



MINUTES
LANE REGIONAL AIR PROTECTION AGENCY
BOARD MEETING

July 8, 2021

VIA - ZOOM

ATTENDANCE:

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

Others: Jim Daniels – CAC Chair; Merlyn Hough; Alex Gavriilidis; Anthony Jones; Rebecca Brown; Keina Wolf-LCOG; Paul Nielson-Isler

Staff: Steve Dietrich; Debby Wineinger; Nasser Mirhosseyni; Travis Knudsen; Beth Erickson; Colleen Wagstaff; Kelly Conlon; Lance Giles; Nasser Mirhosseyni

- 1. OPENING:** Pishioneri called the meeting to order at 12:20 p.m.
- 2. ADJUSTMENTS TO AGENDA: 6, 7, 8, adjusted to address ZOOM issues ***
- 3. PUBLIC PARTIPATION:**

James Hugo

He lives out in Thurston right next to International Paper Mill in the 50s block, not off the highway, but over back behind the storage units. And he has been noticing for years some awful smells, offensive odors. He has complained in writing to the city of Springfield, and taken part in meetings, and had conversations with Travis with LRAPA. He submitted some testimony (in writing) as did his roommate. They are currently facing some health concerns dealing with their primary care providers and people in his household have high levels of carbon monoxide in their bloodstream. He is waiting back on test results. But there's definitely a concern. His family is low income. They are on disability and there's many more residences within a mile around that are all low income and can't afford to move. There is no place to move since the fires happened last year. Environmental concerns are obviously the most concerning for him. In the last two weeks, we've had really bad heat waves happening. And the mill still operates dredging their ponds that are already labeled toxic EPA waste sites. And so there's some contractor from Texas that's doing the dredging of the mill ponds and it's causing a lot of problems for himself and family. He wanted the board to be aware of that, maybe you are already aware of it. He is also really concerned about the class status with the board and with the community. He is just curious how many people on the board would fall in the category that he is, low income. And then there's the racial status, how many people of color on the board, how many people of color work at

LRAPA? There is a lot of people who live around the mill that are minorities and people of color. And we are being affected by the mill. He would really LRAPA to help get involved with changing the regulations with what's allowed currently with places like International Paper. There's other places in Lane County that are doing the same thing. He would love for LRAPA's Board to do something more than what they're doing. He appreciates what you're doing already. He is glad this organization exists but feels like maybe LRAPA can do a little bit more. And maybe expanding the board, maybe letting the same amount of individuals, nine people on the board, maybe have nine more community members that are low income, people that are like himself. And there should be more monitoring stations. It's unacceptable that there's only two monitoring stations in Springfield. One is downtown Springfield, and then the other ones at Thurston High School. He lives down the street from International Paper, he can see the stacks. No idea what the parts per million is coming out of the stacks. He has the right to know what he is breathing.

Mr. Hugo also said Chris Kilcullen was a wonderful, outstanding Individual. And unfortunately, was murdered right down the street from his house. Everybody meets there once a year. His idea is to have Lane County build a statue of him and put a monitoring station right at the edge of the property. Near International Paper and also the highway. You can monitor the pollution from the emissions from the cars. And we would be able to remember Chris every time he drove by it.

Comments from Board Members:

Guidero said today will be her last meeting as a member of the board of directors. It is finally time to cut the cord and stop living in limbo between two houses. One of the things that's really been holding her back is her ability to sit on this board is rare to find and a volunteer appointed position where you feel like you can actually make an impact with an agency. So it's a responsibility not to be taken lightly. What we do here not only impacts the health and wellbeing of our community, but also plays a major role in our regional economic viability. Industry is the economic backbone of our economy. She believes very strongly that how aggressively we pursue air quality standards has significant bearing on whether a company would choose to locate in Lane County. Byproducts of industry are inevitable. What is not inevitable is whether they are produced in a place like Lane County that is committed to holding industry accountable. They could just as easily be produced in a place globally that does not have such stringent standards for public health. Therefore, she implores the board and the agency to continue to foster a relationship of cooperation with our local industry partners, keeping compliance at the top of the priorities rather than punishment. If we push industry out of Lane County, we may add a modicum of safety for our citizens, but lose not only well paying jobs, but will likely ensure those processes continue to operate in other places with less oversight. As her time wraps up, she would like to make a couple observations and recommendations. While reviewing the paperwork for the hearing later today, she noticed that LRAPA's website doesn't have any photos of the enforcement staff available. I'm sure the staff wants to stay anonymous in their personal lives. She feels that the safety of citizens to know who is asking to come on their property. She really didn't feel that a business card is adequate ID. And she brought this up almost two years ago when she joined the board. And she would love to see something happen with that. The other piece is as she starts to turn towards a more rural lifestyle. It's become really apparent to her that the makeup of the board, the only member of the Board of directors that is supposed to represent Lane County is the county commissioner. And for the last couple years, at least, our county commissioner is even from an urban district. And while she appreciates that every member of the Board tries to have the best interests of the entire community in mind. She feels every member

tries their best to understand the concerns of all residents, urban and rural. It's hard unless you're surrounded by the rural life to understand the specific concerns in lifestyle if you aren't living it. She will call on the board to consider adding additional representations outside any city limits. For a long time, it's been up to the board members from smaller towns like Oakridge and Cottage Grove to try to bring up the issues of rural Lane county, and she doesn't feel it's enough. Thank you for this opportunity. And she looks forward to serving with many of you in the future.

Pishioneri thanked, Gabrielle. And said that we had provided direction requesting that a picture IDs be created and worn by staff. And that's moving forward. **Dietrich** said that was correct. First thing he did is make sure we actually have them, especially for the inspectors that go in the field, and that they actually use them. As far as information on the website. We're in the process of examining how we're going to revise our website to include additional information like has been suggested here today.

Berney wanted to respond to a couple of things. It's something that both Gabrielle and the speaker mentioned, which is Board diversity. He is prepared to see if one of the rural commissioners would like to serve on the LRAPA board as it relates to that. He knows that's not really completely getting it, but it's partially getting at your point. It may be that that transition wouldn't occur till the end of the year. And he also thinks he knows Mr. Hugo another last name. But nonetheless, Mr. Hugo's point is well taken, he didn't think there's any plot conspiracy to have the ethnic makeup of boards or gender makeup what they are. He read both Mr. Hugo's and, Jesse Lynn's emails to us as part of the public record. And what he's learned from them is they had tons of specific complaints. But he didn't know the disposition of whether those were legitimate complaints, whether they were made in the wrong or not. And that's why LRAPA staff hasn't gotten back whether those were improperly presented on his part or not. And if that's why staff hasn't gotten back to him. He would like to know, Mr. Hugo's specific complaints. And LRAPA's response to those.

Saxion said he would also like to find out what LRAPA's response would be to the concerns expressed by Mr. Hugo and others. He knows that Lane County is in attainment for carbon monoxide. But that doesn't mean that there are not hotspots created either by industrial sources or traffic. He would like to get some feedback from the Director on how LRAPA staff intends to respond to these complaints and also identify any possible follow up actions, including perhaps some short term monitoring to determine if there is if there are other sources, either mobile or industrial that may be creating a hotspot, He thinks it's pretty unusual for people to have carbon monoxide show up in their blood, especially if they don't have any combustion sources in their homes like gas appliances. So that was pretty concerning to him.

Fleck wanted to address some of the comments Mr. Hugo made, he agrees with the Board, certainly always look into concerns from the public. But we are an air regulatory agency. We do have standards that we have to stick to. He mentioned diversity, and he agrees, but most of us here are actually elected officials from our jurisdictions. The makeup of this board is actually dictated by the legislature. For us to add members to this board, we would have to go to the legislature and ask them to add positions to this board. Springfield has one appointee, and Eugene has three and is based on population. He is not sure how the calculations would work trying to add more members. But typically, the makeup of this board is based by population in the different jurisdictions. It's not just a simple matter of wanting to have a more diverse board. There's actually quite a bit of regulation that's involved in our agency.

Keating said they have a new member from Eugene, who was appointed by Mayor Vinis. And they had a conversation at the City Council level about gender diversity on this Board. And if his count is right, there are nine members, five of whom identify as men and four of whom identify as women. It is close to being gender balance. But yes, it would be nice to see more diversity throughout all of our elected roles. In the meantime, he thinks something we can do as a regulatory body is promote diversity awareness and cultural competency trainings among staff at all levels. And that includes the Board. And it's something we talked about in great length when we were in our Executive Director search. It appears based on comments today from colleagues, there is a thirst to dive in into and lean into trainings. Mr. Hugo writes that, quote "LRAPA needs to be more involved with the regulatory process". **Keating** agreed. Quote "I am asking LRAPA Board to please take my concerns seriously. I'm very concerned that our environment has been extremely impacted by global warming. I would suspect you'd be hard pressed to find global warming or climate change deniers who served on this board. And if there are, I would ask them to at least recognize that they don't believe in science" **Keating** looked forward to having larger conversations about diversity awareness and cultural competency training within this body.

4. R. ANTHONY JONES APPEAL OF CONTESTED CASE HEARING TO BOARD FOR NCP 20-3818:

Good afternoon, everybody. My name is Alex Gavriilidis. I am the attorney that represents LRAPA, primarily related to contested case hearings. And Mr. Jones has joined us as well. The case number for the notice of violation is 20-3818. I want to go over Title 14 regulations as it relates to the Board's appeal, the scope of the appeal, and his understanding of it. We will read what Title 14 says in the appeal to the board of the hearings, officers final order. The review by the Board shall be confined to the record of proceedings before the hearings officer. The Board may not substitute its judgment for that of the hearings officer in making any particular findings of fact, conclusions of law or order. As to any finding of facts made by the hearings officer the Board may make an identical finding without further consideration of the record. His understanding is what the Board is tasked with today is either affirming the hearing officer's decision, reversing it, or remanding it. And Title 14 gives some information on that as well. Disputed allegations of irregularities in procedure before the hearings officer not shown in the record, which if approved would work reversal or remand the Board may refer the allegations to another hearings officer appointed by the board to take evidence and make findings of fact upon them, the Board may affirm or remand the proposed order, the Board shall remand the order only if it finds the proposed order to be unlawful in substance or procedure. But error and procedure shall not for remand, unless the board shall find that substantial rights of the appellant were prejudiced. And then subpart B is the proposed order is not supported by substantial evidence in the record.

Keating asked about a clause that cited that the respondent was neither cooperative nor uncooperative. He found that to be confusing. Is that because the respondent was removed from the actual scene where there was this alleged burn. **Mr. Gavriilidis** said that was specifically from the administrative law, Judge, He can't really answer that, although he believes there was some evidence in the record as it related to Mr. Jones. He thinks he initially did permit Mr. Morrissey to enter the property. At one point, though, he did tell him to leave. And so that may address that. He believes it's up to the board to allow oral arguments. But he was sure Mr. Jones would like to be afforded an opportunity to speak, at least maybe for what the board allows with respect to timelines related to that.

Pishioneri said as the Board Chair, he would recommend that Mr. Jones have an opportunity to speak to the board. And he believes that Mr. Jones has been provided the guidelines as far as actually what the Board can hear or take into consideration, in regard to adding additional things. Mr. Gavriilidis, could you please set some parameters. **Mr. Gavriilidis** said he would only state really what the Board is to consider is what is within the written record, what's been submitted at the hearing. And then through this appeal process.

Keating wanted to clarify that Mr. Jones has the same amount of time as anyone who would address the Board publicly with a three minute limit. **Pishioneri** said not necessarily going to put that burden on him and let him use his time wisely. And be considerate of the board's time.

Mr. Jones said there is a lot that he would like to say, but he understands he has to keep within parameters. For him, this seems like quite the path to where we're at right now. It's kind of disheartening unfortunately for him. Just speaking to concerns for this whole conversation and where we're at, and why I would like the board to reconsider the hearings officer decision. Even Gabrielle said, not having identification, not knowing who people are at your home. For him that's how this all started. Not knowing who Mr. Morrissey was, no identification on vehicles, no identifying shirt. No lanyard, presenting himself as LRAPA an acronym, not Lane Regional Air Protection Agency, not knowing who that is. Which, speaking with others, there's just not a whole lot that he would have known and who he is. Yes, our interaction did definitely start off as he didn't know who he was, he thought he was a salesman. Stepping out and approaching him, and then taking him out to the site, he had nothing to hide. And then that's where things got awkward, he felt very disrespected. He feels LRAPA wasn't the only agency he had dealt with. The local fire department showed up on the actual day in question, where LRAPA actually showed up three days later. He was told everything looked great. He had talked about this with neighbors before all this. He tried to do his very best to reach out and do diligence for this. He feels like there's a disconnect between what the local fire department told him, and what Lane Fire authority had told him. Whereas he believes there should be some learning from this, does this person in good faith try to do what's right, was conflicting information given to him. None of this was taken into consideration. He feels even the response to his appeal from **Mr. Gavriilidis** saying that a lot of my points are irrelevant. He doesn't find falsified evidence as irrelevant. I don't find the fact that the only factual evidence is someone's word, hearsay. What did this person say, evidence from three days later where it's not the same pile. He made that very clear. It seems like was not looked at correctly, because he wasn't afforded an opportunity to clarify himself. He was found guilty before anything had happened. Saying even the content of the pile is irrelevant. Being a nuisance when he was told he wasn't being a nuisance, is very concerning. It feels like it was really an abuse of authority for Mr. Morrissey to sit there and not want to work on community relationships. When someone's at your home and you are feeling disrespected and don't care. He feels like even all his witnesses were thrown under the bus by LRAPA's Attorney saying they're liars. He has surrounding neighbors and none of it matters. He thinks there is a lot that should be learned from this. He was not burning what they said he was burning, not being a nuisance. He respects his neighbors. He definitely wishes things could have been different. He definitely thinks there is a lot to learn from this. Would appreciate if there was any questions or clarifications. He definitely didn't feel like he did anything wrong. And it's confusing for anyone, if you have three departments, and they're all saying something different.

Mr. Gavriilidis said his personal dealings with Mr. Jones were excellent. He was very friendly to me in our dealings leading up to the hearings. And he understands that these cases can be difficult because people feel like their rights are being infringed upon. What he would say is that

the complainant in this case provided good evidence. It was testimony, but it was relevant testimony to the experience, the observations, which were corroborated by John Morrissey, as it related to smoke and dense smoke, which is what the relevant rule prohibits. And so there was kind of a back and forth on whether grass clippings were burned or not. There was some testimony by Mr. Jones witnesses about the density of the smoke. They were never called liars. That would have been inappropriate. But he would question their perception. They were not there in the position of the complainant, where the wind was traveling as the evidentiary record reflects, and that's really what this issue is. The Board needs to make a determination on whether substantial evidence exists in the record to support the hearings officer's conclusion. And really, this ends up being kind of like a speeding ticket. Was the defendant traveling one mile over the speed limit. Was the defendant in this case causing something to burn that was emitting a dense smoke. And the evidence in the record is substantial with that respect. The individual who had firsthand experience and knowledge of the burn was the complainant, Shane Rose. He went in and confronted the respondent or the appellant here, Mr. Jones. He believes he acknowledged, and it's in my trial brief that he wasn't going to do anything about the smoke at that time. He does respect and understands that LRAPA and these other regulatory agencies, it is difficult. It's one of those things where it's strict liability, when you're speeding, it's doesn't matter if you knew it or not. And that is unfortunate. And that's where I am sympathetic to Mr. Jones, that he's had to go through this and it's been frustrating, but that's separate and apart from what the rules require, and what LRAPA's job was in this case. And it's separate and apart from the hearings record, which I believe supports the affirmation of the violation.

Pishioneri said it sounds like what you're referring to is prima facie evidence. **Mr. Gavriilidis** said basically it is a situation where there's a statute, and the statute says no person shall cause, or are allowed to be initiated or maintained outdoor burning of any material, which normally emits dense smoke noxious odors, hazardous air contaminants, etc. And it's a preponderance of the evidence standards. 51 to 49% here. We had John Morrissey, who has years of experience in dealing with LRAPA and outdoor burns. And we did have the complainant in this case testify. There was some additional testimony that was offered by others in his family. He believes that essentially the record reflects that substantial evidence. And the Board has to affirm. **Pishioneri** said he was happy that Mr. Gavriilidis brought up the preponderance level as far as the level of surety and the level of surety to make the finding is like he said his own 51%. It is just like traffic court as opposed to criminal court; criminal court has a much higher level of surety. So that's what we have to keep in mind.

Berney said he has not gone through this with LRAPA before. He listened very intently. He is not a fan of outdoor burning, which may put him at odds with some of us on this Board. Still, we are in the situation we're in. He listened to Mr. Jones, and he put himself in his position. And wondered if he would have behaved the same way. He probably would have reacted similarly. And so his question becomes, how much of the first interface defined the process by which the evidence we're looking at, was obtained? **Mr. Gavriilidis** said he thinks probably one of the most relevant pieces of evidence was the original complaint. He thinks the record should reflect that it shows who the primary complainant was. And that was evidence and testimony from a witness who was actually a vet who was injured. He was a witness who didn't have any impeachable, there was no reason or basis for the judge or anyone to take his testimony as being less credible. And his written complaint and his subsequent testimony. He thinks that was probably the key piece of evidence. And that had less to do with the subsequent contact that Mr. Morrissey had with Mr. Jones.

Fleck wanted to remind folks; this is a quasi-judicial process. And what we're looking at is any finding of facts that we don't agree with, and in reading this, it seems very clear that our process was fair. He will be supporting this decision. He doesn't have any stake in outdoor burning one way or the other. People make mistakes. And usually LRAPA with an agreement not to do it again, we'll waive or reduce fees, which might have been a better process is the only comment he would make. Often folks don't understand LRAPA rules which is why he loves our organization it is normally around education, rather than, trying to bring the hammer down. And so while he certainly understand the mistakes, his role here is as a judge, and was the process appropriate? He believes it was.

MOTION: Keating MOVED to affirm the hearing officer's decision; Fleck SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS

Pishioneri said this board has affirmed the hearing officer's decision. Thank you, Mr. Jones.

Parisi said now that we've concluded that portion of the conversation. She is not speaking for the rest of the Board. But thinks we are sympathetic to the confusion that happened. And at the last meeting and again at this meeting, we have raised the issue around proper identification. She wanted to thank Mr. Jones for bringing that to our attention and it's an issue that we are going to be working on with our Director to resolve. This was a frustrating process for you. But she wanted him to know that there was some good that came out of it, at least for future people who experience interactions with our LRAPA compliance staff. **Pishioneri** said he thinks Parisi is voicing what some of our thoughts were as well.

5. ACTION ITEMS: Consent Calendar

- A. Approval of Minutes of June 13, 2021, Board of Directors Meeting
- B. Approval of Expense Report May 2021 (June 2021-Delayed)

MOTION: Guidero MOVED to approve the Consent Calendar- Saxion SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS

Parisi noted a correction on the June 2021 minutes:

Page 7, paragraph 2 - Oregon benchmarks for five different **erate** creep materials.

AMMENDED MOTION: Guidero MOVED to approve the Consent Calendar- with the noted corrections by Jeannine Parisi. Saxion SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS

Fleck asked about July through May financials. Title V is negative, almost \$30,000.00 and Airmetrics is negative, almost 37,000.00 Did we end up negative in these categories' fiscal year-end. **Mirhosseyeni** said that was correct. We can move budget numbers within those categories to fill in. We were negative as a total budget line item in that appropriation. **Fleck** said general fund is the only place we are positive, and he would assume if we're moving monies between funds, that that would take a board resolution. **Mirhosseyeni** said no, we have about \$100,000.00 which we can move to correct any deficiencies. **Fleck** asked are you talking about your budget? **Mirhosseyeni** said that is correct the total budget if you look at the total expenditures. **Fleck** said we're going into reserves, that was his point. **Mirhosseyeni** said let him make a differentiation between revenues and expenditures. Revenues is okay to be over. Expenditures is where you run into trouble if you know you overspent. The total appropriation if it is sufficient to cover that

deficiency in other categories, the agency is authorized to move money between categories to cover any deficiencies. When looking at Title V there are no deficiency anywhere. The only difference is in revenue, we have received additional revenues more than we budgeted. **Fleck** said he is actually looking at revenues below budgeted amount. **Mirhosseyni** said no, it is correct, actual as opposed to budgeted for the time period. If you look at the totals the total budget is \$606,000.00 and we have spent \$456,000.00 **Fleck** said he agrees with you under budget law. We're not worried about the revenues, we're worried about the expenditures but from a fiscal standpoint, if our revenues are down, theoretically, we should be reducing our expenditures as well. And said he'll just leave it there. **Mirhosseyni** said when we originally set the budget up, we periodically assess those. And the majority of the expenditure for Title V is personnel cost. And originally it is set based on the budget numbers. And then periodically, if there is any huge deficiencies we reallocate staff time to not create too much, in terms of deficiencies.

7*. OAKRIDGE PM₁₀ AND PM_{2.5} MAINTENANCE PLANS-AUTHORIZE PUBLIC HEARING:

Dietrich said he asked Merlyn Hough to be available if there's questions that he can't handle when it comes to the documents, he helped craft those. Basically, the purpose of this agenda item is to make you aware that LRAPA has drafted the Oakridge PM_{2.5} maintenance plan for fine particulate matter and is proposing a revision to the state of Oregon Air Act implementation plan also known as a state implementation plan or SIP. Revisions would actually redesignate the Oakridge and Westfir air shed as attainment for the national ambient air quality health standards for PM_{2.5} and we will also include a 10 year maintenance plan to help keep air quality within the PM_{2.5} health standards. LRAPA has also drafted a separate Oakridge PM₁₀ maintenance plan for coarse particulate matter that includes a proposal to re-designate the area as attainment for that standard as well. We need to hold a public hearing and consider adoption of these plans. And the related rule changes at the September 9, 2021, Board meeting. The process to get to this point so far has been we've been working closely with the city of Oakridge, Oakridge Advisory Committee, Lane Council of Governments, and the Oregon Department of Environmental Quality, Oakridge Air Program, and EPA to develop these documents. The document will be submitted to the Oregon Environmental Quality Commission for their adoption, and then on to EPA for their approval. The proposed hearing on September 9, 2021, would be a joint LRAPA public hearing to make that happen. The board has three at least three options.

- One is to authorize the public hearing on the proposed plan and rule amendments for adoption at the September 9, 2021, LRAPA board meeting.
- Direct additional changes to the proposed rules before authorization of a public hearing. And staff would make those additional revisions as appropriate to the proposal and bring it back to the board with a new request for authorization for a public hearing at a later date.
- Or not authorize a public hearing or consider amendments at this time.

MOTION: Saxion MOVED to authorize staff to conduct a public hearing on draft revisions for Oakridge PM_{2.5} and PM₁₀ maintenance plans. Parisi SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS

Saxion said it's incredible progress that's been made. And he thinks everybody involved should give themselves a huge pat on the back considering where Oakridge was.

Parisi asked if the public hearing will be up in Oakridge. **Knudsen** said the public hearing will be at our board meeting. He thinks there will be outreach to Oakridge, Merlyn Hough might have more historical context to that. **Parisi** said she wanted to make sure it's accessible to the community of Oakridge and Westfir since it really involves their airshed. So anything you can do to make sure that they have access to the hearing would be appreciated. Merlyn Hough said we have had townhalls and things in the past when the plan was being shaped for Oakridge. In this case, it's essentially continuing the things that have been successful in the past to ensure maintenance plus the addition of the Oakridge Air program. That's certainly something you can all discuss and consider.

Fleck said Cottage Grove is going to have both zoom and an in person options. He would assume that would mean LRAPA will have to do that as well. **Dietrich** said we will accommodate all of the new technology we've learned to use in the last year and a half, including zoom.

8*. ADVISORY COMMITTEE:

Daniels said last meeting Robbye Robinson did a presentation on asbestos that was requested. Some of the members wanted to learn more about it. We had the resignation of Kathy Lambert, who is serving as a committee chair. She's resigning due to an injury. And we did not have a quorum to elect a new vice chair. **Guidero** said she had some little background in asbestos. One thing that's not in the presentation is most cases of mesothelioma were concurrent with being a smoker and being exposed to asbestos, it is the most dangerous way to be exposed to it. **Daniels** said it may not have been in the presentation, but he did recall it was mentioned during Robbye's presentation.

6*. LRAPA FINANCIAL AUDIT REPORT:

Paul Nielson from Isler CPA presented the audit report.

Saxion asked if the board will get a copy of the formal audit report for review. Paul said we had to have a third party review of the audit report. And he couldn't get that done in time for this board meeting. As part of our quality control, I have to have somebody independent of my whole team review the audit. But you will have well in advance of the next board meeting.

Parisi asked about the \$38,000.00 correction for Airmetrics. Paul said it was an inventory adjustment. **Guidero** asked does that represent missing inventory? **Mirhosseyeni** said it was personnel cost. Labor that goes into the product.

9. DIRECTOR'S REPORT OF AGENCY ACTIVITIES IN THE MONTH OF JUNE 2021:

Air Quality:

Dietrich said based on the air quality index, for the month of June, everything was good air quality, or moderate, nothing in the unhealthy range.

Complaints:

Dietrich said unusually high complaints for industry with over 100 total complaints for the month of June alone, with 92 of them actually being related to International Paper. Most of those

are spanned a period of time on 13 days in the month with four primary complainants, one of which you heard from today. We are looking at that process for our complaints and getting back to the complainants.

Pishioneri asked what the total number of complaints was. **Dietrich** said the total complaints related to international paper were 92 out of the 100 total complaints for industry.

Guidero asked if there was a process for how often a single complainant can initiate a separate complaint. Because it really changes the numbers if say one person called LRAPA and issued six complaints today. It's not that their problem is diminished but seems like there should be a way of making those one complaint when there hasn't been any time for anything to change. **Dietrich** said the process for receiving complaints is the same for everyone. However, when it comes to investigation and going into the field to investigate those, if we receive 20 complaints from the same complainant that does not mean we're going to go out 20 times, we may go out once that day, We have to assess the environmental compliance and each one of those, and some of them may become more urgent as we do the investigation. We are taking a closer look as we move forward with any changes.

Keating said he was looking at the miscellaneous complaints. And wondered if over the years, there are patterns that are starting to crop up. How do those rise to their own particular category? And he was wondering if there have been or if there were any fireworks complaints this year as well. **Dietrich** said regarding firework events, we actually had an emissions register on our air monitors for two or three hour period of time. Kind of peeking when everyone expected the fireworks were going to take place and a little time afterwards. As far as the miscellaneous category, when does it rise to its own category. Looking at the other categories in that same table. It looks to be based on areas that we can actually regulate as separate entities. whether it's in the form of fugitive dust under regulation actually addresses or industry themselves in their permit, miscellaneous may be a catch all which may start out being a nuisance, but really don't have a regulatory. **Knudsen** said Colleen Wagstaff confirmed there were no complaints regarding fireworks. He also said as far as quantifying miscellaneous over the years, He didn't know if we've actually looked at that closely to see if we have a lot of complaints on this particular item or another. He didn't know the intent of the miscellaneous category. This month we had one for jet fuel fumes, a woman who was concerned about low flying Navy aircrafts, we connected her with resources up in Seattle. We also had a complaint this month on odors from porta potties. This speaks to what Steve said regarding the ability to regulate.

Enforcement:

There were nine total enforcement activities for the month. There were no open burning letters or permit letters this month.

Asbestos Abatement:

We received 46 notices of asbestos removal projects, four of which were from schools that seems to be commonplace this time of year, when School's out, when the work can take place.

Permitting:

59 total for the year as far as total permit actions Title V and ACDP.

National Issues:

Dietrich said he was trying to concentrate on what would be actual interest to LRAPA and the communities in Lane County. First bullet, EPA will reconsider their previous administration's decision to retain pm2 standards or national ambient air quality standards that were set in 2012. However, the current administration is going to take a closer look at that they always go through the process of using an environment, the science and the scientists take a closer look on the health effects. And then the next two bullets are all about the funding. And the reason I'm bringing up the EPA Administrator Michael Reagan testified in front of the Senate Appropriations Committee, as well as National Association Clean Air agencies submitted a support letter for the increase in funding, particularly for Target Airshed grants, \$70 million in EPA budget to distribute over time for the fiscal year 2022. Could have direct effects on what we're doing and the Oakridge TAG, we have not heard the results of that application from EPA.

Public Information:

Knudsen said regarding community engagement our public meeting was June 15th, we essentially went over Cleaner Air Oregon, how it works, how the community can be involved in the process, how the program basically limits facilities based on potential health risks, as opposed to traditional permitting which regulates industry based on the pollutant amount. Also participated in a Beyond Toxics meeting and more of those core team meetings which were about monthly every five weeks or so. They take place with core community members around issues involving JH Baxter. Participated with DEQ on getting ready for wildfire season to coordinate smoke messaging as we see smoke intrusions. We will be sending out this week our postcards to anyone who lives within a mile of one of our Cleaner Air Oregon facilities who are in the program or will be going through the program. As well as additional neighborhoods in the Bethel, Danebo area informing them on the ways they can be informed on Cleaner Air Oregon as well as directing them to our public survey. He also spent a fair amount of time working on the Targeted Airshed Grant.

New/Open Enforcement Actions Status Report:

Dietrich said there were seven new pending enforcement actions. The first three are related to asbestos, Lane County Short Mountain Landfill for inadequate covering of asbestos on a daily basis. And then there's a test for asbestos containing materials and how they were actually disposing and handling on site. And the third one was J H Baxter. Johnson Crushers was for fugitive emissions/dust. Oregon Industrial Lumber Products, they continue to operate a wood fired boiler in a manner that causes ash to rain down on the neighboring properties. Elizabeth Vosburg, (Veneta) outdoor burning violation is pending. Same thing with Jose Contreras. And then previous actions that are being performed, that are still ongoing is Lance Bonar, (Creswell) for outdoor burning, closed now.

10. OLD BUSINESS:

Dietrich said we are still in the process of trying to fill two positions, for one for the Finance Director. And also the Compliance Inspector position. Interviews for both this week and next week. So we've moved from first round of not having successful candidates to be able to recruit and have more interviews set up with some pretty promising candidates this go around for both positions.

And the last note he wanted to mention after tomorrow, Nasser retires and he's trying to close out the budget year and start the new budget year. Also trying to have him learn as much as he can in the next 48 hours.

Everyone wished Nasser a happy retirement. And farewell to Gabriella.

11. NEW BUSINESS:

The meeting adjourned at 2:31 p.m.

NOTE: September 9, 2021, meeting will be held via Zoom – details to follow

Respectfully submitted,

Debby Wineinger
Recording Secretary