because they are all public officials to the extent that they are involved in LRAPA, a public agency. **Monk** said those parts that pertain to board members should be included in the packet of information for new board members, rather than in the agency's personnel policy manual. **Monk** said he will be making that recommendation to the committee. He said he was not sure when the committee would meet again, and he thought it would be a few months before the committee is ready to bring a recommendation to the board for consideration.

Ortiz said personnel policies often contain provisions for FMLA (Family Leave Act) for someone who is the victim of domestic violence or of a crime. She said staff members may use their paid leave in

those instances, and other staff members may donate paid leave time; but, depending on how willing employees are to donate such time, she will be looking to put some money aside in an account so that if someone is having a problem with domestic violence, there will be some financial relief available to them, or a way for them to maintain their benefits. **Ortiz** said in her organization, if the person does not have enough paid time off accumulated to cover the time they need to be off on FMLA, their benefits are not covered after a certain point; and she would like to see some accommodation made for that type of situation. She stressed that the situation must have substantiation such as a restraining order or some other documentation, in order to access the funds.

Brommelsiek asked if **Ortiz** was referring to all FMLA provisions, and **Ortiz** said she was referring specifically to victims of domestic violence. She said it is separate from FMLA, because to get FMLA it is necessary to have documentation from a doctor.

Stewart said employees get a certain amount of paid time off for vacation and sick leave. The domestic violence falls into the vacation side of the paid time off—not the sick leave side. If a person were sick for 23 days, they would be paid for 23 days in full; however, since domestic violence falls on the vacation side, there are only a certain amount of days, and an employee might not have enough time accumulated to pay for the time they have to be away from work due to their domestic situation. **Ortiz** said she just wants to provide a way to cover that gap. She added that she was not saying there is a current need for it, but she would like it to be there if the need arises.

Monk asked if **Ortiz** planned to follow up with **Hough** on this, and she said she did. **Monk** asked that whatever is determined be brought back to the Personnel Policy Review Committee as a recommendation to them.

9. **ADVISORY COMMITTEE:** Committee Chair **Earl Koenig** reported that the committee did not meet in October. He did say that about six committee members attended the November 18 meeting of the Air Toxics Program Development Committee about which **Brommelsiek** had spoken earlier. He said the committee appreciated having been invited to hear that information and be involved in the process. **Forge** responded that the Air Toxics Program Development Committee members appreciated the fact that so many advisory committee members took the time to attend.

Continuing with that theme, **Hough** commented that there are three different efforts going on right now that have provided interface for board, advisory committee, and staff members, including having advisory committee and staff members on the board's Air Toxics Program Development Committee and Personnel Policy Review Committee. Several advisory committee and board members have also joined **Hough** for trips to Portland to attend meetings of the Portland Air Toxics Solutions Advisory Committee. **Hough** said he appreciates having that cross-section of the board, advisory committee and staff involved in those efforts. He commented that, even though efforts to have a purely social events to bring the groups together have not worked, so far, there has been interface through these other projects.

10. **NEW BUSINESS:**

- A. Report of Air Quality Issues in West Eugene. **Ortiz** asked if other board members had seen the report Oregon Toxics Alliance did with El Centro, regarding issues in the west part of Eugene. OTA got a grant to do some translation with El Centro, and then they did canvassing. **Ortiz** said she missed the first part of the presentation, and she asked OTA to send her the PowerPoint presentation but had not

yet received it. She said she would forward it to board members when she received it. **Ortiz** said **Hough** had spoken quite a bit at the meeting, because there are a lot of concerns, and there is a lot of misinformation out there about various issues. **Ortiz** asked if **Hough** or **Markos** could speak a few words about the report and the information being presented, because she said she had some candid conversations with people following that meeting, and there is a general feeling that LRAPA is not doing enough in that community. She acknowledged that it is an activist community, and they did go door-to-door asking people specific questions.

Brommelsiek asked about El Centro, and **Ortiz** explained that Centro Latino Americano it is a service agency that works with the Latino community.

Hough said the grant OTA received was a joint environmental justice grant to survey the West Eugene community and determine the relative concerns about environmental justice, as it pertains to air quality. People were asked, specifically, how they might be affected by indoor or outdoor air quality. **Markos** said it was a health-based survey which included a number of very simple questions. **Ortiz** said she had not seen the survey and asked **Markos** if she had seen it. **Markos** said she had not seen the actual survey but had seen a few of the questions in the PowerPoint presentation.

Brommelsiek commented that it was an anecdotal survey rather than a scientific, doctor-confirmed, survey, and **Hough** responded that it involved talking directly to home owners to get their responses to the questions. **Ortiz** said it was not done by the health department or an affiliated group.

Hough said an OTA representative gave an overview of the project with the PowerPoint presentation, and then there was a fairly far-reaching discussion which went beyond the scope of what their survey intended. He said it touched on a number of areas of interest to LRAPA, and staff appreciated the opportunity to be there and interface with people in the area.

Ortiz said there was a request from OTA that they be allowed to attend an LRAPA board meeting and do a presentation, and she told them that she would let the board know and that it would be up to the board leadership to determine whether or not it would be appropriate and if it could be scheduled. She added that, if she were to get the PowerPoint and review it, she would be better able to speak to it and make a decision about recommending that the board hear it or that the board should not hear it.

Brommelsiek suggested that the board consider whether the presentation should be made to the Air Toxics Program Development Committee, first, as opposed to the full board. **Ortiz** said she would forward the information after she receives the PowerPoint from OTA and has a chance to review it.

- B. ODOT Climate Summit. **Monk** asked if anyone from LRAPA attended ODOT's Climate Summit, and **Hough** said he had spoken with DEQ people who were involved with that. He said he had spoken with them a number of times over the past few months about this subject, and it seems that the most efficient way for LRAPA to be involved is probably working with DEQ, because it is a huge time commitment to really do it right.

- 11 ADJOURNMENT: The meeting adjourned at 1:57 p.m. Because the December meeting was cancelled, the next regular meeting of the LRAPA Board of Directors is scheduled for Monday, January 24, 2011, 12:15 p.m., in the LRAPA Meeting Room at 1010 Main Street in Springfield, Oregon.

Respectfully submitted,

Merrie Dinteman
Recording Secretary