



MINUTES
LANE REGIONAL AIR PROTECTION AGENCY
BOARD MEETING

September 9, 2021

VIA - ZOOM

ATTENDANCE:

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

Others: Merlyn Hough – former LRAPA Director, Terry Richardson – CAC Member

Staff: Steve Dietrich; Debby Wineinger; Travis Knudsen; Beth Erickson; Colleen Wagstaff; Robbye Robinson; Laticia Comer
New staff members: Julie Lindsey and Cassandra Jackson

1. **OPENING: Pishioneri** called the meeting to order at 12:18 p.m.
2. **ADJUSTMENTS TO AGENDA: None**
3. **PUBLIC PARTIPATION:**
Written comment via email from Carol Cesaletti sent to the Board.

Dietrich explained that it was regarding a concern where she lives in Eugene, her neighbor has a dryer vent that points towards her property that affects her air quality. The Board agreed to direct her to the proper city authorities.

Introductions:

New Board Member Jenna Knee, LRAPA staff Julie Lindsey and Cassandra Jackson

4. **ACTION ITEMS:** Consent Calendar

- A. Approval of Minutes July 8, 2021 Board of Directors Meeting
- B. Approval of Expense Reports June and July 2021 (August 2021-Delayed)

Fleck noted the end of the fiscal year report shows Title V and Airmetrics, in fact, did end up negative and he is a little frustrated by that. It seems like transfers would have been appropriate. If we need to increase fees and Title V to cover our overhead we should be looking to do that. It feels like there wasn't any recognition that this is a problem having funds that are in a negative balance and that concerns him a bit. He wants to make sure that we're fiscally responsible as an agency.

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

5. PUBLIC HEARING ON PROPOSED ADOPTION OF OAKRIDGE-WESTFIR pm₁₀ AND pm_{2.5} MAINTENANCE PLANS:

Dietrich said LRAPA has drafted two maintenance plans for Oakridge, pm 2.5 and pm 10. Revisions to the state of Oregon Clean Air Act implementation plan, which is also referred as a state implementation plan. The proposed revisions would do the following, redesignate Oakridge and West Fir airsheds as in attainment for the national air quality health standards for fine particulate pm 2.5 and pm 10 coarse particulate. It will also include a 10 year maintenance plan to keep air quality within the health standards. The purpose of this public hearing is to accept comments as part of the process to eventually get these revised maintenance plans to the EQC, and then on to EPA.

Joe Pishioneri opened the public hearing at 12:33 p.m.

No one was present to give public comment.

Dietrich placed into the hearing record copies of affidavits of publication.

- August 1, 2021 edition of the Eugene register guard.
- He also noted that it was posted from July 31 to August 6 of 2021 in the online edition of the Oakridge Highway 58 Herald legal notices
- LRAPA's website, beginning on August 1, 2021
- August 1, 2021 edition of the Secretary of State's Oregon bulletin

Saxion said with all the wildfires and things we know that Oakridge has been affected much more than a lot of other communities. Will LRAPA have to go through this year another process with EPA to get a variance because of an exceptional event.

Dietrich said wildfires this summer have caused exceptional event occurrences to happen, we will need to document and submit to EPA. But he was going to pause our proposal to approve today is because we've also received comments that we need to incorporate into the pm 10 plan from DEQ as well as EPA early this morning. So they can make it into the comment period deadline.

Joe Pishioneri closed the public hearing at 12:43 p.m.

Dietrich said some of the comments we received from DEQ, said our regulations were not any less stringent than what they would propose, and they were okay with the content of the document. However, they made comments for clarification purposes and some of the regulations that we had referenced are outdated. We need to update those references. Comments from EPA sent to us first thing this morning at 7:15 A.M. were more detailed on some of the content. They would like to see us change the wording on how we describe our plan and review whether there's some contingency plans or other requirements that need to be in there. They are also asking for some information to be removed and added to our annual air monitoring network plan. So some of those movements would actually make changes to the document that would seem a little bit more than just minor changes. He is proposing rather than what was originally sent to the board members ahead of time, have this public hearing and rather than approve, he recommends that we actually delay the action on the proposed plan until a later date, pending additional board discussion at future meetings.

Keating deferred to Kathy Holston; he wants to hear what the mayor has to say. But he did have a question. In the background on the issue statement, it references the collaboration between the city of Oakridge, Oregon DEQ, and other stakeholders. He would like some clarification about who those other stakeholders are. It's a pretty broad statement. And now considering the documents we received this morning. It does seem prudent to delay he will defer to the Mayor's judgment in that regard.

Knudsen said in reference to other stakeholders. the city of Oakridge as a partner, Good Company as the grant administrator, as well as local nonprofit agencies throughout Oakridge, such as the Southern Willamette Solutions, or more specifically the Southern Willamette Forest Collaborative, as well as Inbound LLC, which helps operate the community firewood program, as well as another number of other partners and stakeholders. Which extends out to Oregon Health and Oregon State University.

Holston said she thinks the only stakeholder that wasn't mentioned was probably the Oakridge school district. All of those agencies and entities are part of it. She totally agrees that we should just go ahead and postpone a motion on this. She wants to read what the EPA has to say.

Dietrich added that because we do have a timeline that we're trying to adhere to, mostly due to an EQC schedule to make it onto their agenda so they can approve it by May 1st. There's a good chance we have to do an exceptional event submittal to EPA before they can approve either one of these maintenance plans. There's a little bit of a calendar challenge here when it comes to the next board meeting in October, which occurs on the 14th. And we're trying to get verification from DEQ. How many days in advance, do we have to have the information to DEQ to make it to the EQC agenda, which their next meeting is November 12, a Friday. And if it's 30 days, then it makes the LRAPA board meeting one day short of that 30 days. So it may actually mean that we may have to ask for a special meeting to accommodate the amount of lead time that DEQ may require for the EQC to make it onto the agenda. So I'm giving you a heads up there, we may have to do something before the 14th of October.

Keating noted later during the meeting that he thought they missed an action item. It does say staff recommends the second option for the board to delay the action on the proposed plan until the October 14 board meeting.

MOTION: Keating MOVED to delay action until the October 14, 2021, Board meeting - Fleck SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS

6. ADVISORY COMMITTEE:

No meeting in July or August, no CAC report to review during this Board meeting.

7. DIRECTOR'S REPORT OF AGENCY ACTIVITIES IN THE MONTHS OF JULY AND AUGUST 2021:

Dietrich reviewed the following sections from the Directors Report:

- Air quality
- Complaints
- Enforcement
- Outdoor burning letter permits

- Asbestos abatements
- Permitting
- National issues of LRAPA interest

Saxion asked about enforcement actions, when a fine is involved, and LRAPA reduces the proposed fine. Is there documented criteria that LRAPA has in place when considering reductions. He was particularly interested in the case of an industry that has had numerous enforcement actions against them. JH Baxter violated requirements for asbestos removal, and the fine is reduced? **Dietrich** said every negotiation is unique. There was very little disturbance with the asbestos containing material JH Baxter workforce immediately took action. They did the notification, and also the testing of asbestos.

Saxion asked if in addition to monetary fines do you require that a company update or provide more robust training to their workers on what the requirements are? Because it seems like a lot of times, these violations are due to workers not having adequate training or supervision. **Dietrich** said you need to look at how it is corrected and keep it from happening in the future. Aaron, one of our inspectors will give training on site for the staff at JH Baxter on handling and how the rules are laid out for the work they were doing. We also require, they have records of the training, it's given on a periodic basis for all existing staff and any new staff that they hire. Those were added to the requirements going forward.

Saxion said it would be helpful in the summary of these enforcement actions besides just listing what the fine and resolution was to also include some narrative that would explain what you just said. In his experience, fines, maybe get attention for some companies, but really, the training requirements and supervision of what workers are doing is more important to achieve long term compliance. **Dietrich** said we will be glad to do that. But keep in mind, while an enforcement action is under negotiation it has not been resolved. A lot of that information is not available to the public. But once it is resolved and is closed, that kind of information we share with everyone.

Pishioneri said instead of assigning additional work to staff into perpetuity based on your questions or curiosity. We've had Board members contact staff and ask for additional information. I just don't want to continually add things for staff and he's not even aware if the entire board would like that additional information. He will encourage Howard if he has additional questions to contact staff. **Saxion** said he was not asking for more information, more work on staff. These are public documents, and people read them. And I see a fine, and it's been reduced. He thinks there's some curiosity on the part of the public that's interested in this what is LRAPA doing to try to make sure that companies are complying with air quality laws? It could be just one sentence.

Parisi said she agreed with what Howard is saying about the documentation of any mitigating factors. And it doesn't need to be much it can just be mitigating factors, one colon and then just a brief list of what they are. And is there some kind of a way we can tell what the maximum fine is and how much it's been reduced? She only sees the ultimate fine amount. **Dietrich** said we could actually put the maximum fine and what it was reduced to along with the one sentence of cases that are closed, list the extenuating circumstance and/or what the resolution was. But how the negotiation goes could actually change the final number in different ways. When enforcement cases are final, we do have a way to have those available on our website, you can go look at those because their final documents are open to the public.

Holston said she didn't want to add any additional information. But she believes some of this is important. But more specifically, for the board. We have new folks here. And she didn't think she has ever had either dialogue or instructions regarding how fines are levied against violators. And the difference between private entities and business entities, and whether or not she can find more information. Perhaps maybe in a future meeting the Board could have a little bit of education. That way, she would know where she should go to look for more information. When she has questions, she can read things ahead of time to see if she wants to know more about it. She can reach out to this area to educate herself.

Berney said Lane County's first activity in developing climate action was to assess its own carbon footprint, which it had no clue of three years ago. And the largest emitter by far is the landfill and some of the methane that escapes that's obviously far more potent than carbon emissions. He noticed that Lane County Landfill was one of the violators. And he was just in a meeting where we've heard about how great the Landfill operations are. And they are looking at the possibility of more digesters, and anaerobic as well as better methane capture. His question was, what exactly was the fine, what was the activity that you had to deal with? **Dietrich** said it was a couple things, how they're handling methane with an active collection system, which they seem to be where it needed to be, as far as compliance goes. What was noticed was there's a special area to dispose asbestos. And because the material is transferred in orange bags that are offloaded. At the end of each day the area is to be covered. Friday to Monday, that did not occur. And he did his own investigation from the inspection reports that the facility operators actually complete versus what he saw on the field on Monday or Tuesday morning. The following week, he saw that the bags had not been covered. So that's a violation because it wasn't done at the end of the day, he didn't think they have the same operators over the weekend as they do during the week. And so that was his clue that something wasn't right. Basically not covering a special waste on a daily basis was the violation.

Knudsen said public education in July and August, was a lot of time and attention focused on wildfire efforts. Especially as we wrapped up July and got into August with the Middle Fork complex fire beginning, there's been daily meetings with multiple teams that are working on the Middle Fork complex fire that LRAPA has been a part of. Also coordinating on state level with other local health partners on the broader impact of smoke across the state where it's going, whether it's from fires in Oregon or not, as well as issuing air quality advisories when we expect to see smoke impacts to the region. Additional efforts beyond wildfire issues have been our community survey continues to remain open that we've put out in July. He thinks the intent here will be to leave it open for a three month window and then once it's done, close it down and write a report publishing what those survey results are. It seems people prefer virtual meetings, over in person meetings generally. He thinks it makes them a little bit more accessible though. We acknowledge that there are people who may have some technological difficulties accessing July was spent planning a community meeting on Seneca sustainable energy which is in our cleaner Oregon program. They're the furthest along and have a preliminary risk assessment. That meeting was actually last night. And we shared that risk assessment with community members. This meeting was intended to be a hybrid meeting originally scheduled at the Eugene public library as well as having an option for people to participate online. But due to rising COVID cases from the Delta variants, we canceled the in person portion part of that meeting and moved it to just virtually. We did a lot of outreach and coordinating with beyond toxics locally. The Chamber of Commerce both Eugene Chamber of Commerce and Springfield Chamber of Commerce coordinators now making people aware of this meeting, sent out postcards to

anybody living around the facility and a mile around the facility to make them aware that the meeting was taking place.

Parisi said thank you for all the outreach efforts for the meeting last night. She would love to see some of the slideshows. She is curious about some of the background information. She asked to what extent is the fact that Seneca sustainable energy is selling their facility to a California company impacting this process? **Dietrich** said the permits regardless of who the owner is, we look solely on what the requirements of the rules are, unless the new company comes in and changes operations to the point where the permit no longer coincides with what we're trying to do from a regulatory perspective. The permit will have a different name and different owner associated with it in the future. **Knudsen** noted that he just posted a link to the slides in the chat during the meeting and said they are also on LRAPA's website.

Parisi also wanted to thank staff for following up on a meeting with Mr. Hugo, who gave testimony back in July. She hoped that we were able to address some of his concerns. **Dietrich** said we had a meeting with Mr. Hugo and some others from Beyond Toxics were also on the call. It was a very challenging and interesting meeting. He did take the time to circle back around with Board member Joe Berney to follow up because he was also involved in communications with Mr. Hugo. **Berney** said Steve Dietrich just gave the most high level polite description and his understanding was the meeting wasn't that pleasant, communication was difficult. And you're unclear if there will be resolution to the issue. **Dietrich** said we prepared a list of responses to a lot of questions that were sent to us ahead of time. And he tried to set some ground rules so we could stay on track. Basically LRAPA trying to answer the questions that they sent ahead of time. But it was hard to stick to script due to interruptions. And then it escalated by the individual to be unpolite. And using foul language, and accusatory sometimes. LRAPA staff trying to be subject matter experts and answer their questions that we tried to prepare ahead of time, very hard to stay focused. He did hear from Beyond Toxics afterwards. And their participants, were actually embarrassed by the events that took place. And the amount of abuse we had to take verbally.

8. REVIEW 2021 LEGISLATIVE SESSION AND STATE GENERAL FUND DECISIONS:

Dietrich said from the last 2021 legislative session, they focused on new and emerging sources of pollution and sectors specific approaches to reducing greenhouse gas emissions. Senate Bill 762 requires a comprehensive statewide response to plan for and mitigate wildfires with a focus on community preparedness and public health. As part of the public health effort, the bill requires DEQ to monitor smoke grants for community response plans, and enhanced level of service for community technical assistance and communication. The American rescue plan grant funds that we're trying to team up with not only with beyond toxics, but also the city of Eugene. House Bill 2021 is on clean energy. It requires certain retail electricity providers to reduce greenhouse gas emissions associated with electricity sold to Oregon consumers to reduce to 80% below the baseline emissions by the year 2030. And 90%, below baseline emissions by the year 2035. And 100%, below baseline emissions by levels by 2040. Calling your attention to this because eventually it may be something that funnels down into LRAPA those expectations and regulatory responsibilities as well. The next one is health Bill 2165 clean vehicle rebate program extension. It is related to transportation electrification in the state. As part of the bill the original sunset for the clean vehicle rebate program, as well as the charge ahead rebate program, those sunsets were repealed, the rebate eligibility and values were adjusted. In other words, the

maximum rebate from charge ahead Oregon program will rise from \$2,500 to \$5,000. And then the hydrogen fuel cell vehicle vehicles that cost up to \$60,000 are also eligible for rebates. And the last bill that legislature acted on related to environmental is energy rates for low income communities house Bill 762 authorizes the Public Utility Commission to set rates that protect low income customers. The bill also provides resources to support engagement with environmental justice and low income communities to participate meaningfully in the Public Utility Commission proceedings. The only other bill to mention may lead into some other events that we may talk about later, Senate Bill 58 DEQ is going to a paperless system. They are looking at recouping ongoing maintenance costs associated with the IT system upgrade when it comes to passing on credit card fees. Passing that on to the consumer, The bill allows DEQ to impose an annual surcharge of no more than 4% on each fee or invoice generated using the system. As LRAPA looks to redesign its public facing website. We plan to include the ability to accept credit card payments. Right now, we don't have that ability. Putting this on your radar screen for future consideration that we may want to do the same thing to pass that on to the consumer as well. It seems to be something that's allowed for and maybe we will come to you with that proposal in the future.

9. REMINDER ABOUT LOCAL DUES REQUEST TO IGA PARTNERS FOR FY2023:

Dietrich said Senate Bill 5516 passed by the legislature. It restored \$250,000 per biennium of monies for LRAPA, that was lost back as far back as 2008/2009. **Parisi** said she was happy to hear that you were successful in getting those additional funds. Councilor Fleck has spoken about Title V funds deficit, she didn't know if these funds could be applied to Title V, because that's a separate budget. She is curious what the plan is for allocation.

Dietrich said this brings up a discussion that he thinks the board had back in January of this year related to the 10 year plan that was put on hold, To restore local dues that had been lost during the recession. There was a scenario number two, I think it was to put the 10 year plan on pause for one more year, similar to what was done last year. And the adjustments will be done for population and for inflation, but there will not be the other 4% at this time. But it creates another need for maintenance of effort to make sure that that is put in place. And this is a reminder as we go into our budget planning starting later this fall.

10. 2020 WILDFIRE ASBESTOS VARIANCE EXTENSION:

Dietrich said LRAPA has created a variance similar to DEQ's. (some typos in this latest copy that will need to be corrected, before signing). But, we don't have the same authority that the director of DEQ does to extend this variance for another period of time. The Board has to grant that authority to the LRAPA Director. The current variance extension expires on October 1. And I recall from last year reading the minutes of previous board meetings, that you had to have a special meeting in October to actually put the one that's expiring in place for a year. So in order to avoid having to have a meeting between now and October 14, we thought maybe we would be prudent and try to put something like this together now so you could sign as the chair and put in place similar to what DEQ is in the process of doing.

MOTION: Parisi MOVED to approve the variance and have Chair Pishioneri sign the edited version - Keating SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS

Parisi asked about the Directors six month review listed on the upcoming meeting agendas information. **Pishioneri** said he already asked Steve to put together what has been accomplished this last six months. And put together what he hopes to accomplish in the next six months, it's going to be sent out to the entire board. And that way we can take a look at it and discuss it in a timely manner. That way he has clear direction, and that we also have a set of outcomes we can look forward to at the end of the year.

10. OLD BUSINESS: none

11. NEW BUSINESS:

Conflict with November Board meeting date, scheduled for the 11th which is Veterans Day and is a holiday for LRAPA staff. Travis will send out a survey to Board members to see what other day of the month will work.

Holston said she wanted to thank Travis for all the hard work that he has done with the meeting with the Forest Service. Up until yesterday, it was every day. Now we're meeting every Monday, Wednesday, and Friday, for updates from the wildfire. And he has been exceptional in his own in his reaching out and keeping people informed and cooperating so well with what's going on and their smoke reports, adding additional information. And I just want to acknowledge his work and professional attitude and how helpful was.

Keating said in reference to what we discussed earlier community engagement link on website, he was having issues trying to access it. **Knudsen** said it is an embedded Survey Monkey box. **Keating** said it might be intuitive to some if the link to hit was in the disk air quality survey description descriptor paragraph. He requested but didn't want to ask staff to do anything that is going to take up more than 10 minutes of their time. To hyperlink or just some text link in that air quality survey description in the event that folks might not recognize that the box is a clickable link. **Knudsen** said he appreciates the feedback. And will put some text directing people to below as well as even just adding a hyperlink that someone can click on that will take them straight to it.

The meeting adjourned at 2:19 p.m.

NOTE: October 14, 2021, meeting will be held via Zoom – details to follow

Respectfully submitted,

Debby Wineinger
Recording Secretary