



MINUTES
LANE REGIONAL AIR PROTECTION AGENCY
BOARD MEETING

February 25, 2021

VIA - ZOOM

ATTENDANCE:

Board: Joe Pishioneri – Board Chair - Springfield; Kathy Holston – Vice Chair - Oakridge; Jeannine Parisi - Eugene; Gabrielle Guidero – Springfield; Mysti Frost – Eugene; Howard Saxion – Eugene; Joe Berney – Lane County; Mike Fleck - Cottage Grove; Matt Keating - Eugene

Others: Jim Daniels - CAC Chair; Guest Peter Dragovich, 350 Eugene

Staff: Merlyn Hough; Debby Wineinger; Nasser Mirhosseyni; Colleen Wagstaff; Travis Knudsen; Max Hueftle; Katie Eagleson; Robbye Robinson; Lance Giles

OPENING: Pishioneri called the meeting to order at 12:21 p.m.

1. ADJUSTMENTS TO AGENDA: None

2. PUBLIC PARTICIPATION: None

A. Comments on an Item on Today's Agenda

B. Comments on a Topic Not Included on Today's Agenda (Note: This is an opportunity for the public to bring up unscheduled items. The Board may not act at this time but, if it deems necessary, place such items on future agendas. Issues brought up under this agenda item are to be limited to three minutes' speaking time by the person raising the issue. If additional time is necessary, the item may be placed on a future agenda.)

Parisi said the [Eugene] Sustainability Commission met Wednesday night and passed along a series of recommendations to the city council. Some of them involved air quality issues, air toxics, emissions from trains, and wood stove heating. Changing the opacity limits in Eugene. And she assumes it will be considered by the City Council. If there is any questions or folks want to see the material, she would make it available. She did share some of the information with LRAPA staff just to ensure their understanding of some of the language in there, she appreciates folks getting back to her and confirming her understanding of the air toxics information that was presented in that packet.

Pishioneri asked if a city passes a city code that is more stringent than state laws in regard to air quality and if LRAPA wasn't here, who would enforce those? **Saxion** said he did not think the

city of Eugene had been delegated any authority on Clean Air Act related regulations and he did not believe state law allows the city to enact more stringent regulations than what the state does. He is on the Sustainability Commission for at least four more months. There were a number of recommendations the commission really did not discuss in our meeting. And he thinks Lance Giles chimed in on an email, there is some information that was presented that is not quite accurate. But I do not expect the city doing much more anytime soon. He did not think there really has much leeway, like negotiating with Union Pacific to reduce idle time on their engines. **Pishioneri** said they are not really enforceable, so to speak, if they are more stringent than the state, so he did not know where that was going.

Hough said there are some things that LRAPA does not have authority to do, we rely on the cities and the county for home wood heating ordinances. The cities and the county adopt those. And then LRAPA has an intergovernmental agreement to enforce. But Code Enforcement of Lane county or the cities could enforce home wood heating or outdoor burning ordinances, those sorts of things. Another example is the Eugene Toxics Right to Know, the city of Eugene requires reporting. And it contributes to some of the confusion on that, how much of air toxics come from zip codes within the city of Eugene, because it is just looking at where that ordinance applies. Those are some examples where the city can do something different than LRAPA or the state could do.

4. ACTION ITEMS:

Consent Calendar:

- A. Approval of Minutes January 14, 2021 Board Regular Board of Directors Meeting
- B. Approval of Expense Report for through January 2021

Parisi noted a correction in the minutes:

Page 5, paragraph 2 - **Parisi** asked about the ~~dues~~ DEQ request.

MOTION: Fleck MOVED to approve the Consent Calendar with the noted correction; Holston SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS

5. ELECT BOARD CHAIR AND VICE-CHAIR:

Berney suggested they keep the current Chair and Vice Chair another year until we get on more certain ground.

Frost said she would like to nominate Matt Keating as Chair.

Keating thanked **Frost** for the vote of confidence. He appreciated it, but he thinks Commissioner **Berney's** observations were correct. And he would, at this point decline the nomination with respect and supported a continued leadership team of Councilor **Pishioneri** and Mayor **Holston**.

MOTION: Keating MOVED to nominated Joe Pishioneri as Chair, and Kathy Holston as Vice Chair for another 12 months; Berney SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS

6. APPOINT NEW BUDGET COMMITTEE MEMBERS AND BUDGET OFFICER:

MOTION: Fleck MOVED to appoint Chrissy Hollett, Lisa Arkin, and Kathy Lamberg to the LRAPA budget committee for 3-year terms and appoint Nasser Mirhosseyni as the LRAPA budget officer for the FY2022 budget; Berney SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS

7. REVIEW MULTI-YEAR BUDGET FORECAST FOR FY2021-2025:

Mirhosseyni presented the report.

Pishioneri said based on figures that are in the current business model staying the same, we will see a decrease. He asked if it was due to staffing costs? **Mirhosseyni** said that was correct, the new Director will begin at a lower rate. **Pishioneri** asked if that is continuing our policy of about a four to 6%, automatic merit increase per year. **Mirhosseyni** said that was correct.

Parisi asked if we were fully staffed for Cleaner Air Oregon, she thought there was another position that had to be hired? **Mirhosseyni** said we are fully staffed. But we are also contracted with Oregon Health Authority for some of the work.

Saxion asked if assuming the existing staffing levels remain, what percentage of LRAPA's budget could be viewed as discretionary? **Mirhosseyni** said about 80% of our cost is staffing and it is a discretionary fund, and perhaps travel changes the funds that are available That has been as much as about \$40,000 annually. It is a combination of travel and training and also dues which we pay on behalf of staff to professional organizations. And that is not part of the discretionary funds.

Berney said you mentioned dues for staff that are for professional organizations. He was not trying to suggest he was critical of that, but the Board of Commissioners recently did a review of cost to the Board and we actually made some adjustments. His request is could you delineate out for this Board, just so we could see what those numbers are, what those organizations are, and what those costs are? **Mirhosseyni** replied that it is in the Budget document and is delineated as a line item, you can see it very clear the budget for it is about \$7,000. And that is all of the professional organizations, which normally the staff belong to, or perhaps these are training costs. **Berney** said he was not suggesting it is too much. He was requesting a breakdown of the costs. So, we can just look at which members of which organizations, and know you identified that some of it is dues and some is training. If you can just provide as clear a picture as possible on a piece of paper? That would be great.

Pishioneri said he was wondering the same thing; He wants to see how much is travel? How much is training? And how much is dues and the organizations that are being paid. What does the organization do? What are those organizations and what are they being paid for? And how do they help LRAPA? Just delineate that on a document and send it out via email to the Board. That would be sufficient.

Keating said he would like a pie chart showing the support from various agencies from the state. Where are all the dollars coming in from? **Mirhosseyni** said if we go back to the first slide, that shows the sources of funds, permit fees, state, and EPA funds.

Keating asked if support from our municipality and from the county, from our various agencies, fall into the 7.5 for local funds bucket. That is question number one. Question number two, I want to thank Merlyn for the communication in regard to the observation about the Governor's budget, and ultimately, where the legislature may land. How can the Board assist your efforts in advocating with our delegation, to help increase that particular line item. So, kind of a two-pronged question, One for Nasser and one for Merlyn.

Mirhosseyeni said all the local dues adds up to about 7.5% of our core budget.

Keating said it would be helpful if he could see the 7.5% broken down in the future.

Mirhosseyeni said when we requested our local dues, there was a staff report which included all of those funds by entity, and he could forward a copy if that helps.

Hough explained that this is core budget, there are pass through things like the Targeted Airshed Grant for Oakridge. Most of those dollars are just pass through for this project. The only part that Nasser captures is about 5% that is involved with the administration of some parts of that program. But as far as your question about the state general fund, we have been encouraged by the responses, we continue to be encouraged by the responses we have gotten from local legislators at this point. Senator Lee Beyer and Representative Nancy Nathanson are putting together a letter for the Lane County delegation to consider sending to the Chairs of the Ways and Means to ask for the policy option package that would increase more significantly that 7.5% on this chart.

Fleck said during the time he has been with his agency they have certainly gone through much worse situations than LRAPA's worst case scenario. He wondered if they needed to reword it. And this was obviously just for your future successor. But, you know, if all of our agencies reduced or eliminated their fees, we would lose state and federal funding because of our lack of Maintenance of Effort. We do not want to say the sky is falling either. He was having some heartburn over worst case scenario, because there certainly are a lot worse scenarios than what we are projecting here. **Mirhosseyeni** agreed 100%. He understands some of our partner agencies are losing staff. Unfortunately, we are bound by the numbers.

Parisi said we have a target 120-day fund balance. And it looks to her that at the end of five years, even in our base case that we are holding some \$500,000 above our 120-day fund balance. Was she reading that correctly? **Mirhosseyeni** said that was correct. **Parisi** added that is without the \$125,000 extra requested from DEQ, which would trigger more MOE from EPA. That would be if you get the \$125,000. Does that add \$250,000 from the EPA? **Mirhosseyeni** said it does not. **Parisi** asked what the EPA MOE is if the \$125,000 comes through. **Mirhosseyeni** said it is the amount of expenditure, the amount of effort you have to spend to qualify for the base, the base is going to stay the same. Best would be is if the new administration adds the 10%. But the concept of the MOE is the expenditure is what matters, you have to spend the same dollars to the base they provide. **Parisi** said we would have to show expenditure of \$125,000. And then EPA would match that expenditure.

Hough said that the MOE is specific to non-federal, non-Title V, so there is the amount of local state and non-Title V permit fees That's what has to meet the MOE, it has to be an equal or increasing amount to that. **Parisi** said in a nutshell, if we get more money from DEQ, it does

increase potentially the contribution from the EPA from the funding stream. **Hough** clarified that it helps protect the federal funding, but there is no automatic increase in federal funding. When we increase the state funding, it helps protect the federal funding we receive.

Parisi said she would like to see more detail for the past five years in the escalation of permit fees. The history of that and how much it is increased over time. It is hard for her to quantify the financial impact to industry, and to our permitted entities, without a little bit more context.

Holston said she wanted to point out that fairness does not work for a budget. It is a matter of whether or not we are allocating funds appropriately, whether or not our expenses are in line. And whether or not our income is such that it supports the mission of what we are doing.

Guidero said she wanted to mirror a little bit of what Jeannine was saying about the fund so far above the 120 days. She thought she also brought this up last year. It does not make any sense to her to keep it that far above. She knows we have the Maintenance of Effort that we need to keep up with. So as a potential solution to that would it mean, still show Maintenance of Effort, if we were to offer, say, grants to refund permit fees, where we were taking them in and then sending it back out? She feels very strongly that sitting on that much cash reserve is not fair to essentially the customers of LRAPA.

Mirhosseyni said the Maintenance of Effort is the expenditure part. But if you send a refund, he does not know if that categorizes as an expenditure. But he agrees, as far as you know, the 120 days is targeted. Because our auditors think we should have more than 120 days, 120 days is the minimum they recommend. **Guidero** asked what do they recommend if 120 is the minimum? **Hough** said three to six months is the standard auditor recommendation that we have had every year since he has been Director. And the Board settled on 44 months, 120 days as the minimum target that would start turning on red flags in our dashboard report to the Board. So about three to six months is what they recommend that we maintain.

Guidero asked if 120 days is where we are supposed to start getting alerted. We have not even hardly hit even double that, at any point since the budget crisis that we had years ago. **Hough** said we have not flagged that since we started the dashboard report, and the Board established 120 days. But in the meantime, from 2005 to 2015, we had been working on trying to get up from single digit days. And that will be part of the auditor's report, probably next month. You will see they usually show the trend in the number of days reserve as a result of their audit function.

Guidero said she said grant, and Nasser said refund. She thinks there may be a difference in the meaning with how an outside agency may look at sending some of that money back out, whether it was called a refund or a grant.

Berney said this is probably a really dumb question. And he is going to request a yes or no, and not an explanation. Do we have about half a million dollars sitting out there above and beyond our reported reserves? **Mirhosseyni** said no, although you could interpret it as that. It could be half a million dollars. You are right. **Berney** said, so in addition to the reported reserves, we also have a half a million dollars out there? **Mirhosseyni** said it fluctuates.

Fleck asked Merlyn how are we doing on the backlog with our permits? **Hough** said Max is closer to those details than he was. **Hueftle** said it depends on which type of category of permit, Title V, we are at about 40% backlog. Those are administratively extended beyond their expiration date and almost half are administratively extended. We do better as you go down in complexity, Standard and Simple ACDP's are at about 25%. Overall, we are about 28%, if you include all three of those.

Fleck said the reason he brought this up was rather than reducing our spending, he thinks the answer actually is we need to hire some additional permitting folks. Because he thinks that there is a misconception versus where we are at staffing wise and money wise. We have kept our staffing low. And we have this backlog. And if we are suggesting that we have too much money, the answer is not to give it back, but to hire the staffing that we actually require to do the permitting that we are behind on.

Keating asked about the staffing numbers. The height was 23.5 ft. In 2008. The lowest was 13.9 in 2014. And our current compliment is 19. Is that correct? **Mirhosseyni** said that was correct.

Holston asked how do you go about reducing the backlog? Would more staff actually reduce the backlog? Or is there another reason why you have the backlog? **Hough** said that staffing is the key. We did increase staff to address Cleaner Air Oregon, but there were new, more complicated programs that came with it. The backlog is a direct result of just not having enough hands on them.

8. OAKRIDGE AIR PROGRAM UPDATE:

Josh Proudfoot gave an overview on the latest update.

Parisi said there was lots of good news packed in the report. In the LRAPA expense report, under the TAG grant, there was quite a bit of expenditure, but only 1 or 2% in revenue. And the way she interpreted that is we have not gotten reimbursement from the federal government yet. And she was just wondering if there is any disconnect between expenditures and you guys getting your funding? Because she knows that we have had that happen with federal grants at EWEB where we just cannot get paid. **Mirhosseyni** said we are the grantee, and the director is the grantee, and LRAPA, the direct connection to EPA. We are on a reimbursement basis; we report expenses as soon as they happen. And the revenue may not materialize until we request and receive those revenues. Because it is a five-year program, and from this point on, we are going to basically budget the balance remaining. The numbers are not going to be very significant the first few years until we get into the meat of the program.

9. ADVISORY COMMITTEE:

Jim Daniels said they met in January and then two days ago for their February meeting. The main topic has been a flyer on alternatives to outdoor burning. We had a subcommittee working on that. In January, we looked at the first draft, and made some revisions. And now we have a final draft that we would like to show to you at your next meeting. Also, we had two candidates for committee membership that we interviewed, and if there's space in the agenda, we would like to have them come to your next meeting for you to vote on their appointment.

10. DIRECTOR'S REPORT OF AGENCY ACTIVITIES IN THE MONTH OF JANUARY 2020:

Hough said normally January is one of our most challenging months for home wood heating emissions. But we had an overall good month. Better than usual for January with all the days in the green and yellow category, no orange or red days.

Some highlights from the public education section are the outreach, Cleaner Air Oregon, interagency outreach with the community with JH Baxter, and also Oakridge Air. But there is one thing that did not come in time for the packet. This is the Oakridge redesignation request and Maintenance Plan. We have asked the Citizens Advisory Committee to have this on their next agenda, March 30th. We ended up having time to spend about 25 minutes just talking about the highlights during that meeting. We had this slideshow prepared for a meeting Tuesday afternoon with the Oakridge area stakeholders quarterly group. It is now drafted, and we are putting this out for public review, Citizens Advisory Committee, and the stakeholders in Oakridge Two key groups will be coming back to you during one of your next meetings in April or May to ask you to authorize a public hearing on this. The plan is to try to get this submitted through the Environmental Quality Commission and to EPA by the end of the year.

11. OLD BUSINESS:

Pishioneri said he will keep everyone informed on the Executive Director search as it moves along.

12. NEW BUSINESS: NONE

The meeting adjourned at 1:50 p.m.

NOTE: March 11, 2021 meeting will be held via Zoom – details to follow

Respectfully submitted,

Debby Wineinger
Recording Secretary