



Minutes of the June Meeting for the Governing Board of Directors

Location, Date and Time:

Yakima City Hall Council Chambers

June 10, 2010

Time: 2:00 p.m

1. **Tom Gasseling, Chair**, called the Meeting to order at 2:09 p.m.
2. **Clerk of Board – Roll Call** There was a quorum. All Members were Present.

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| PRESENT WERE: | |
| BOARD MEMBERS: Tom Gasseling, Member-at-Large, Chair Kevin Bouchey, County Commissioner–Vice-Chair Bill Lover, Large City Representative Dick Camp, County Representative Bob Jones, Acting Small Cities Representative | STAFF: Gary W. Pruitt, YRCAA Director Clerk of the Board Staff, Engineering/Planning Division Staff, Compliance/Monitoring Division Staff, Public Education Outreach Staff, Fiscal Program Manager |
| LEGAL COUNSEL: Gary Cuillier, Board Counsel | VISITORS: Larry Fendell, Citizen Jim Dyjack, Citizen Helen Reddout, Citizen Bob Walsh, CWHBA Chad Carlson, Columbia Ready Mix Brice Baxter, Baxter Construction Co. |
| ABSENT: John Tierney, Alternate, Small Cities Rep Rand Elliott, Alternate, Co Commissioner Micha Cawley, Alternate, Large City Rep | MEDIA: Bonnie Lozano, YPAC |

3. **Additions and Deletions to Agenda** – There were none.
4. **Public Comment** – Board Chairman, Tom Gasseling, presented Lyne Monroe an award in recognition and appreciation of her years of service to the Yakima County and the Yakima Regional Clean Air Agency from 1999 to 2010.

Board Chairman asked if there were any public comments, there were none.

CONSENT AGENDA

- 5.1 By consent, approve Minutes of May 13, 2010;
- 5.2 By consent, accept and file May, 2010, Monthly Activity Report.

Bob Jones moved to approve Consent Agenda items 5.1 thru 5.2. Kevin Bouchey seconded. Consent Agenda items were approved.

REGULAR AGENDA

6. **Director’s Report – Refer to written report for detail**
 Gary Pruitt, Director, reported on the following:
Legislative - Staff reported there is no new information on the Federal Budget requests. Staff continues to hope for favorable report as it impacts our funding.

Agricultural Burn Permit Fees – Staff reported on June 16, 2010 there will be a meeting with local agricultural stakeholders to discuss the upcoming agricultural burn permit fee increase and changes.

Toppenish and Wapato Supplemental Income Assessments – The past due local assessments for Toppenish and Wapato were turned over to our collection agency in February, 2010, which was referred back to us. Last month each debt was filed in Small Claims Court for judgment, May 17, 2010. Wapato's was dismissed without prejudice, due to our failure to file a tort claim against the city. The case will be refiled later. Letters have been sent to both cities fulfilling the requirement to file a claim.

The Toppenish case was turned over for mediation with the Dispute Resolution Center on May 27th. Your Director and Dave Caprile will be meeting with the Toppenish City Council on July 6th. Staff will make two points with the City Council; 1) requirement to pay the assessment is not based on any contractual delivery of services; and 2) all residents of the airshed derive a benefit from the work the Agency conducts, and how staff has coordinated efforts with EPA and Tribal Members. Bill Lover offered to attend the Council Meeting with staff.

Wood Stove Change-Out Funding – Staff continues to look for funding for this important program. A staff team has been appointed to identify targets and assign tasks to get funding to provide for replacement of old high-polluting woodstoves. Federal funding will be available up to \$2,500 per stove, and another program by the Senate, the Home Star program. Staff described the process and will be working with local retailers regarding this and any other grant staff is able to access.

Terrace Heights Landfill – Staff briefly reported on the meeting staff had with Yakima County Public Services, Bill Lover, Staff Members, Yakima Health District and representatives of the Department of Ecology. Staff stated the meeting went well, and discussed how staff and the Landfill will be proceeding with sampling has been concluded and waiting for the data to determine how we will proceed in the future.

That concluded the Director's report.

ACTION ITEMS

10. FY 2011 Budget Hearing – 2:16 p.m.

Board Chairman, Tom Gasseling closed the regular Board Meeting to open the FY 2011 Budget Hearing for Budget adoption.

Board Chairman advised that this is the time the public has the opportunity to voice their comments, or questions, on the FY 2011 Budget. There was none.

Board Chairman closed the FY 2011 Budget Hearing at 2:18 p.m. and reopened the Board Meeting and continued with Item 10 for adoption.

Board Chairman asked for discussion on the FY 2011 Budget. There was none. The following Resolutions were adopted:

Resolution 10-003, Executive Director Salary –Bob Jones moved to approve. Kevin Bouchey seconded.

Resolution 10-003 was approved.

Resolution 10-004, Billing Rate Schedule –Bill Lover moved to approve. Bob Jones seconded.

Resolution 10-004 was approved.

Resolution 10-005, Supplemental Income –Bill Lover moved to approve. Bob Jones seconded. Kevin Bouchey asked if it was based on the same rate as 2009. Gary Pruitt responded yes. Bill Lover moved to approve. Bob Jones seconded. Resolution 10-005 was approved.

Resolution 10-006, FY 2011 Budget – Bob Jones moved to approve. Kevin Bouchey seconded.

Resolution 10-006 was approved and adopted.

7. Fiscal Program Report – Approve Accounts Payable, Payroll

Ms. Christa Owen, Fiscal Program Manager, began with May Accounts Payable in the amount of \$21,782.40, and payroll in the amount of \$64,156.35. Staff asked for Board approval. Bill Lover moved to approve accounts payable and payroll. Bob Jones seconded. Motion was approved.

Staff referred Board to the Supplemental Income and Budget Verification Analysis. Staff asked if there were any questions. There were none. That concluded the Fiscal Program Report.

- 8. Appoint Gary W. Pruitt as Auditing Officer and Christa Owen as Alternate Auditing Officer**
Gary Pruitt advised Board that every two years Board must appoint auditing and alternate auditing officer for Petty Cash and Payroll reimbursement. This is a requirement by both the State Auditor and Yakima County Treasurer. Gary asked Board to reappoint him as Auditing Officer and Custodian and Christa Owen as Alternate Auditing Officer and Custodian by approval of Resolution 2010-02.

Bill Lover moved to approve Resolution 2010-02. Bob Jones seconded. Resolution 2010-02 was approved.

9. Third Party Expert

This item's discussion began in the Study Session. Larry Fendell was speaking when the Session ended. Board Chairman, Tom Gasseling, asked Mr. Fendell to continue his comments on the subject.

Larry Fendell, Zillah, WA continued his comments on the Boardman, OR Study he began during the Study Session. Mr. Fendell continued that tests that have been done and studies and concluded that it was a health matter. Mr. Fendell continued with other studies that had been conducted and the health effects from emissions. Mr. Fendell that he and others are working to get EPA involved with the Confined Animal Feeding Operation (CAFO) issues in our area. Mr. Fendell gave his impression of Agency response to the issue and practices of dairies in our County. Board Chairman, Mr. Gasseling stated that as the law now stands we do not have the authority to take action. There was discussion regarding these issues by Board, Staff and Mr. Fendell.

Mr. Jim Dyjack, Moxee, WA commented that he wanted to put a face on the issue at hand. He discussed the gas emissions of nitrogen dioxide and health issues related to it from the National Ag Health District. There was discussion on laws that ties the hands of staff to take action on certain issues at this time. Staff needs to have the law that provides for the Acceptable Source Impact Level (ASIL) that acts as a means of determining whether emissions are harmful to health.

There was discussion on dust issues at the dairies and staff investigations at sites. Staff offered that there may be the potential, but when staff has been to the dairy the dust is not at the level to be in violation. The State Patrol has been out at the dairy in Jim's area. Staff has requested a copy of their report, but they say they have not filed one. Staff has not seen enough dust to cause a violation and cited when they have seen dust at construction sites that were in violation. When staff sees the potential for a violation, staff is to contact the dairy and let them know that they have the potential and to control their dust emissions. The law has put handcuffs on staff with odor and dust emissions from dairies. Board Members gave their input on their tours of the lower valley and the impression of dairies and the problems they are creating now and in the future.

Board wants to protect the public and their rights. Board asked Mr. Dyjack who he wanted to come in. Mr. Dyjack responded EPA as they have no ties with people in the valley. There was discussion on protocol for requesting EPA to come in. Board Chairman asked for a motion on calling in a third party in to evaluate the air (dust). Bill Lover cautioned that we need to look at the motion, and perhaps give it to staff look at it prior to voting. Board needs additional information to be able to make a determination. What is the procedure? Bob Jones moved to have a consensus of Board Members to have staff bring proposals to request a third party. Board authorized staff to bring a proposed motion for Board to vote on at another meeting. Bill Lover seconded. After discussion by Board and staff the motion was withdrawn. Board requested staff meet with Board attorney and staff members to discuss options and contact EPA. Staff will contact EPA about coming in, and submit a proposal to the Board. Staff will draw up a proposal for consulting a recognized third party to determine if there is a substantial adverse effect on public health, and options for Board to consider. Staff added that to bring EPA in "Third Party"

needs to be removed, as they are regulators.

Helen Reddout, Outlook, WA, added that she felt it would not be good to contact the Soil Conservation Districts, or the Department of Agriculture as they were not good to work with in her previous experience with them. Her preference would be EPA. Larry Fendell reiterated his request for EPA to intercede as they have the expertise.

Board asked staff to keep them informed and provide feedback to them prior to the next Board Meeting.

DIVISION/PROGRAM REPORTS

Refer to written reports for clarity.

11. Accept Engineering and Planning Division Report

Hasan Tahat, Division Supervisor, reported that staff submitted the Pre-proposal Statement of Inquiry, CR-101 to the Office of Code Reviser for YRCAA Regulation 400 on May 21, 2010. Staff presented Board with the first draft copy of YRCAA Regulation 400. Staff asked for any comments Board may have when they have had an opportunity to read the draft provided.

Staff reported on meetings they attended. On May 25th meeting with Washington State Department of Natural Resources and the Forest Service regarding the upcoming burn season. DNR will not be burning in the area of Yakima County this season. If they do, it will be minimal.

May 4th staff attended the State Agricultural Task Force Meeting in Spokane, and May 11th the Washington Managers Air Quality Meeting. Staff outlined Division activities for May and referred Board to the air quality graphs. No burn bans were issued in May.

That concluded the Division report.

12. Accept Compliance and Air Monitoring Division Report

Keith Hurley, Division Supervisor, reported on Division activities for May and provided statistics of complaints received and compliance activities. Staff will again request the PM₁₀ monitor be removed.

Staff referred Board to the final PM_{2.5} Emission Reduction Program report. Staff noted that the Agency exceeded its budget by \$4,100.53. Staff added that this budget will show a good return on the money invested in the Program in the reduction of emissions of smoke from dirty wood stoves. Several homes were identified for the Wood Stove Change-Out Program, others as their only source of heat, and educated people on the use of their stoves during heating season.

Staff asked if there were any questions. There were none. That concluded the Division's report.

13. Accept Public Information Program Report

Dave Caprile, Public Education Program Manager, provided Board with a copy of the FY 2011 Final Wood Stove Change-Out Program. Staff outlined that from 1993 to 2010, YRCAA has assisted in the replacement of 1067 uncertified wood stoves. This year's program enabled the conversion of 123 stoves. Staff added that YRCAA was the first agency to target low income households to replace uncertified wood stoves. Other agencies have followed our lead with this concept. We currently have a waiting list of 84 households for the next program.

Staff continued with Public Outreach program. May 7th staff presented an Anti-Idling program at the Selah Transportation Division offices. The main topic focused on health-related benefits of curtailing excessive diesel emissions, particularly in school zones with high concentrations of youth. Staff advised them of grant monies available for engine and cab heating systems through the Department of Ecology.

Bill Lover asked staff to provide him a list of City of Yakima residents on the waiting list. Staff stated they would. That concluded the Program report.

14. Other Business & Adjournment

Tom Gasseling asked if there was any other business. Chad Carlson, Columbia Ready Mix came forward and supported YRCAA Staff. Mr. Carlson stated his interaction with staff in both the permitting and compliance process. He felt staff had treated his staff fairly when they came to their sites for inspections, and complaint responses. They have had violations, but felt staff had been fair with them and helped them understand what they need to do to come into compliance.

Mr. Carlson has had a positive feeling when he comes into the office regarding a permit issue. He appreciates their help, it has provided him with eight-years of training he would not have had for the work he needs to accomplish had they not been good about giving him the time he needs to discuss permitting and compliance issues. Mr. Carlson continued that overall the staff of YRCAA are good people.

Bob Jones moved to adjourn. Bill Lover seconded. Meeting adjourned at approximately 3:15 p.m.

Tom Gasseling, Board Chair

Patty Walker, Clerk of the Board

Audio CD of this meeting is available at the YRCAA.
Minutes submitted to Board for approval July 8, 2010.