

**OCTOBER**

**2017**

**AGENDA**



**NOTICE AND AGENDA  
OF THE YAKIMA REGIONAL CLEAN AIR AGENCY  
BOARD OF DIRECTORS' REGULAR MEETING**

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**NOTICE**

**NOTICE is hereby given that the Yakima Regional Clean Air Agency Board of Directors will hold a Study Session to discuss a petition to adopt a regulation pursuant to its authority under the Washington Clean Air Act to prohibit all dispersal and land application of manure and effluent during any burn ban at 1:30 pm in the City Council Chambers of the Yakima City Hall, on Thursday, October 12, 2017. The Study Session will be followed by the regularly scheduled Board of Directors meeting at 2 pm.**

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***STUDY SESSION @ 1:30 p.m.***

Petition to ban all dispersal and land application of manure and effluent during any burn ban.

*Exec. Dir.*

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**AGENDA**

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***REGULAR MEETING @ 2:00 p.m.***

- 1. Call to Order
- 2. Roll Call
- 3. Additions or Deletions to Agenda
- 4. YRCAA Administrative Code Part A and New Agenda Format Discussions
- 5. Public Comments

*Board Chair*  
*Clerk of the Board*  
*Board Chair*  
*Exec. Dir.*  
*Board Chair*

***PUBLIC COMMENTS***

This is an open public meeting. If you wish to address the Board you may do so now. Public comments shall address items identified on the agenda. Please come forward to the podium and state your name and agenda item you wish to address. To assist board members in hearing as many speakers as possible in the limited time available, each person shall be limited to three minutes; unless further time is granted by the Board Chairman

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***CONSENT AGENDA***

- 6. Consider approving the Consent Agenda items 6.1 and 6.2.
  - 6.1 By consent, approve September 14, 2017 Board Meeting Summary; and
  - 6.2 By consent accept and file YRCAA September 2017 Monthly Activity Report.

**Action Requested:** Approve Consent Agenda Items 6.1 through 6.2.



## **REGULAR AGENDA**

7. Receive YRCAA Director's Report.

*Exec. Dir.*

**Action Requested:** Accept and file Director's Report

### **ACTION ITEMS**

8. Fiscal Reports

*Exec. Dir.*

8.1 Fiscal Vouchers for September 2017

8.2 Payroll Authorization Transfers for September 2017

**Action Requested:**

- Approve Fiscal Vouchers
- Approve Payroll Authorization Transfers

## **OTHER BUSINESS**

9. Other Business and Adjournment

*Board Chair*

**The next Board of Directors Meeting is scheduled for Thursday, November 9, 2017 in the City Council Chambers, Yakima City Hall, located at 129 North 2<sup>nd</sup> Street, Yakima.**

**STUDY**

**SESSION**



## EXECUTIVE MEMORANDUM

**DATE OF RELEASE:** October 5, 2017  
**DATE OF CONSIDERATION:** October 12, 2017  
**TO:** Board of Directors  
**FROM:** Office of the Executive Director  
**SUBJECT:** Petition to Adopt a Regulation

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### **ISSUE:**

On September 14, 2017 the Community Association for the restoration of the Environment (CARE) and Friends of Toppenish Creek (FOTC) delivered to the YRCAA Board of Directors a petition requesting the agency “adopt a regulation, pursuant to its authority under the Washington Clean Air act, to prohibit all dispersal and land application of manure and effluent during any burn ban.” The petition also requests that the prohibition “extend to all forms of manure and effluent, including but not limited to liquid, solid, and slurry manure and to all methods of application, including but not limited to sprinklers, flooding, ground injection, spreading and vehicular dispersal.” (Attachment 1)

In accordance with Revised Code of Washington (RCW) 34.05.330(1), the Administrative Procedures Act, within sixty days after submission of a petition, the Agency shall either (a) deny the petition in writing or initiate rule-making proceedings. November 13, 2017 represents the final (sixtieth) day to initiate either action.

### **DISCUSSION:**

This is the second such petition presented to the Board. On April 30, 2013 the agency received a petition from a Kennewick law firm representing clients from the lower Yakima Valley. The petition requested the agency adopt a similar regulation which would have prohibited the spreading and spraying of manure during the same time as burn bans.

At the June 13, 2013 Board of Directors meeting the Directors voted in support of submitting a Pre-proposal Statement of Inquiry to the Code Reviser in accordance with RCW 34.05.310. The preproposal form, CR-101, was filed on June 18, 2013. (Attachment 2) In accordance with RCW 34.05.310, the agency pursued a Negotiated Rule Making process by which representatives of the agency, the public and the affected industry tried to find consensus on the terms of a proposed rule. The Agency conducted two public meetings in an attempt to develop consensus on the terms of the rule. These meetings took place on July 24, 2013, at 2403 S. 18<sup>th</sup> Street, Union Gap, and on July 30, 2013, at KDNA, located at 121 Sunnyside Avenue, Granger. (Attachments 3 & 4)

On August 8, 2013 the Agency Executive Director, Gary Pruitt, noted in his memorandum to the Board that “Participation was substantial but no progress was gained toward consensus on the terms of the rule. Rather, the major relevant issues to which comments were directed and for which no consensus was gained are: whether the Agency has authority to write the rule; whether the rule is needed; whether land application during burn bans causes any adverse health effects; and whether the rule would provide any air quality benefit. There is apparent consensus that the

Agency should not proceed with the rulemaking process, based on comments against, and the lack of comments for, proceeding with the rulemaking process.” (Attachment 5) By direction of the Board of Directors on August 8, 2013, a letter was sent to the petitioner on September 3, 2013, stating the process had been ceased. (Attachment 6)

**RECOMMENDATION:**

Based on the following it is my recommendation that the Board deny the petition:

1. In spite of passage of four years, there is no indication that any of the participating parties from the previous rule-making process, either for or against, have significantly altered their position on the issue of applying manure during burn bans. Furthermore promulgating a new rule would be redundant, and as such is unnecessary, because dairy nutrient application is clearly governed under RCW 90.64, the Dairy Nutrient Management Act.

2. Promulgating such a rule would place the YRCAA in direct opposition to Dairy Nutrient Management Plans issued under RCW 90.64, and National Pollution Discharge Elimination System Permits issued in accordance with RCW 90.48, the Water Pollution Control Act. I have been informed by Lori Crow of the South Yakima Conservation District and Chery Sullivan of the Washington State Department of Agriculture Dairy Nutrient Management Program that both permits have emergency application clauses that allow farmers to apply nutrients to crops and fields when it is anticipated that storage capacity could be exceeded or compromised by events such as excessive winter precipitation.

3. Title 6, chapter 6.22, section 6.22.020 (Conformance with Accepted Practices) of the Yakima County Code states that “A farm operation shall not be found to be a public or private nuisance if the farm or farm operation conforms to generally accepted agricultural and management practices.” Furthermore, RCW 70.94.640, the Washington Clean Air Act, clearly provides an exemption for fugitive dust and odors caused by agricultural activities that are consistent with good agricultural practices unless there is substantial adverse effect on public health. No evidence exists supporting the rationale that emissions from land application of dairy nutrient during a burn ban are the cause of substantial adverse effect on the public health, or that the practice of land application of manure in any form is inconsistent with good agricultural practices. Also, there are no epidemiologic studies that support a finding of increased health risk of cancer, asthma, or any other respiratory ailment contributed to this specific management practice.

4. The promulgation of such a rule would have wide-ranging impacts not only on dairies but also on all other growers and farmers who rely on dairy nutrient for crops. Such a rule could impose a significant economic burden by requiring every user of dairy nutrient in the Yakima Valley to replace it with chemical fertilizer during any burn ban. YRCAA averages approximately 40-60 burn ban days per year from October through March. Harvest usually occurs in September and may, in some cases, continue on into earlier October. Dairies empty their lagoons in the month of October when preparing fields for winter crops. Emptying the lagoons also enables the dairies to create the necessary capacity for winter storage of nutrient.

5. There is also the question of swapping one practice, applying dairy nutrient, for another, the application of man-made chemical fertilizer, during burn bans. Replacing organic dairy nutrient with man-made fertilizer during a burn ban would, in all likelihood, be more detrimental to the air shed. Based on data contained within the 2011 Emissions Inventory for Yakima County, chemical fertilizer emits approximately 2.4 tons per day of ammonia, compared to dairy nutrient generating approximately .39 tons of ammonia emissions per day from land application. Replacing dairy nutrient with chemical fertilizer would result in increased ammonia in the air shed, and thus increased precursors available for the formation of PM<sub>2.5</sub> during the very time of year in which the community faces the greatest threat from Particulate Matter (PM). It is also important to note that RCW 70.94.645 prohibits the regulation of emissions resulting from ammonia used as agricultural fertilizer.

RECEIVED

SE-13-017

YRCAA PETITION TO THE YAKIMA REGIONAL CLEAN AIR AGENCY

The Community Association for the Restoration of the Environment and the Friends of Toppenish Creek petition the Yakima Regional Clean Air Agency to adopt a regulation, pursuant to its authority under the Washington Clean Air act, to prohibit all dispersal and land application of manure and effluent during any burn ban. This prohibition extends to all forms of manure and effluent, including but not limited to liquid, solid, and slurry manure and to all methods of application, including but not limited to sprinklers, flooding, ground injection, spreading and vehicular dispersal.

DATED this 14th day of September, 2017

Helen Reddout

SIGNATURE

Helen Reddout CARE

PRINT NAME

2241 Hudson Rd.

ADDRESS

Jean Mendoza

SIGNATURE

Jean Mendoza FOTC

PRINT NAME

3142 Signal Peak Road, White Swan WA 98952

ADDRESS



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**

(Implements RCW 34.05.310)  
Do NOT use for expedited rule making

**Agency:**

Yakima Regional Clean Air Agency (YRCAA)

**Subject of possible rule making:**

Land application of manure from animal feeding operations.

**Statutes authorizing the agency to adopt rules on this subject:**

RCW 70.94.141

**Reasons why rules on this subject may be needed and what they might accomplish:**

YRCAA has been petitioned under the provisions of RCW 34.05.330 to adopt a rule which prohibits the land application of manure from animal feeding operations during times when there exists a ban on outdoor burning or on the use of certain solid fuel burning devices. Such a rule might mitigate the emission and buildup of certain air contaminants.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

Washington State Department of Ecology  
Washington State Department of Agriculture  
South Yakima Conservation District  
National Resources Conservation Services  
United States Environmental Protection Agency

**Process for developing new rule (check all that apply):**

Negotiated rule making

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

Interested parties can participate in the decision of the Governing Board of Director's decision regarding adoption of the rule and formulation of a proposed rule, if any, by contacting:

Gary W. Pruitt  
329 N 1<sup>st</sup> St  
Yakima, WA 98901  
Phone: (509) 834-2050  
FAX: (509) 834-2060  
[gary@yrcaa.org](mailto:gary@yrcaa.org)

Interested parties, including the affected industry, county and city representatives, other public agency representatives, the petitioners, and other known parties of interest, will be contacted by mail to invite participation in the process. One or more special public meetings will be advertised and held to provide public access to the process. Subject to the discretion of the YRCAA Governing Board of Directors, a work group may be established in an effort to promote consensus on the terms of the rule. Interested parties may also comment during regular meetings of the Governing Board of Directors. Comments shall be submitted in writing. However, oral comments will be received during public meetings and such comments will be recorded and transcribed for the record. Information will be made available and the process will be documented on the agency website.

**DATE**

June 18, 2013

**NAME (TYPE OR PRINT)**

Gary W. Pruitt

**SIGNATURE**

**TITLE**

Executive Director

**CODE REVISER USE ONLY**



MEETING SUMMARY  
RULEMAKING PROCESS MEETING  
2403 S 18<sup>th</sup> Street, Union Gap – July 24, 2013

YRCAA ATTENDEES:

Dave Caprile – Moderator	Hasan Tahat, Ph.D.	Quatandra Jarvis
Patty Walker – Recorder	Keith Hurley	Bill Lover – Board member
Kevin Bouchey – Board member		John Gawlik – Board member

IDENTIFIABLE CITIZENS:

Meese Smeenk	Jan Whitefoot	Larry Fendell
Jim Dyjak	Eric Anderson	Gary Fendell
Steve George	Kathleen Rogers	Bud Rogers
Bruce Johnson	Stuart Turner	Art Mensonides
Thomas DeVries	Tony Vega	Mike Delp
John Koopman	Andre Penalver	Dan Wood
Steve Jones	Dan DeGroot	Sean Russel
Bill Dolsen	Genny DeRuyter	Jake DeRuyter

*Please note: Comments provided by staff and citizens are summarized and are not verbatim.*

Mr. Dave Caprile, Moderator, opened the meeting at 6:00 P.M., with the introduction of Patty Walker as the recorder, and himself. Mr. Caprile advised audio copy of meeting would be available. He directed those in attendance to the email contact information for Mr. Caprile, Mr. Pruitt, and informed them Mr. Pruitt is ill and not able to attend tonight. He continued with Ms. Walker's email address, and our website where information concerning the petition and meeting locations is available.

Mr. Caprile notified people a second meeting will be held in Granger at KDNA Radio., and advised it is not a continuation meeting of tonight, but the same information will be provided at that meeting as a convenience for people in the lower valley to attend. Mr. Caprile encouraged those in attendance to submit comments and questions in writing. Paper is provided for their use.

Mr. Caprile stated his intention to use the Discussion Paper as the agenda for the meeting as it discusses the rulemaking process. Mr. Caprile added that it is not certain that this rule is needed. That is why we are here. The fundamental idea tonight is how to craft the rule. Mr. Caprile gave background concerning the petition submitted to the Agency, and Board direction to proceed with the rulemaking process.

Mr. Caprile advised those in attendance on the second page of the Discussion Paper, third paragraph, Exemptions - the word "not" was left out of the phrase, ... "rule does apply" ... and asked that "not" be inserted between "does" and "apply". This proposed rule needs some form and substance to which we can refer prior to discussion of the need or authority of the rule. Mr. Caprile read from the Discussion Paper the first topic, "Purpose of the Meeting"; to provide public access to administrative rulemaking, to promote consensus among interested parties, and to solicit comments before filing a proposed rule with the code reviser, RCW 34.05.320.

Mr. Caprile once again stated it is not certain that this rule is needed. It is assumed. He then began by asking for a definition. The standard term is "nutrient", and asked for suggestions if this was not acceptable. Ms. Jan Whitefoot stated she preferred "manure". Mr. Stuart Turner stated - using the term "nutrient" - encompasses more than just solids. Mr. Caprile wrote Nutrient Defined: "All forms of manure and effluent including liquid, solid and slurry." There was further discussion on the definition, effects of different types of ammonia, and other emissions. Mr. Caprile acknowledged comments that should apply to the definition.

The question was raised at what point, and what authority does the Agency have to adopt a rule. This was referred to RCW 70.94.141. A further question again challenged the legitimacy of this rulemaking process. Another questioned who was going to write the definitions and Mr. Caprile responded that it would be developed by reaching a consensus on the definitions.

Mr. Caprile moved to the fourth topic: "Other Agencies That Regulate this Subject"; and read from it the various agencies, Department of Ecology, Department of Agriculture, South Yakima Conservation District, National Resources Conservation Service, and US EPA. He also gave the options for the rulemaking process and provided pros and cons for each; Negotiated, Pilot and Agency Study. Staff feels Negotiated is the best way to proceed as we are able to have interested parties involved, and takes less time than the other two choices. This is more open to comments from the public rather than at a Board Meeting.

If a consensus cannot be achieved in a timely manner then the Agency will determine the rulemaking process by the intent of the petition, or discontinue the rulemaking process and deny the petition. At this time we have been directed by the Board to go forward with the rulemaking process.

There was a question from the audience concerning YRCAA enforcement of other agencies' rules. Mr. Caprile responded the rule should not conflict with other established rules and that we can only enforce on our own (air) regulations and rules.

Ms. Jenny DeRuyter observed that the Clean Air Agency does not have jurisdiction on the Reservation. Mr. Caprile responded that is correct and stated EPA and Tribal Air have jurisdiction within the exterior boundaries of the Reservation. There was discussion regarding jurisdiction, and the issue of their distrust with other agencies such as ours. We are working to build trust with them.

Mr. Dan DeGroot asked if the petition should be read for those in the audience who are not aware of it, or have copies provided. Mr. Caprile then read aloud the initial letter with the petition from Mr. Fearing, attorney from the Tri-Cities, then Mr. Pruitt's response, and subsequent letter from Mr. Fearing offering clarification. (Copies of these letters and petition are available on our website.)

Mr. Sean Russel commented again on whether the Agency had authority to make the rule as stated in the petition. It is his contention the Agency has no authority to make such a rule.

Mr. Caprile asked Mr. Russel to put his comments in writing, which he said he would.

A participant expressed caution to the Agency concerning the Dairy Policy and what it encompasses, contrasted to the proposed rulemaking process, and how they could conflict with each other. Mr. Dyjak discussed the Best Management Practices (BMPs), and his feelings they are not being used. The BMP does not include spraying fields in the winter, and dairy operator practices. Mr. Dyjak's comments were acknowledged and discussion returned to the topic at hand for the rulemaking process.

Mr. Caprile was asked to describe why burn bans are called, and what the average number of days was per year when burn bans are called. Mr. Caprile described the two types of burn bans, one health-related and the other, fire safety. He continued that the average number of burn ban days is about 50, usually including most of the month of December.

Ms. Jenny DeRuyter discussed the petitions, and continued that not all dairy farmers use the same BMPs and some are not practicing them; that the Department of Ecology and Department of Agriculture need to tighten their rules. Ms. DeRuyter understands they are working on it, and asked

Mr. Caprile if he knew, with EPA being the ultimate Agency over the Clean Air Act, do they have such a rule anywhere in the US? Mr. Caprile responded he was not aware of any, he will research it.

Feelings were expressed concerning BMPs not working for the past 20 years, reluctance on the part of regulatory agencies in Yakima County to deal with concerns, and citizens being left out of the process with the Dairy Policy, and the need to have an attorney to present their petition at a Board Meeting. Ms. Whitefoot stated the Right to Farm does not give you the right to pollute the air. She claimed that we have the highest asthma rate in the state, and feels that the petition should go forward.

A citizen asked how many people have been sick in this valley (dairy-related, also stating that there is no study on it. Mr. Dyjak stated they had asked the Department of Health, and was told they do not keep records on who gets sick from what, except asthma. Mr. Steve George offered that the State Department of Labor and Industry did not have any statistics on airborne particulate injuries from dairies.

Another commented that any health problem resulting from dairy emissions is too much; that no one knows how it will affect them, and related the effects on her and her family at their home. The results of the study by DeAnne Williams was mentioned in that regard.

There was a 10 minute break, the meeting resume at about 7:30 p.m.

Mr. Caprile referred people to the website and reported it holds the petition we received, meeting locations, and the timeline. Mr. Caprile centered the topic on the Rule Development Process, and read from the Discussion Paper for the meeting. Mr. Caprile reiterated the rulemaking process; Purpose (must be a clear statement), applicability (to whom does it apply), definitions (terms to which may be different than the dictionary meaning), exemptions (who, what, when and why they do not apply), prohibitions (what would be prohibited), and requirements (all text must be clearly stated), they must all be clear and unambiguous.

He proposed the need to decide a clear purpose, and put aside whether we have authority to write a rule or not at this time. He advised that the rulemaking process can stop at any time, in that the Board will make the decision to continue or not with the process. At this time we are going forward and need to craft the elements of the rule. Mr. Caprile asked for a clear statement for the "Purpose" of the rule.

Directly from the petition, Mr. Caprile wrote: "To preclude the spreading and spraying of manure the same time as winter burn bans." It was suggested to add "/inversions" to the statement. Mr. Dyjak continued with the history of asking the Agency to ban the spraying for two or three months of the year during burn bans, and added they are not to spray at that time of year; it would not be year round and discussed weather, wood heating and inversions. It was suggested to have the word "winter" added.

One participant felt it troubling that this is directed at dairies and not at other industries as well.

There was continued discussion how other agricultural industries use manure, bio-solids from the west side of the state are being brought here, treatment plants in the valley, and practices that should be used at certain times of the year, and the effects on neighbors when it comes off dairies.

The discussion turned to the definition of Confined Animal Feeding Operation (CAFO) – would it include any operation where the animals are confined, it could include sheep, pigs, poultry, etc. The question was asked if we are talking about dairy cattle only? The answer is probably no.

A citizen suggested it is difficult to define the purpose without knowing what the purpose is. There was discussion and a suggestion was made that it is "airborne pollution". It was asked why burn bans are called and suggested that it was when particulates are hazardous to public health. A staff response was that burn bans are, in fact, called to prevent an exceedence of the PM<sub>2.5</sub> National Ambient Air Quality Standard.

Discussion continued on the difference of woodsmoke in comparison to liquid ammonia in consideration of particulates. There was further discussion on land applications on frozen ground, agencies responsible for enforcement of the laws, and those who felt the laws were not being enforced as they should be.

The group was advised that several of those who violated the law last winter were turned in and they have received letters of reprimand for their actions. Another suggested that the word "hoses" be added, as they are being used to pump liquid manure out on frozen ground as well, and feels the operator does not have any consequences for their actions. The term "off gassing" was used to indicate pumping manure that lays on frozen, saturated ground. There was discussion on water, ammonia, absorption, and evaporation. Mr. Caprile offered that burn bans could apply when it is above freezing and people are heating their homes. Mr. Caprile acknowledged applications are not allowed on frozen ground, and asked to move on. One participant suggested allowing the Dairy Policy to work to reduce emissions. Another voiced objection to this as having no confidence in the policy.

One participant stated that this rule-making would be impacting all dairies for the sake of a few that were not handling it correctly and described the difference between storage of liquid, straight manure, and applications. Another comment was that this rule may impact proper handling and could harm another part of the environment. There was discussion on the use of composted materials for orchard and other crops, proper application and timing. Mr. Caprile asked if "composting" should be added. It was suggested it already was included in the terminology used.

Discussion continued on composting and its definition. Mr. Caprile asked if the definition of "Nutrient" was complete. Differing sources of liquid manure was discussed, and it was also asked if treatment plants were included. One felt composting should have its own definition. It was offered by others that there are already definitions in the WAC for all of the terminology used and suggested it could create conflict with the law, and operators would wonder which would apply and feels the WAC definitions should be used.

Discussion briefly turned to the Federal Clean Air Act, when a burn ban can be legally called, and discussed the six criteria pollutants the bans are called to protect the public's health from.

Mr. Caprile continued, we want to try to keep the process going forward. We need to understand if application is creating a health issue, and at what level. Mr. George offered what scientists had stated at the Air Symposium in Idaho – that researchers were asked about health issues; They did not feel it was at a level of concern when being applied. The question was asked how many wanted to move forward and suggested we cannot write a rule when we do not know what other rules are already in place that covers this.

There was concern that a consensus could not be made on the terms of the rule. Another offered consensus does not mean complete agreement, but a majority who could agree on terminology. Also discussed were neighbors of dairies that have been spoken with and how it affects them, and their reluctance to attend these types of meetings, the air quality is getting worse, more burn bans being called, and the lack of monitors in the lower valley. Mr. Caprile acknowledged the comments. However he suggested that they are not specific enough to write in a rule. We need a scientific basis to be able to hold it against a standard.

One participant wondered if she was wasting her time attending the meeting if it is going on deaf ears, is there any compassion for her and her family. She asked the group if they want to go forward with this or not; she further stated that she personally wants it to continue so a solution can be found, she is seeing some movement. Mr. Caprile asked if she wants it to continue by writing a rule and understand the difficulty in writing it. She responded yes, and suggested we find the rules that are in place, and fill in the gaps so the valley is not being affected like it is. She added that she wants the dairy operators to be able to continue their work, and does not want them gone.

Another suggested that perhaps the Agency get together with the Department of Ecology and Agriculture to see what their rules are, identify what agency should be taking care of it before bringing it to this group. Discussion continued with future regulations and questioned if this is needed or not. It was suggested that, although they did not know if it should stop, perhaps it should go to a different level before going here. Another citizen commented he felt it should go back to the Board before continuing. Another disagreed and cited the Dairy Policy Task Force. There was discussion about the process, the meetings, and the funds for it both by citizens groups and task force members in attendance.

Another commented that they would like to hear from others as well who are being affected by dairy operators and come to a collaborative solution to the problem.

One of the parties to the petition stated that they went to the Agency and said we should not be having these meetings; that there needs to be discussion before having these meetings. There was concern expressed that there were others who did not receive letters that should have, those who live next door to dairies. There was discussion concerning contacting people and the short timeline. Mr. Caprile stated he is hearing there is a consensus that you want to stop the process. Mr. Vega asked to have a show of hands.

Mr. Caprile was asked to have a show of hands. Mr. Caprile asked, "Is there anyone here who wants to see this process go forward as originally determined by the Board of Directors from this point forward?" There were none. Mr. Caprile continued there are people who are here that have put a lot of time into this. He continued we need to hear from other people in the lower valley who are affected by this as well. Mr. Caprile responded, we will go through the same process we have tonight and let them come to their own conclusion.

Mr. Caprile stated we have a meeting scheduled next Tuesday. Our intention is to go forward with this process. They should hear what you have heard, and hear what they have to say. There continued discussion on the meeting, what should happen, or if there should be another meeting. Several expressed that they do not feel there should be a rush to go into the rulemaking process, but rather to have the Agency meet with them, the petitioners, to know what they really want. Mr. Caprile acknowledged his comments and affirmed that they, and others, want to back up and see if the Board wants to make a different determination.

Mr. Caprile asked if there was anything else that should be reported back to the Board of Directors. Nothing was suggested. With that Mr. Caprile adjourned the meeting at approximately 8:45 p.m.

MEETING SUMMARY  
RULEMAKING PROCESS MEETING  
KDNA, 121 Sunnyside Avenue, Granger, WA – July 30, 2013

YRCAA ATTENDEES:

Dave Caprile – Moderator	Gary Pruitt - Director	Bill Lover – Board member
Patty Walker – Recorder	Hasan Tahat, Ph.D.	John Gawlik – Board mem.

IDENTIFIABLE CITIZENS:

Don Young	Marvin Mohlec	Dan & Carolyn DeGroot
Stuart Turner	Tom & Heaather DeVries	Jim & Linda Dyjak
Brian Campbell	Noah Struikmans	Bill VanSlageren
George DeRuyter	Ruurd Veldhuis	Jan Whitefoot
Doug Moore	Larry & Loretta Fendell	Levi Gassaway
H. Mensonides – James	Amy Mensonides	Gary & Bev Newman
Gene Haringa	Fred J. Visser	Kellie Wiersma
Pacen Marez	Bob Golob	Sybren Mensonides
Dan Wood	Jay Gordon	Mitch Underwood
Aaron Prins	Tommy VanRuiten	Tom VanRuiten
Randy Schutt	Scott Smeenk	Jason Smeenk
Chris Smeenk	John Koopman	Shirley Thomas
Katie Eims	Beryl Thomas	Jim Thomas
Jim Wiersma	Dale Swager	Hessel Veldhuis
Aulu Brinsma	Art Mensonides	Bud Rogers
Steve Morris	D. Scott Scheff	Keith Sparrow
Marty McGinnis	Steve George	
Jenny DeRuyter	Citizen residing on Hudson Rd.	
Citizen residing on Highland Dr.		

*Please note: This is a summary, and not verbatim.*

Mr. Dave Caprile, Moderator, opened the meeting at 6:00 P.M., with the introduction of Gary Pruitt, Executive Director, Patty Walker as the recorder, and himself. Mr. Caprile advised audio copy of meeting would be available. He directed those in attendance to the email contact information for each, and advised copies of the petition, timeline, and rulemaking process can be accessed on our website, [www.yakimacleanair.org](http://www.yakimacleanair.org). Mr. Caprile advised that handouts are available, and suggested they get a copy if they did not already have one.

Mr. Caprile asked that comments are directed to him, and to keep them civil. Mr. Caprile began by briefly covering the first page of the Discussion Paper, and concentrate on the “Rule Format”, on the second page.

Mr. Caprile began that the “Purpose” of the meeting is to discuss and gather comments on the rulemaking process. He invited people to participate and comment on all points. The rule may, or may not be needed, are other agencies involved, and what process should we use. If a rule is to be proposed, does the Agency have authority to adopt rules? RCW 70.94.141 gives authority. Mr. Caprile outlined the rulemaking process; Negotiated (discussion and consensus), Pilot Rule (referred to the Dairy Policy and Pilot Project which took time to accomplish), Study (which involves more studies), or another process. The Agency chose negotiated. Negotiated involves everyone and gets input to craft the rule.

Mr. Caprile referred to page 2 of the paper. Participation Process – a process by which interested parties can effectively participate in the decision to adopt the rule, the formation of the proposed rule, and the opportunity to provide written comments, and oral comments through meetings

such as this and the one we held last week. The goal is to gain consensus of what is in the rule. Consensus does not mean full approval, but a majority to agree on its contents.

He stated a need for audience help in crafting the rule. Mr. Caprile continued that the rule would not be primarily aimed at dairy operations, since it could include various Confined Animal Feeding Operations (CAFO), beef, poultry, swine, etc. The rule needs to stand the test of law. Before continuing Mr. Caprile discussed a second handout, YRCAA Tentative Rule-Making Schedule, which chronologizes events and actions required. It dictates steps that must be completed by State law. The process may be stopped or interrupted at any level by the Board of Directors. The next important date on this schedule is the August 8<sup>th</sup> Board Meeting. Our Director will report to the Board the outcome of the two meetings we are having, and getting direction from them.

Mr. Caprile explained the reason for this meeting as being part of the process for the petition we received and direction from the Board to proceed with the rulemaking process. Mr. Caprile read a portion of the letter/petition from the attorney on behalf of some concerned citizens that live in the area. The petition is to prohibit land application of manure in all forms during a burn ban.

Statement of Purpose – We need a clear statement of purpose to craft the rule. We want to hear from you to hear what overriding purpose of the rule might be, and asked for comments and suggestions. There was discussion about implication of the proposed rule and a burn ban being called at this time of year vs winter time when the ground is frozen. The application of nutrients, and impact on agriculture in general of this proposed rule. The need to take this back to the Board, meet with the Departments of Agriculture and Ecology and discuss their regulations which are already in place.

Mr. Caprile advised the audience of the need to establish a purpose that can be agreed on, assuming a rule is needed. He asked for help in defining the “Purpose”- is it health related, air quality related, or something else? There was a comment on timing to apply nutrients, and the impact on their ability as a farmer to apply it. Mr. Caprile acknowledged the comment and said time is one of the issues we need to discuss, and asked if there were any other comments. Why do we have any desire to write this rule?

Mr. Caprile asked if there was any desire to write this rule tonight. The response from the audience was “no”.

Mr. Caprile asked for a show of hands of people who would like to see this process proceed at this point forward, in the manner we have described. There were none.

Gary Pruitt suggested we ask if any of the people who were in support of the petition that was forwarded to us by the attorney to write a rule, if they have changed their mind. If they have changed their mind, we would like another letter from the attorney stating they have changed their mind. Mr. Pruitt continued that he will be reporting to the Board about the meetings, and he could write letters to all petitioners, and described actions the Agency must comply with when we receive a petition.

Mr. Steve George relayed he had attended both meetings. His perception is to not proceed with the rulemaking process and suggested preparing a memo to the Board that input is to reconsider the rulemaking process. Mr. Pruitt acknowledged his comment and suggestion, and noted he will be doing a memo that summarizes the meetings, and provide direction to staff.

Mr. Pruitt described the need for their input on the proposed rule, and the desire to have it so the rule is not our words, but yours, the citizens impacted, and the farmers who would have to abide

by the rules. He proceeded with reason we chose negotiated rulemaking process, to gain their input, and can discuss other options and topics.

Mr. Caprile asked people to contact us with information on this issue. There was discussion on who is affected by the practices, scientific studies that have been conducted, how nutrients are applied, injected into the soil, etc. It was questioned how many people it takes to file a petition, names, etc., Mr. Caprile responded it only takes one person, and described what the Agency must do once it has been received.

There was discussion on scientific basis and studies that had been conducted. One citizen referred to the DeAnne Williams, Johns Hopkins, study that was done at their home for a period of three-months, and stated studies have been submitted to Mr. Pruitt. Mr. Pruitt acknowledged he had received scientific information and have read them. The question was asked was any scientific information presented relating to land applications during burn bans along with the petition, and the answer is no. There was scientific information presented with the petition, but none related to burn bans.

Discussion continued on the aspects of scientific studies and burn bans, land applications, impact on farmers, dairies working with the Clean Air Agency with the Pilot Project. One commented on other areas of agricultural practices that were not included in the petition. Mr. Caprile acknowledged comments and stated there are other agencies that have control over them, and what we have authority over.

There was discussion with the Dairy Policy, and those who have participated, and that not all dairies have the same practices for their Best Management Practices, the Agricultural Task Forces who will be working on agricultural practices, and how the Dairy Policy will be implemented. A list of those will be presented at the August 8<sup>th</sup> Board Meeting as well. It may appear it is moving slowly, when in fact, it is not. Mr. Pruitt added there is a feeling by some the Board is not acting responsibly; on the contrary, they are doing an excellent job under the constraints they must abide by. They are being proactive.

There were further comments on the reason for the petition, and areas around burn bans, when they are called and how the rule would impact farmers. One suggested the Agency work with industry concerning these issues and not add regulations on an industry that is highly regulated now. Mr. Caprile described that when burn bans are called, according to the RCW and Clean Air Act, they are strictly limited to burn activities at this time. He continued with the prohibitions presented in the petition of land applications; spraying of slurry, excess from lagoons.

There was a question about the time when this rule would apply during a burn ban. Would it be at any time? Mr. Caprile responded, yes, unless there is a stipulation of the intended time. At the last meeting it was mentioned that it would be during winter months, and that would change the manner of that aspect. It was suggested that perhaps the proponents of the petition seek legislative clarification.

Mr. Caprile stated that before he closes the meeting, is there any objection, before bringing this to our Board, consensus from this meeting that we should not pursue the rulemaking process on this issue at this time. Is there any objection? Mr. Caprile stated, "I see no show of hands." We will recommend the results of this meeting to the Board of Directors on August 8<sup>th</sup>.

As there were no other driving issues to be discussed, the meeting was closed at 7:17 p.m.





329 North First Street, Yakima WA 98901  
Phone: (509) 834-2050 Fax: (509) 834-2060  
Website: <http://www.yakimacleanair.org>

## EXECUTIVE MEMORANDUM

**DATE OF RELEASE:** August 1, 2013  
**DATE OF CONSIDERATION:** August 8, 2013  
**TO:** Board of Directors  
**FROM:** Office of the Executive Director *[Signature]*  
**SUBJECT:** Rulemaking in Response to Petition

---

**ISSUE:**  
Options for Next Steps

**RECOMMENDATION:**  
Determine Next Steps

**DISCUSSION:**  
Based on direction from your Board at your June 13<sup>th</sup> regular meeting, a Pre-proposal Statement of Inquiry was filed with the Office of the Code Reviser on June 18<sup>th</sup> which was published in the Washington State Register on July 3<sup>rd</sup>. This commenced a period of not less than 30 days in which the Agency encourages participation and comment.

Your Executive Director commenced, in accordance with RCW 34.05.310(2), pursuit of a negotiated rulemaking process. On July 3<sup>rd</sup> letters were sent to interested parties inviting participation in the process to provide a means for reaching consensus on the terms of the proposed rule. A tentative schedule was developed to pursue this process. At your July 11<sup>th</sup> regular meeting you directed staff to shorten the schedule, if possible. A revised schedule is attached.

On July 24<sup>th</sup> and 30<sup>th</sup> two public meetings were conducted to allow for public participation to promote consensus on the terms of the rule. Meeting summaries are attached. Participation was substantial but no progress was gained toward consensus on the terms of the rule. Rather, the major relevant issues to which comments were directed and for which no consensus was gained are: whether the Agency has authority to write the rule; whether the rule is needed; whether land application during burn bans causes any adverse health effects; and whether the rule would provide any air quality benefit. There is apparent consensus that the Agency should not proceed with the rulemaking process, based on comments against, and the lack of comments for, proceeding with the rulemaking process. Your Executive Director asks for you direction.

AGENDA ITEM NO. 9



329 North First Street, Yakima WA 98901  
Phone: (509) 834-2050 Fax: (509) 834-2060  
Website: <http://www.yakimacleanair.org>

---

September 4, 2013

George Fearing  
Leavy, Schultz, Davis & Fearing, P.S.  
2415 West Falls Ave  
Kennewick, WA 99336

RE: Petition to Ban Manure Spraying

Dear Mr. Fearing:

The rulemaking proceedings initiated by this Agency on June 18, 2013, in response to your petition received April 30, 2013 requesting the adoption of an agency rule, has been ceased by action of our Board of Directors on August 8, 2013. Efforts to gain consensus on the terms of the rule were unsuccessful, eliminating the possibility of a rule that is acceptable to the clients you represent, the affected industry sectors and the public in general.

To proceed without identifying issues and focusing on solutions would only result in unnecessary delays, added costs to the Agency, affected parties and the public in general and ultimately, legal challenge to the rule. If you have any questions, please feel free to contact me at 509.834.2050.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary W. Pruitt", with a stylized flourish at the end.

Gary W. Pruitt  
Executive Director  
Rules Coordinator

RECEIVED

OCT 04 2017

YRCAA

Gary M. Cuillier

ATTORNEY AT LAW

314 N. SECOND STREET  
YAKIMA, WASHINGTON 98901

(509) 575-1800  
FAX: (509) 452-4601

October 5, 2017

Keith Hurley, Executive Director  
Yakima Regional Clean Air Agency  
329 North 1<sup>st</sup> Street  
Yakima, WA 98901

Dear Keith,

Since I have to attend the annual State Hearing Examiners Association conference in Chelan on October 12 and 13, I want you to know that I find no inaccuracies in your Executive Memorandum dated October 5, 2017 or in the attachments thereto and I am unaware of any legal impediments precluding the Board from adopting your recommendation. The Board in its sole discretion, after considering the pros and cons, may legally either deny the petition or may initiate rule-making proceedings as occurred in 2013. The decision whether to initiate rule-making proceedings is a discretionary legislative policy decision.

The only other subject I might address is Subsection 5.2 of the YRCAA Administrative Code Part A which allows a Board member to refrain from participating in the discussion of a matter involving a potential conflict of interest and to state prior to the vote that he or she is abstaining from voting. The MRSC representative's presentation suggested taking a conservative approach as to personal or business interests that could potentially influence a Board member because they are gray areas and it is difficult to predict what a court will decide. The Assistant Attorney General's opinion dated April 3, 2017, indicated that a Board member may have a potential conflict of interest regarding some specific matters even though the Board member's source of income does not prevent him or her from serving on the Board. Since the opinion was received more than six months ago, it might help to recall some specifics of the opinion set forth on pages 4 and 5 as follows:

"Your second and third questions are closely related, and are therefore answered together. You ask if a member who earns a portion of his/her income from an industrial sector that the board regulates may participate in and vote on matters involving that industrial sector. The

answer is that a board member may be precluded from discussing or voting upon specific matters on which he/she has a conflict, depending on specific facts.

The Washington Clean Air Act requires a board member to declare the nature of any potential conflict before participating in any action review. RCW 70.94.100(6). In addition, the board must remove the member from participation in the action if it believes the potential conflict prevents the member from a fair and objective review of the matter. RCW 70.94.100(6).

RCW 70.94.100(6) provides:

Wherever a member of a board has a potential conflict of interest in an action before the board, the member shall declare to the board the nature of the potential conflict prior to participating in the action review. The board shall, if the potential conflict of interest, in the judgment of a majority of the board, may prevent the member from a fair and objective review of the case, remove the member from participation in the action.

WAC 173-400-220(2) requires board members to disclose any potential conflict of interest before any action, consideration, or participation on a matter and remove themselves from participation or voting on the matter if they have a potential conflict of interest. And WAC 173-400-220(1) specifically requires that if 'a member derives a significant portion of his/her income from persons subject to enforcement orders, he/she shall delegate sole responsibility for administration of any part of the program which involves these persons to an assistant.' Under these requirements, board members have a duty to act on their own possible conflicts of interest, and boards have a duty to act when they perceive potential conflicts of interests in one or another of their board members.

Therefore, the answers to your specific questions will often turn on the precise nature and amounts of the income a board member receives and from whom. For example, if a board member receives more than 20 percent of his/her income from a specific private entity, and the board is

evaluating an action related to that entity, WAC 173-400-220 would appear to require the board member not to participate in that action, because it would require him or her to ‘delegate sole responsibility’ for that decision to others and to ‘remove themselves from participation as a board member in any action or voting on such matter.’ WAC 173-400-220(1), (2). The same result would seem to apply if the board members receives more than 20 percent of his/her income from a group of ‘persons subject to enforcement orders’ and the board is considering action ‘which involves these persons.’ WAC 173-400-220(1). In these specific examples, the law appears to require the board member to remove himself/herself even if other board members believe that he/she could be objective.

In other circumstances, however, it will be less clear whether a board member has a potential conflict of interest under the statutes and rules. For example, the statute and rules do not specifically address conflicts of interest based on personal relationships, but it is easy to imagine a situation where a board member might have a potential personal conflict of interest (e.g., where the board member’s child runs a company subject to a possible enforcement order). Or a board member might receive some of his/her income from consulting work, and a board action will affect one of the board member’s clients who provides 15 percent of the board member’s income. In circumstances like these, a board member should disclose the potential conflict of interest and should likely remove himself/herself from participating in any action or voting related to the possible conflict. But if a board member does not believe it necessary to remove himself/herself for whatever reason, the board itself is required to do so ‘if the potential conflict of interest, in the judgment of a majority of the board, may prevent the member from a fair and objective review of the case[.]’ RCW 70.94.100 (6).”

Subsection 5.2 of YRCAA Administrative Code Part A provides:

“5.2 Silent Vote

If a Board member remains silent on a voice or role-call vote, the Board member shall be deemed to have voted ‘aye’, or yes, on the question presented. A Board member who has any conflict of interest in the matter being voted upon, or who is otherwise disqualified from acting, shall

Keith Hurley  
October 5, 2017  
Page 4

announce prior to the actual vote that they are 'abstaining' or 'not voting'. If a member has determined that they have a conflict of interest and will not be voting, they shall not participate in the discussion of the item up for the vote. In such case the failure to vote shall not be deemed a vote on either side."

Please feel free to contact me on my cell phone during the Board study session or meeting if other questions need to be addressed that this letter does not cover. I will have my cell phone on vibrate from 1:30 to 3:30 on October 12 and will leave the presentation to take your call if you need to contact me.

Yours very truly,

A handwritten signature in blue ink that reads "Gary Cuillier". The signature is written in a cursive style with a large initial "G".

GARY CUILIER

GMC: krr

# REGULAR MEETING

YRCAA Administrative  
Code A and New  
Agenda Format  
Discussion

RECEIVED  
OCT 18 2016  
YRCAA

## Yakima Valley Dairy Federation

350 Hoff Road • Moxee, WA 98936

509-930-2335

sageconsulting.sg@gmail.com



October 17, 2016

Jon DeVaney  
Chair, Yakima Regional Clean Air Agency  
329 N. First Street  
Yakima, WA 98901

RE: Request That Public Testimony Be Limited at YRCAA Monthly Board Meetings

Dear Mr. DeVaney:

*The dairy industry is dedicated to sustainable agricultural practices that include environmental, economic and social well-being.*

According to the most current WSU estimate, the Yakima Valley dairy industry contributes an estimated \$938 million from farm gate milk and beef production to the Yakima Valley economy and employs more than 4,800 people locally. Most of these jobs are year round full time positions that support local families. A very high percentage (over 90%) of our work force is made up of Hispanic workers. As a group, Hispanic workers are periodically identified as disadvantaged in Yakima County. Our full time jobs for this ethnic group are a huge economic benefit for their families. Out of over 100 crops grown in Yakima County, dairy industry farm gate value is second only to the production of apples.

This letter is in response to public testimony at your monthly board meetings. It has become apparent the public testimony portion of your board meetings is being abused by a few individuals. These individuals are using your monthly board meetings as a platform to slander and make erroneous statements against the Yakima Valley dairy industry and individuals who represent the dairy industry. I am not aware of any other public agency holding forums such as this that allow the continued monthly slander of an industry that is, for the most part, in compliance with regulations and cooperating with regulatory agencies. The YRCAA is the only air regulator in the state with a comprehensive dairy air emission program that includes staff inspections of every dairy in Yakima County under their jurisdiction.

At the last board meeting held on October 13<sup>th</sup>, two individuals were allowed an excessive amount of time to chastise me for an opinion that I wrote for the Yakima



Herald Republic newspaper recently. Most commenters use just a couple of minutes to express their points. These people were allowed to go on and on, one of them reading a multi page personal opinion that was printed in the paper opposing my editorial opinion. These comments had nothing to do with what was on the agenda for your board to address, but was allowed to take time away from the work the board was there for. This same sort of slander and false statements has happened numerous times in the past.

It is my understanding your board is not legally required to take public testimony at board meetings. It was established as a means for the public to communicate their concerns directly to the board. Unfortunately, it has turned into an uncontrolled forum that a few individuals are grossly misusing.

Therefore, I request that your board discontinue taking public input at your board meetings as it has been demonstrated that the input you are receiving is not factual for the most part, and slanderous to an industry that is cooperating to a very high degree with the agency. YRCAA initiated a staff-led public forum a few years back to deal with a very few individuals who had "so-called" concerns. Interestingly, after a few meetings these people ceased to attend, so the agency cancelled the forum. You could reactivate the forum to address future public concerns, if needed.

If you do not feel compelled to discontinue public input at your board meetings, I request that public comments should be directly related to items listed on the monthly board meeting agenda, and that the board will refuse to hear other input from the public during their monthly board meetings, unless it has a very specific purpose. The public, including myself, have ample opportunities to provide YRCAA staff and board members with input through various venues.

I request that you address this issue at your next monthly board meeting.

Thank you for this opportunity to provide input.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven E. George". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Steven E. George  
Governmental Affairs

- c. Tom Devries, Yakima Valley Dairy Federation  
Dan Wood, WA State Dairy Federation

**RESOLUTION NO: 2017-11**  
**BEFORE THE GOVERNING BOARD OF THE**  
**YAKIMA REGIONAL CLEAN AIR AGENCY (YRCAA)**

Adopting Revised Administrative Code, Part A:


WHEREAS, the Board of Directors of the YRCAA, as set forth in chapter 70.94 Revised Code of Washington, is authorized to establish specific operating policies, procedures and guidelines to implement the Revised Code of Washington and Washington Administrative Code applicable to public agencies; and

WHEREAS, Administrative Code Part A, as revised, provides effective and efficient operating policies, procedures, and guidelines for the Governing Board of Directors as set forth in the proposed revision; and

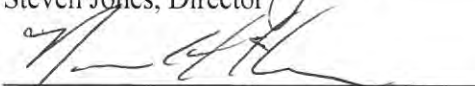
WHEREAS, Administrative Code Part A, as revised, replaces and supersedes all previous versions of Administrative Code Part A;

BE IT THEREFORE RESOLVED that the Board does hereby adopt the proposed revised Administrative Code Part A.

On motion of Norm Childress, seconded by Ron Anderson, the foregoing resolution is hereby PASSED AND ADOPTED by the Yakima Regional Clean Air Agency Board of Directors on this 10th day of August, 2017.

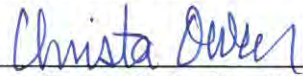
  
\_\_\_\_\_  
Jon DeVaney, Chair

  
\_\_\_\_\_  
Steven Jones, Director

  
\_\_\_\_\_  
Norm Childress, Director

  
\_\_\_\_\_  
Ron Anderson, Director

\_\_\_\_\_  
Bill Lover, Director

  
\_\_\_\_\_  
Christa Owen, Clerk of the Board



## Executive Memorandum

**Date of Release:** August 3, 2017

**Date of Consideration:** August 10, 2017

**To:** YRCAA Board of Directors

**From:** Office of the Executive Director

**Subject:** Administrative Code Revisions

*Keith M. Hurley*

---

**Issue:** Revising public comment period procedures and providing for public input to the board meeting agenda.

**Discussion:** During the May board meeting the Board requested the agency bring forth a document outlining procedures for conduct of the public comment period and providing the general public an opportunity to request topics/issues for addition to the proposed meeting agenda. The procedures were submitted for your discussion during the June Board meeting. After discussion of the procedures, and some suggested edits, it was directed that the procedures be submitted for action during the August board meeting. The proposed changes are attached in the form of the revised Administrative Code, Part A.

**Recommendation:** Approve Resolution No. 2017-11, for the proposed revisions to YRCAA Administrative Code, Part A.

**YAKIMA REGIONAL CLEAN AIR  
AGENCY**

**ADMINISTRATIVE CODE**

**PART A**

**Operating Policies, Procedures and  
Guidelines for the Governing  
Board of Directors**

## **ADMINISTRATIVE CODE for YAKIMA REGIONAL CLEAN AIR AGENCY**

### **Background**

Pursuant to the provisions of Section 13, Chapter 38, Laws of 1967 of Yakima County, an Activated Authority was established effective July 12, 1967 with the jurisdictional territory of Yakima County. The Activated Authority was known as the Yakima County Clean Air Authority.

In December, 1996, the Yakima County Clean Air Authority changed its name to the Yakima Regional Clean Air Authority to identify its independence from Yakima County. In July, 2008 Yakima Regional Clean Air Authority changed its name to Yakima Regional Clean Air Agency (Agency) and moved to its current location of 329 North First Street, Yakima, WA.

The Yakima County Clean Air Authority filed its statement of information of establishment and creation with the Secretary of State on July 12, 1967 per General Filings, Clean Air Act 1948-82, Lo 6-19-2, 82-7-574.

### **Content**

This administrative code consists of general, as well as specific, policies, procedures and guidelines setting forth administrative policies, procedures and interpretations of Agency rules and regulations, state laws, and other authority vested in the Board and the Executive Director/Air Pollution Control Officer. The code shall be considered administrative law applicable to all personnel of the Agency and will be permanent until modified or rescinded.

The requirements of the Washington Administrative Code and Revised Code of Washington applicable to public agencies, and all amendments thereto, whether now or hereinafter adopted, are incorporated herein by reference and made part of this code. In the event of an inconsistency, unless otherwise specified, the provisions of the aforementioned codes shall govern.

The Administrative Code shall consist of Part A, which sets forth policies, procedures and guidelines for the Agency Board of Directors, Part B, which sets forth policies, procedures and guidelines for Agency staff, and Part C, which sets forth the agency's Public Records Policy.

### **Purpose**

This Administrative Code contains policies, procedures and guidelines which support the pursuit of the Agency vision and mission. No part of this code should be construed as a promise of specific action in a specific situation. Agency policies and procedures are subject to change and exception without prior notice at the discretion of the Board of Directors.

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## **Section 1 Board of Directors**

This section describes the powers, duties and composition requirements of the Yakima Regional Clean Air Agency Board of Directors (Board) and explains the term of office and selection requirements.

### **1.1 Powers and Duties**

1.1.1 The Yakima Regional Clean Air Agency (Agency) is an activated air pollution control authority pursuant to RCW 70.94.053. As such, RCW 70.94.081 authorizes the Agency, in the furtherance of its purpose to:

- i. Be deemed a municipal corporation;
- ii. Have right to perpetual succession;
- iii. Adopt and use a shield;
- iv. Sue and be sued in all courts and in all proceedings;
- v. Receive, account for, and disburse funds;
- vi. Employ personnel, and
- vii. Acquire or dispose of any interest in real or personal property within or without the authority.

1.1.2 As authorized by RCW 70.94.141, the Board, in addition to any other powers vested in them by law, shall have the power to:

- i. Adopt and amend its rules and regulations;
- ii. Hold hearings relating to any aspect of or matter in the administration;
- iii. Issue orders and take administrative actions to enforce the Washington Clean Air Act (Act);
- iv. Require access to information specific to the emission and control of air contaminants;
- v. Secure necessary scientific and technical services;
- vi. Prepare and develop comprehensive plans to prevent and control air pollution;
- vii. Encourage voluntary cooperation to achieve the purposes of the Act;
- viii. Encourage and conduct studies, investigation and research relating to air pollution causes, effects, prevention, abatement and control;
- ix. Collect and disseminate information and conduct educational and training programs;
- x. Advise, consult and cooperate with agencies, departments, educational institutions, political subdivisions, industries, other states, inter-local agencies, the United States government, and with interested persons or groups
- xi. Consult, upon request, with any person proposing to construct, install or otherwise acquire an air contaminant source; and
- xii. Accept, receive, disburse and administer grants or other funds or gifts from any source, including public and private agencies and the United States government for the purpose of carrying out the Act.

## 1.2 Term of Office

Pursuant to RCW 70.94.100 (4), the term of office for a member of the Board shall be four years from initial appointment.

## 1.3 Board Composition and Selection

Pursuant to RCW 70.94.100, the Board shall be comprised of two appointees of the city selection committee, at least one of whom shall represent the city with the largest population in the county, and two representatives to be designated by the board of county commissioners. If then, the Board consists of an even number; the seated members shall elect an additional member who shall be either a member of one of the governing bodies of the towns or cities, or a private citizen residing in the authority.

RCW 70.94.110 creates a city selection committee consisting of the mayors of each incorporated city and town, excluding the mayor of the city with the most population. Agency Board members are selected as follows:

### 1.3.1 City Selection Committee Position No. 1

This position shall be appointed by the city selection committee and must represent the city having the most population in the county. Generally, the mayor or a city councilperson fills this position, representing the city of Yakima.

### 1.3.2 City Selection Committee Position No. 2

This position is appointed by the city selection committee, according to the process required in RCW 70.94.120, and may be either a member of the governing body of one of the cities and towns, or a private citizen. Detailed procedures for selection of this position are available from the Clerk of the Board. Generally, this position represents the smaller cities and is filled by a member of the governing body of one of the smaller cities.

### 1.3.3 County Representatives

Two positions are designated by the Yakima County Commissioners and may be either county commissioners or a private citizen. Generally, one of these positions is a county commissioner.

### 1.3.4 Member-At-Large

This position is required when the above seated positions result in an even number and can be either a member of the governing body of one of the cities and towns, or a private citizen.

### 1.3.5 Alternates

Any Board member may designate a regular alternate to serve on the board in his or her place with the same authority as the member when he or she is unable to attend a meeting. In no event may a regular alternate serve as the Chair.



## **Section 2 Board Meetings**

This section declares Board policy for, describes the requirements of, and provides guidance for the conduct of, meetings of the Board. Agency Board meetings are subject to the requirements of RCW 42.30, the Open Public Meetings Act. It is the policy of the Board that their actions shall be taken openly and that their deliberations shall be conducted openly.

Any Board Member or person who suspects the Board has violated the Open Public Meeting Law is requested to advise the Chair in writing within thirty (30) days of the time that the alleged violation occurred. The Chair, upon receiving such notice, will direct the Executive Director to review the issue and provide recommendations as may be appropriate to the Board at the next available meeting of the Board which will assure the Agency maintains substantial compliance with the Open Public Meeting Law.

All meetings will be publicly announced and shall be open and public. The following will serve as guidance pursuant to this policy.

### **2.1 Quorum**

A majority of the Board shall constitute a quorum. A quorum shall be necessary for the Board to take any action. Deliberation and discussion may be had without a quorum, so long as no action is taken.

### **2.2 Regular Meetings**

Regular meetings shall mean recurring meetings held in accordance with a periodic schedule declared by statute or rule. Regular meetings of the Agency shall be held at least 10 times per year as follows:

- 2.2.1 Meetings are held on the second Thursday of each month, beginning at 2:00 p.m., or as may otherwise be scheduled and publicly noticed;
- 2.2.2 Any meeting is subject to cancellation when, in the judgment of the Chair (or absent the chair, the Vice Chair), there is insufficient Agency business to warrant such a meeting, or if a lack of quorum exists; and
- 2.2.3 Meetings shall be held at Yakima City Hall, City Council Chambers, unless otherwise determined by the Chair and publicly noticed.

### **2.3 Attendance**

All persons shall be permitted to attend any meeting, except as otherwise provided in this Section. A member of the public shall not be required, as a condition to attendance, to register his or her name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

### **2.4 Limitations on Public Comments**

The Board may make reasonable rules limiting the time allocated for public comments and may limit the time for individual speakers to allow for the reasonable and timely conduct of Agency business.

## 2.5 Interruptions

In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the Chair may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the Board from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.

## 2.6 Emergency Board Meetings

Emergency Board meetings may only be called by the Chair with concurrence of other Board members. If there is a fire, flood, earthquake or other emergency, and the Board believes there is a need for expedited action by the Board to meet the emergency, the Chair may provide for a meeting site other than the regular meeting site. Prior notification of such a meeting can be suspended under this emergency situation per RCW 42.30.070.

## 2.7 Special Board Meetings

A special Board meeting may be called by the Chair or by a majority of the Board by delivering 24-hours prior written notification as follows:

- 2.7.1 Notification of the meeting by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the Board;
- 2.7.2 Notification of the meeting by delivering written notice personally, by mail, by fax, or by posting on the Agency website, and to each local radio or television station;
- 2.7.3 Notification must include the time and place of the meeting and the business to be conducted;
- 2.7.4 Notification is not required if:
  - i. Any member of the Board, who at or prior to the time the meeting convenes, files with the clerk or secretary of the governing body a written waiver of notice. Such waiver may be given by fax, or electronic mail; or
  - ii. An emergency exists which involves injury or damage to persons or property or the likelihood of such injury or damage, such that time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.
- 2.7.5 Final disposition shall not be taken on any matter other than that included in the notice; and
- 2.7.6 If another issue requires action, a written notice shall be sent to the Clerk of the Board by fax, or electronic mail. Delivery of such written notice is not required as to any member of the Board that is present at the meeting at the time it convenes.

## 2.8 Executive Sessions

From time to time the Board shall choose to discuss certain matters, as defined by RCW 42.30.110 (1) in a closed or executive session. When such an occasion arises, the Chair will announce that the Board is adjourning to a closed session. No issues will be discussed except those issues presented within the executive session announcement. Acceptable subjects for closed sessions include, but may not be limited to: personnel matters; matters of public security; labor or real estate negotiation; or pending litigation or enforcement.

An executive session may be called during a regular, emergency or special meeting. Before convening in executive session, the Chair shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. All executive sessions shall be conducted according to the following:

- 2.8.1 Notification of location, purpose, beginning and ending time of the session must be published on the Agency website 24 hours prior to the Executive Session;
- 2.8.2 The purpose of the session must be stated in the notification and must meet the criteria for calling per RCW 42.30.110;
- 2.8.3 At the time of the session only Board Members, the Executive Director, legal counsel, or person who may provide important information on the subject matter may attend an Executive Session;
- 2.8.4 The Board Chair shall publicly announce the purpose for excluding the public and Media, and an approximate time-frame for the Executive Session, or may be extended to a later date and time;
- 2.8.5 No final action may be taken during an Executive Session;
- 2.8.6 The Board Chair may provide information about the Executive Session upon conclusion of the Executive Session during the regular board meeting; and
- 2.8.7 Any action taken as a result of the Executive Session must be voted on during the regular board meeting.

## 2.9 Agendas and Board Materials

All reports, communications, resolutions, contracts or other matters to be submitted to the Board shall be delivered to the Executive Director at least ten (10) days prior to the Board meeting.

Agendas and materials for the Board meeting will be prepared and mailed to Board members seven (7) days prior to the regular Board meeting to provide time to review action items and reports. Agendas, and other materials upon request, will be provided to media and other interested persons seven (7) days prior to the Board meeting. The proposed Board meeting agenda shall be posted on the agency website for public viewing at least two weeks prior to the next meeting. The agenda will be subject to change up to 24 hours prior to the regularly scheduled meeting. For public members wishing to add an item to the meeting agenda, the request should be submitted in writing to the Executive Director for consideration no later than the Friday immediately preceding the next scheduled board meeting. The Director will email all Board members the list of public requested topics for inclusion on the agenda no later than the Monday preceding the regularly scheduled meeting. Board members will then provide to the Executive Director their list of public requested items/topics to be placed on the agenda no later than close of business the Tuesday preceding the meeting, ensuring that any changes to the agenda can be implemented expeditiously.

## 2.10 Public Notice of Board Meetings

At least 24 hours prior notice of upcoming Board meetings will be posted at the Agency office and on the Agency website. Agenda items will be included in the notice.

## 2.11 Order of Business

The Chair shall preside at the appointed hour for the meeting and call the meeting to order. The Chair may choose any order of business but the following shall be the ordinary order for regular meetings of the Board.

### 2.11.1 Roll call

The Clerk of the Board shall call roll of the Board members to officially confirm and document members' presence and the satisfaction of a quorum.

### 2.11.2 Additions or Deletions to the Agenda

The Chair will ask the Director if there are any additions or deletions to the agenda. The Director may add or delete any item from the agenda. However, added items may only be for discussion and may not be acted upon by the Board.

### 2.11.3 Public Comment

The Public Comment period shall be placed on the regular agenda and conducted immediately after the Board Chair has called for any additions or deletions to the agenda. The Chair will ask if there is anyone who chooses to address the Board on any matter relevant to the business of the Board. The Board shall only hear and discuss comments and shall not take action during the comment period.

### 2.11.4 Consent Agenda

The consent agenda contains items grouped together which are generally informational or routine business. These actions are accepted and approved by consent without discussion. The Chair may choose to remove any item from the consent agenda to the regular agenda for discussion per Section 2.11.2 herein, prior to taking action.

### 2.11.5 Director's Report

The purpose of the Director's report generally is to brief the board on issues, programs, projects and other activities of importance and interest to the board. The report may prompt some discussion with the Board to provide information beyond that contained in the report.

#### 2.11.6 Action Items

Action items are items that require Board action such as approval for payment of accounts payable and payroll, or adoption of resolutions implementing Agency budget, regulations, policy and other official Agency actions.

#### 2.11.7 Other Items

Other items may be introduced by any Board member and discussed with the consent of a majority of the Board members present. However, unless the item is an emergency as set out in Section 2.6 herein, no action may be taken.

#### 2.11.8 Adjournment and Continuance

Adjournment, for purpose of this section, means to formally conclude a meeting of the Board in which all agenda business has been satisfactorily completed. The Chair of the meeting shall declare the meeting adjourned upon motion, second and affirmative vote. However, any meeting may be adjourned or continued when agenda business has not been satisfactorily completed. Such meetings are not considered concluded and requirements for these instances are contained in RCW 42.30.090 and 100.

#### 2.12 Reading of Minutes

Unless a reading of the minutes of a previous meeting is requested by a member of the Board, such minutes may be approved without reading if the Clerk of the Board has furnished each member with a synopsis thereof.

#### 2.13 Communication to the Board

All written communications to the Board which bear on a meeting of the Board shall be provided to the Clerk of the Board for distribution to the Board. The Clerk of the Board shall furnish a copy of all written communications to the members of the Board, the Executive Director, and staff members attending the Board meeting, seven (7) days prior to the time scheduled for the meeting.

Although it is discouraged, written communications received later than seven days prior to a meeting may be accepted. Such documents shall be hand delivered at the Board meeting.

NOTE: For communication to or from the Board other than during Board meetings, see Appendix A.

### **Section 3 Officers and Duties**

#### 3.1 Chairperson

The presiding officer of the Agency Board is the Chairperson (Chair) of the Board. The Chair shall be elected by the Directors at the first meeting in January of each year, or as soon as is practical thereafter, and will assume office at that time. The Chair shall preserve order and decorum at regular and special meetings of the Board. The Chair shall only vote on any question if the vote by other Board members results in a tie.

### 3.2 Vice Chairperson

The Vice Chair shall be elected by the Directors at the first meeting in January of each year, or as soon as is practical thereafter, and will assume office at that time. The Vice Chair shall serve as presiding officer in the absence of the Chair. If, for any reason, the Chair ceases to be a member of the Board, the Vice Chair shall automatically assume the office of Chair and the Board shall elect from the other Board members a Vice Chair to serve out the remainder of the term.

### 3.3 Clerk of the Board

The Executive Director appoints the Clerk of the Board who shall be the custodian of the official records of the Board and shall perform such duties as may be required by the Executive Director and the Board in carrying out the Board's objectives.

### 3.4 Executive Director

The Board shall appoint an Executive Director (Director) who shall have the primary duty and responsibility for the day-to-day operations of the Agency, including, but not limited to, fiscal responsibilities, administrative oversight, and employee appointment and termination.

### 3.5 Control Officer

Pursuant to RCW 70.94.170 the Board shall appoint an Air Pollution Control Officer to implement and enforce the Federal and State Clean Air Acts (statutes) and the rules, regulations and policies pursuant to the statutes. This position and that of the Executive Director are usually occupied by the same person.

## **Section 4 Conduct of Business**

The purpose of this section is to provide guidance for conducting business at Agency Board meetings.

### 4.1 Conduct of Meetings

Robert's Rules of Order, latest edition, except where inconsistent with expressed provisions of law, this Administrative Code or any resolution of the Board, shall govern the conduct of meetings of the Agency Board of Directors.

### 4.2 Closing Debate

A Board member moving the adoption of an action or resolution shall ordinarily have the privilege of closing debate thereon.

### 4.3 Substitute Motions

The Chair may allow a substitute motion to take the place of a main motion pending before the Board if the Chair determines that the substitute motion clarifies and furthers the intent of the main motion and does not constitute a drastic deviation from the main motion. The

Chair's determination to allow a substitute motion may be overruled by a majority of the Board.

#### 4.4 Addition of Abstract Statements into Minutes

A Board member may request through the Chair, the privilege of having an abstract of his statement on any subject under consideration entered into the minutes. If the Chair consents thereto, such statement shall be entered in the minutes. The Board member so requesting shall furnish to the Clerk of the Board, an abstract or transcript of the statement. The Clerk of the Board shall provide copies of such abstract to other members of the Board.

#### 4.5 Comments to the Board

Persons who are not members of the Board, desiring to address the Board, shall first secure permission of the Chair to do so.

#### 4.6 Order of Business Appearing Before the Board

The Chairperson shall recognize, for the purpose of addressing the Board, persons in the following order:

- 4.6.1 Persons who have provided written communications to the Agency may be recognized to the matters under discussion;
- 4.6.2 Persons who have made written request for permission to address the Board on any matter outlined in their request; and
- 4.6.3 Persons interested in matters under discussion who have appeared for the purpose of protest, petition, support or other presentation.

#### 4.7 Persons Addressing the Board

All persons wishing to address the Board shall step up to the speaker's podium and state for the record:

- 4.7.1 Speakers name and address;
- 4.7.2 If appearing in a representative capacity, the party or entity represented;
- 4.7.3 If appearing in a professional capacity, such as attorney-at-law or registered engineer, to state such representation to the Board;
- 4.7.4 Speakers shall identify the specific agenda item they wish to address

To assist board members in hearing as many different viewpoints as possible in the limited time available, each person shall be limited to three minutes; unless further time is granted by the Board. Public Comments shall address items identified on the agenda. All remarks shall be addressed to the Board as a body and not to any individual member thereof. No person, other than members of the Board and the person having the floor shall be permitted to speak, either directly or through a member of the Board, without the permission of the Chair. No questions shall be asked of a member of the Board except through the Chair.

#### 4.8 Decorum

By Directors: While the Board is in session all members shall preserve order and decorum and shall not, either by conversation or otherwise, delay or interrupt the proceedings of the

Board. A member shall not interrupt any other member while speaking, or refuse to obey the orders of the Board or its Chair, except as may be otherwise expressly provided.

By Other Persons: Any person making personal, impertinent, slanderous or indecorous remarks, or who shall become boisterous while addressing the Board, may be barred by the Chair from further discussion before the Board unless permission to continue is granted by a majority vote.

#### 4.9 Sergeant-at-Arms

At the request of the Chair, the Executive Director shall obtain the services of a peace officer to perform the duties of Sergeant-at-Arms at any meeting of the Board. Whenever necessary, additional peace officers may be employed to serve as assistant to the Sergeant-at-Arms.

### Section 5 Voting

This section provides guidance to Board members for voting on an issue which requires Board action. The Board shall not vote to approve any action or to adopt any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public, and then only at a meeting for which notice has been given according to the provisions of this policy. Any Board action failing to comply with the provisions of this policy shall be null and void. The Board shall not vote by secret ballot. Any vote taken in violation of this subsection shall be null and void.

#### 5.1 Recorded Votes

The normal method of recording a vote is by voice. The Board Chair may, upon request by any member of the Board, take a vote by roll call. During any roll-call vote, names will be called in alphabetical order, with the exception of the Board Chair, whose name is to be called last, and only when his vote will affect the result. Any further debate will be prohibited once the first called member answers the roll-call with their vote. As their name is called each member will answer in the affirmative or negative. If a member wishes not to vote they may answer by clearly stating either "present" or "abstaining". If a member is not ready to vote, but wishes to be called on again after the roll has been completely called, they may answer pass.

#### 5.2 Silent Vote

If a Board member remains silent on a voice or roll-call vote, the Board member shall be deemed to have voted "aye", or yes, on the question presented. A Board member who has any conflict of interest in the matter being voted upon, or who is otherwise disqualified from acting, shall announce prior to the actual vote that they are "abstaining" or "not voting". If a member has determined that they have a conflict of interest and will not be voting, they shall not participate in the discussion of the item up for the vote. In such case the failure to vote shall not be deemed a vote on either side.

### Section 6 Committees

The Board may appoint a committee to discuss any issue, with or without the direction of the Executive Director. The makeup of the committee shall have a maximum of two board members in attendance. A Board member may appoint a member, or members of the public, to take their place on a particular committee.



## **Appendix A - Communication with the Board Of Directors Other Than During Board Meetings**

### **1. Purpose**

The purpose of this Appendix is to establish policy for effective and efficient communication to and from any member of the Agency Governing Board of Directors. This policy applies only to communication relating to the conduct of official Agency functions and does not apply to verbal communication.

### **2. Paper Communication**

Paper communication means any writing on paper whether hand-delivered or delivered by any form of mail or parcel post.

- 2.1 A copy of any paper communication sent from a Board member shall be forwarded to the Executive Director; and
- 2.2 The original of any paper communication received by a Board member shall be forwarded to the Executive Director.

### **3. Electronic Communication**

Electronic communication means any combination of text, graphics, data, audio, pictorial or any other representation in digital form whether hand-delivered, emailed or delivered by any form of mail or parcel post.

#### **3.1 Email Communication**

All Board member email communication relating to any Agency function shall only be conducted using email accounts assigned to each Board position and maintained on the Agency email server. Any email and attachment thereto which is received by a Board member at any other email address shall be promptly forwarded, without response or comment, to the Agency email address assigned to the member. Any email forwarded and received in such a manner at the assigned address shall constitute the primary copy of the email for consideration of any public records purpose. Any email originated by a Board member and any response to an email by a Board member shall only be accomplished using the Agency email accounts as assigned below.

[boardposition1@yrcaa.org](mailto:boardposition1@yrcaa.org) assigned to the Large Cities Representative  
[boardposition2@yrcaa.org](mailto:boardposition2@yrcaa.org) assigned to the Small Cities Representative  
[boardposition3@yrcaa.org](mailto:boardposition3@yrcaa.org) assigned to the County Commission Representative 1  
[boardposition4@yrcaa.org](mailto:boardposition4@yrcaa.org) assigned to the County Commission Representative 2  
[boardposition5@yrcaal.org](mailto:boardposition5@yrcaal.org) assigned to the Yakima County Member-At-Large Representative

Official Board member email addresses will be made publicly available on the Agency website and upon request. No Board member will be required to retain any email received or sent by means of any other email account, provided the email is forwarded to the assigned email address. For all Board member emails, sent or received, Agency staff will be solely responsible for conducting the following activities according to Chapters 42.56 and 40.14 RCW:

- Determining which communications are public records;
- Determining retention periods for such records;
- Searching for and making public records available upon request; and
- Destroying and documenting such destruction of records.

#### **3.2 Other Electronic Communication**

Either the original or a copy of any electronic communication other than email which is originated or received by a member shall be promptly forwarded to the Executive Director.



**Yakima Regional Clean Air Agency**  
**MEETING LOCATION: Yakima City Hall**  
**City Council Chambers**  
**129 N. 2<sup>nd</sup> Street, Yakima**

**October 12, 2017**  
**Study Session**  
**1:30 p.m.**  
**Regular Board Meeting**  
**2:00 p.m.**

## **AGENDA**

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### **1. Study Session**

- 1.1 Petition to Ban All Dispersal and Land Application of Manure and Effluent During Any Burn Ban – Executive Director Hurley

### **2. Call to Order**

### **3. Roll Call**

### **4. Presentations**

- 3.1 YRCAA Administrative Code Part A regarding Public Comments and the Proposed New Agenda Format – Executive Director Hurley

### **5. Public Comments**

If you wish to address the Board you may do so now.

Please approach the podium, state your name and the Agenda item you are addressing

Please limit your comments to three (3) minutes

### **6. Approval of Consent Agenda**

- 6.1 Approve Board Meeting Minutes – September 14, 2017
- 6.2 Accept YRCAA September 2017 Monthly Activity Report

### **7. Regular Agenda**

- 7.1 Director's Report

### **8. Action Items**

- 8.1 Approve Fiscal Vouchers for September 2017
- 8.2 Approve Payroll Authorization Transfers for September 2017

### **9. Other business**

### **10. Adjournment**



*Yakima Regional Clean Air Agency  
329 North First Street, Yakima WA 98901  
(509) 834-2050 yakimacleanair.org*

**NOTICE AND AGENDA  
OF THE YAKIMA REGIONAL CLEAN AIR AGENCY  
BOARD OF DIRECTORS' REGULAR MEETING**

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**PUBLIC NOTICE**

**NOTICE is hereby given that the Yakima Regional Clean Air Agency Board of Directors will hold a Study Session to discuss a petition to adopt a regulation pursuant to its authority under the Washington Clean Air Act to prohibit all dispersal and land application of manure and effluent during any burn ban at 1:30 pm in the City Council Chambers of the Yakima City Hall, on Thursday, October 12, 2017. The Study Session will be followed by the regularly scheduled Board of Directors meeting at 2 pm.**

**CONSENT  
AGENDA  
ITEMS**



**Summary of the Governing Board of Directors Meeting**

**Location, Date and Time:**

**Yakima City Hall Council Chambers,**

**September 14, 2017 Time: 2:00 p.m.**

**Study Session:**

**None**

1. **Norm Childress, Vice Board Chair**, *called the Meeting to order at 2:00 p.m.*
2. **Mary Wurtz, Clerk of the Board** conducted roll call. *There was a quorum*

<b>PRESENT WERE:</b>	
<b>BOARD MEMBERS:</b> Norm Childress, Small City Representative Steven Jones, Ph.D., County Representative Bill Lover, Large City Representative Ron Anderson, Yakima County Commissioner Ranie Haas, Alternate  <b>ABSENT:</b> Jon DeVaney, Representative at Large	<b>LEGAL COUNSEL:</b> Gary Cuillier, Board Counsel  <b>STAFF:</b> Keith Hurley, Executive Director Mary Wurtz, Clerk of the Board Christa Owen, Fiscal Program Manager

3. **Additions and Deletions to Agenda:**  
None.

4. **Public Comment Period** 3:00

**David Hawkings** commented the crossing signal, across the street from the bank, is not working. Mr. Lover said he would take care of it.

**Sandy Braeden, Friends of Toppenish Creek (FTC)**, commented on a possible conflict of interest involving Board Member Steven Jones. She felt that he had a bias since he is a dairy nutrition consultant and votes on clean air matters concerning dairies. FTC listened last month to Jim Dougherty from MRSC for a presentation of conflict of interest. Ms. Braden said that the training was ordered by Mr. Cuillier and “was led to believe” that the presentation would answer their questions about this conflict. FTC wanted a definitive answer and felt they did not get it from the presentation. 4:00

**Director Hurley** stated the Board asked for training on conflict of interest to educate the board. The training was not ordered by Mr. Cullier and the training was never intended to provide a distinct, definitive answer on any subject. 9:00

**Mayor Norm Childress** felt the issue of conflict of interest had been settled and put to rest. If Ms. Braden wishes to address this in the future she should contact Director Hurley and ask to have it put on the Board agenda.

A point of order was brought up that public comments should address an agenda item and the conflict of interest matter was not on the agenda. It was also discussed that the Public Comment section on the Agenda does not speak to this clearly and should be updated. The public needs to submit agenda deletions or additions to Director Hurley before the next meeting. He would then bring them to the Board members and they would decide if it goes on the agenda.

**Motion:** Mayor Norm Childress proposed to suspend the rules for public comment for this meeting; seconded by Commissioner Ron Anderson. **Motion passed**

**Don Lyon** – Concerns for the steady decline of the air quality. Feels that burn permits are just a source of revenue. People have gotten burn permits and disregards the burn bans. They also burn items that should not be burned. He feels that except for agricultural burning all burning should be banned county wide. 25:00

**Jean Mendoza** – Submitted a petition asking that applying manure on crops during a burn ban should be prohibited. She wants this to be addressed at the October meeting and she was granted time to talk about the subject at the study session for the October 2017 meeting. 29:00

**Francisco Maltos** – Global warming is for real. Would like to suggest to the Board to have a discussion with others and inviting them to future meetings. He would like to include high schoolers and junior high students. Would like to have the schools engaged in the process. 34:00

## 5. Consent Agenda

- Includes two (2) items, August 2017 Board Summary and August's Monthly Activities Reports.

**Motion:** Commissioner Ron Anderson moved to approve the Consent Agenda in its entirety; seconded by Steven Jones, Ph.D. **Motion passed**

**Regular Agenda:** 37:00

## 6. Director's Report

- **Jolly Mountain and Norse Peak Fires** – Latest update is both fires are expanding and continue to burn and other fires around the state are contributing to the poor air quality. Unless there is significant moisture, in whatever form, these fires will continue to burn until late fall or early winter. We are doing what we can to keep the public informed.

Mayor Norm Childress asked if we issue burn permits during a burn ban and do we suspend issuing burn permits during burn bans?

Director Hurley stated that agricultural burn permits are issued on an annual basis or one time use and they are required to call in for permission to burn. Residential burn permits are issued for burning between March 15 and to October 15. When a burn ban is declared all burn permits are suspended and there is no outdoor burning.

- **Compliance and Engineering** - Director Hurley presented air quality data and graphs and referenced the Ecology Air Monitoring Data Quality Assessment Report 1<sup>st</sup> Quarter 2017.
- **Public Education & Outreach**—

No capital budget yet but we continue to add people to our change-out list; we have 43 people on the list so far.

**Motion:** Bill Lover made the motion to approve regular agenda in its entirety; seconded by Commissioner Ron Anderson. **Motion passed**

**Action Items:** 50:00

**7. Fiscal Report:**

- Payroll for August was \$59,592.11;
- A/P for August was \$24,196.11;
- Out of A/P, Wood Stove Change-Out for August was \$0.00: Enterprise for August was \$741.23 and

**Motion:** Steven Jones, Ph.D made the motion to approve fiscal reports and seconded by Commissioner Ron Anderson. **Motion passed.**

**8. Other Business:** Revise the Public Comments section, on the printed Agenda, to clarify what is allowed during the Board meetings and for Director Hurley to refresh the Board on what was voted on.

**9. Adjournment**

**Motion:** Commissioner Ron Anderson made the motion to adjourn; seconded by Steven Jones Ph.D.

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Jon DeVaney, Board Chair

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Mary Wurtz, Clerk of the Board

**Audio CD of this meeting is available at the YRCAA.**  
*Meeting Summary submitted to Board for approval.*

**Date of Release:** October 5, 2017  
**Date of Consideration:** October 12, 2017  
**To:** Board of Directors  
**From:** Office of the Executive Director  
**Subject:** Monthly Activity Report

Activity					FY17	FY18
	FY17	Jul17	Aug17	Sept17	thru Sept	thru Sept
Minor Source Inspections	140	9	8	14	61	17
Complaints Received	222	12	18	17	53	30
NOVs Issued	96	2	1	5	8	3
AODs Issued	16	1	2	0	0	3
Warning Notices Issued	16	1	2	0	0	3
NOPs Issued	54	3	1	2	10	4
SEPA Reviews	181	14	26	28	60	40
AOP Applications Received	1	0	0	0	0	0
AOPs Issued or Renewed	4	0	0	0	2	0
Deviations/Upsets Reported	11	1	1	1	3	2
AOP Inspections	5	1	0	0	1	1
Public Workshops	0	0	0	0	0	0
Media Events	0	0	0	0	0	0
Media Contacts	10	1	6	3	2	7
Education Outreach Events	5	3	0	1	1	3
Sources Registered	364	0	0	0	7	0
NSR Applications Received	22	0	6	2	5	6
NSR Approvals Issued-Temporary	0	0	0	0	0	0
NSR Approvals Issued-Permanent	23	2	4	1	5	6
NODRs Received	200	26	19	24	38	45
Agricultural Burn Permits Issued	182	2	3	4	13	5
Conditional Use Permits Issued	4	0	0	0	0	0
Residential Burn Permits Issued	1162	40	12	8	195	52
Burn Ban Days	63	0	15	18	0	15
Public Records Requests Fulfilled	47	2	1	4	15	3

**Acronyms:**

**AOP** - Air Operating Permit; **NODR** - Notification of Demolition and Renovation; **NOP** - Notice of Penalty; **NOV** - Notice of Violation; **NSR** - New Source Review; **SEPA** - State Environmental Policy Act



**REGULAR**

**AGENDA**

# Executive Memorandum

**Date of Release:** October 5, 2017  
**Date of Consideration:** October 12, 2017  
**To:** The YRCAA Board of Directors  
**From:** Office of the Executive Director  
**Subject:** Director's Report

*Keith M. Hurley*

## 1. ANNUAL FEE REVIEW

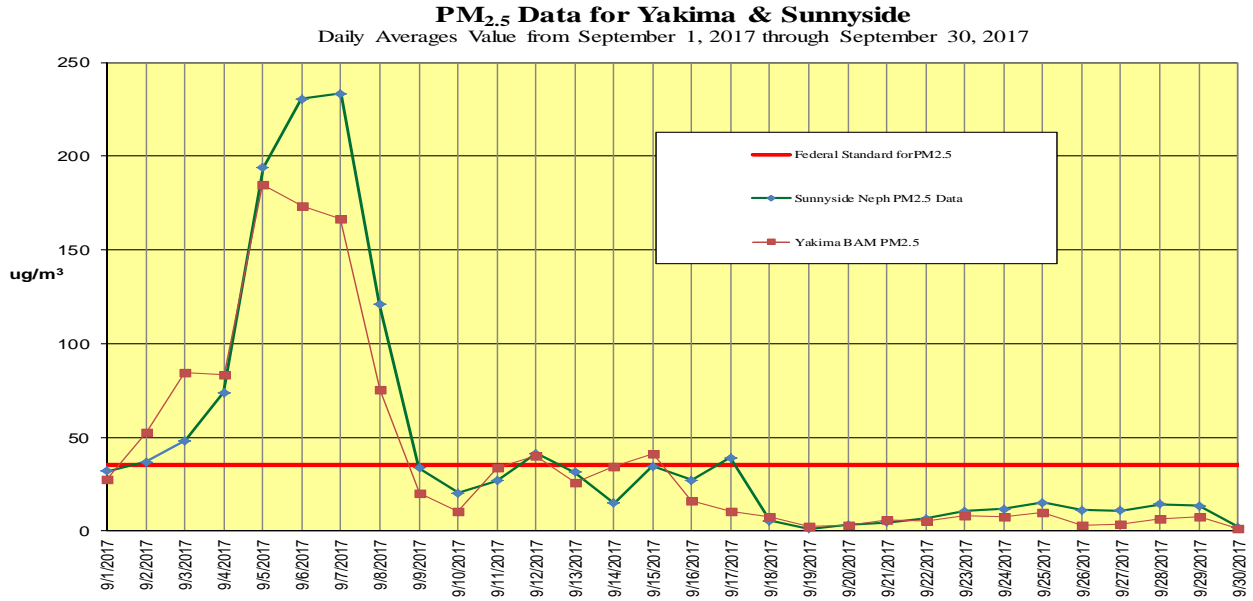
The Agency has begun the annual review of all fees and will present the recommendation at the November Board meeting.

## 2. COMPLIANCE & ENGINEERING

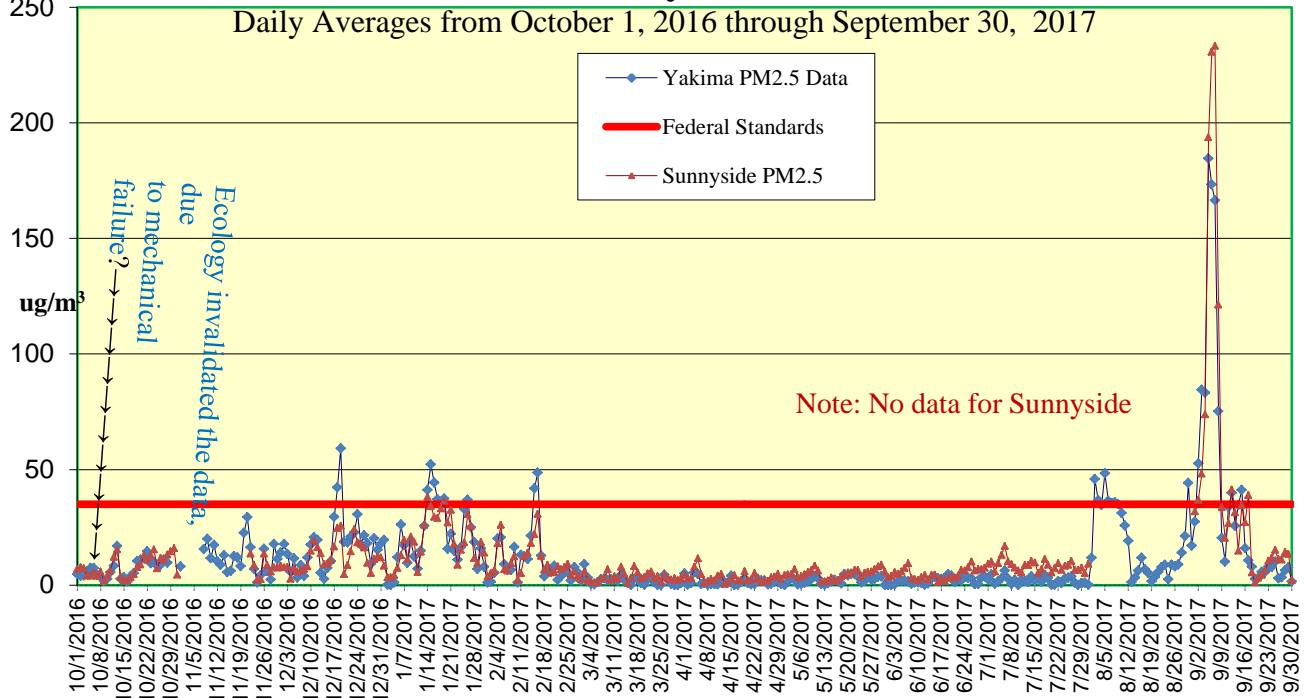
The following table itemizes, by type, the complaints received and the number of NOV's issued for the month of September 2017:

<u>Type of Complaint</u>	<u># of Complaints</u>	<u># of NOV's</u>	<u># of AOD's</u>
Residential Burning	12	2	2
Agricultural Burning	1	1	0
Other Burning	1	0	0
Fugitive Dust	1	0	0
Agricultural Dust	2	0	0
Agricultural Odor	0	0	0
Surface Coating	0	0	0
Odor	0	0	0
Asbestos	0	0	0
Others	0	2	0
<b><u>TOTALS</u></b>	<b><u>17</u></b>	<b><u>5</u></b>	<b><u>2</u></b>

Air Monitoring Data:

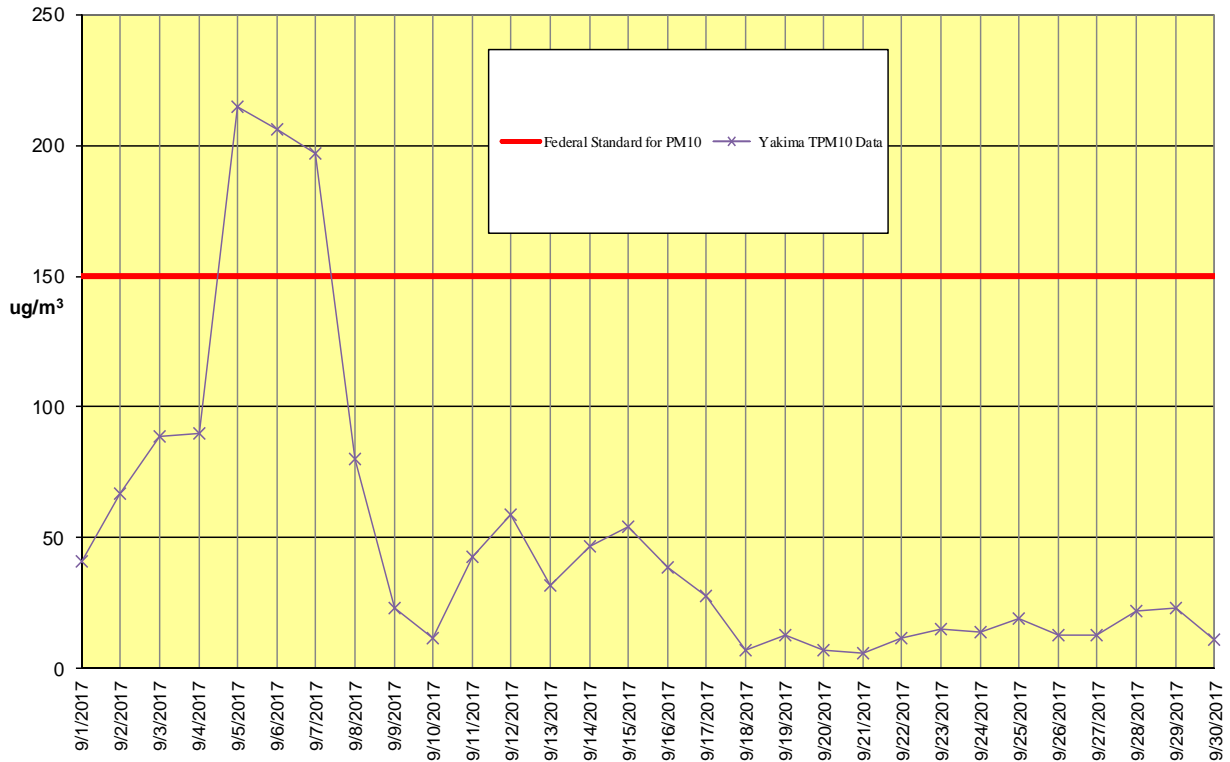


## PM<sub>2.5</sub> Annual Air Monitoring Data for Yakima & Sunnyside



## PM<sub>10</sub> Data for Yakima

Daily Averages Value from September 1, 2017 through September 30, 2017



### 3. WOODSTOVE CHANGE OUT

The agency continues to place low-income families on the woodstove change out waiting list. Currently there are 19 customers on the change out list and an additional 32 on the rebate list, for a total of 51 potential change outs. The change out program will proceed once a Capital Budget is passed and change out funds are allocated.

**ACTION**

**ITEMS**



## Executive Memorandum

**Date of Release:** October 5, 2017  
**Date of Consideration:** October 12, 2017  
**To:** YRCAA Board of Directors  
**From:** Office of the Executive Director  
**Subject:** Fiscal Program Report

*Keith M. Hurley*

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**Issue:** Consider Fiscal Reports, forms, and vouchers.

**Recommendation(s):** Accept and approve by minute action September 2017 AP Fiscal Vouchers (\$11,730.59), and the September Payroll Authorization (\$62,283.26).

**Discussion:** September Accounts Payable and Payroll Authorizations are enclosed for your approval. BVA and Supplemental Income are included as informational items.

Encl (5)



September 26, 2017

**Fund 614-614 YRCAA**

**Fund 614-141 Enterprise**

<u>Name</u>	<u>Warrant/MICR #</u>	<u>GL #</u>	<u>Amount</u>	<u>Date</u>
Abadan Reprographics	33214	4801	\$ 118.54	9/27/2017
Bradley A. Mellotte	33215	4501	\$ 3,638.29	9/27/2017
Carl Brookshire**	33216	4301	\$ 521.00	9/27/2017
Central Washington HBA	33217	4901	\$ 1,125.00	9/27/2017
Crystal Springs	33218	3101	\$ 24.14	9/27/2017
Mark Edler**	33219	4301	\$ 521.00	9/27/2017
Hasan Tahat	33220	4301	\$ 346.21	9/27/2017
KeyBank**	33221	Various	\$ 177.72	9/27/2017
Leaf	33222	4501	\$ 186.07	9/27/2017
Menke Jackson Law Firm	33223	4101	\$ 550.00	9/27/2017
Pitney Bowes Global Financial Services	33224	4501	\$ 256.40	9/27/2017
Splash Express	33225	4801	\$ 20.30	9/27/2017
Thermex Valley Heating & Air Conditioning	33226	4802	\$ 517.74	9/27/2017
Tri Valley Construction, Inc.	33227	4901	\$ 164.00	9/27/2017
WAPRO	33228	4901	\$ 175.00	9/27/2017
Yakima County Sheriff's Department	33229	4101	\$ 45.00	9/27/2017

**Heating**

**\$ 8,386.41**

**\*Reimbursement from Grant**

**\*\*NOC/Enterprise**

This is to certify that the invoices and warrants above for the Yakima Regional Clean Air Agency have been examined, audited and approved by the Alternate Auditing Officer for payment.

Total Amount: **\$ 8,386.41**

Christa Owen 9/27/2017  
Christa Owen, Alternate Auditing Officer

10/12/2017 Keith M. Hurley 9/27/2017  
Jon DeVaney, Board Chairman Keith M. Hurley, Auditing Officer



September 8, 2017

**Fund 614-614 YRCAA**

**Fund 614-141 Enterprise**

<u>Name</u>	<u>Warrant/MICR #</u>	<u>GL #</u>	<u>Amount</u>	<u>Date</u>
Carl Brookshire**	33200	4301	\$ 83.00	9/11/2017
Charter Communications	33201	4201	\$ 699.95	9/11/2017
Coleman Oil Company**	33202	3201	\$ 179.89	9/11/2017
Crystal Springs	33203	3101	\$ 18.92	9/11/2017
Cuillier Law Office	33204	4101	\$ 350.00	9/11/2017
Mark Edler**	33205	4301	\$ 83.00	9/11/2017
Five K Technologies	33206	3502	\$ 25.00	9/11/2017
Invisible Ink	33207	4101	\$ 225.00	9/11/2017
Nth Degree Environmental Engineering	33208	4101	\$ 750.00	9/11/2017
Ron's Office Equipment	33209	3101	\$ 75.58	9/11/2017
Verizon Wireless	33210	4201	\$ 329.04	9/11/2017
YRCAA	33211	4901	\$ 179.80	9/11/2017
Yakima Area Arboretum & Botanical Garden*	33212	4501	\$ 235.00	9/11/2017
Yakima County Sheriff's Department	33213	4101	\$ 110.00	9/11/2017

**Total:**

**\$ 3,344.18**

**\*Reimbursement from Grant**

**\*\*NOC/Enterprise**

This is to certify that the invoices and warrants above for the Yakima Regional Clean Air Agency have been examined, audited and approved by the Alternate Auditing Officer for payment.

Total Amount: **\$ 3,344.18**

Christa Owen 9/11/2017  
Christa Owen, Alternate Auditing Officer

Jon DeVaney 10/12/2017  
Jon DeVaney, Board Chairman

Keith M. Hurley 9/11/2017  
Keith M. Hurley, Auditing Officer



**AUTHORIZATION FOR ELECTRONIC FUNDS TRANSFER**

**Direct Deposit Payroll & Payroll Taxes**

**Date:** 9/28/2017

**District:** Yakima Regional Clean Air Agency

**Contact Person:** Christa Owen

**Address:** 329 North First Street, Yakima, WA 98901

**Telephone No. 834-2050 ext 104      Telefax No. 834-2060**

Authorization is given for the Yakima County Treasurer to electronically transfer the amounts listed below:

**Name of Bank:** Key Bank of Washington

**ABA Routing Number:** 125000574

**Bank Account Number:** 472091010661

**Payroll Date:** October 2, 2017

**Transfer Amount(s):** \$ 62,283.26

**Total Amount of Electronic Transfer:** \$ 62,283.26

**Authorizing Signatures (No facsimile signatures accepted.):**

  
Auditing Officer

\_\_\_\_\_  
Chairman Board of Directors

  
Alternate Auditing Officer

Date September 28, 2017

**Note:** The Yakima County Treasurer's Office must receive the completed authorization by 12:00 noon, two (2) business days prior to payroll date. An original must be provided to the County Treasurer's Office if a telefax is sent. *Do not consider a telefax delivered until you have verified with the Treasurer's Office that it has been received.*

Contact Persons at County Treasurer's Office: **Cindy**

Telephone Number: 509-574-2780  
(01-2008)

Telefax Number: 509-574-2801

**YAKIMA REGIONAL CLEAN AIR AGENCY  
SUPPLEMENTAL INCOME STATUS for 2017 on September 30, 2017  
CY 2017 \$.40 PER CAPITA (Rounded Amounts)**

City/Town	Past Due	Assessment Amount	Total Amt Due	Date Received	Amount Received	Balance Due	Responses
Grandview	\$ -	\$ 4,480	\$ 4,480	1/27/2017	\$ 4,480	\$ -	Pd in full
Granger	\$ 350	\$ 1,456	\$ 1,806	1/31/2017; 2/22/2017; 4/14/2017; 7/14/2017	\$ 1,442	\$ 364	Pd 3/4
Harrah	\$ -	\$ 260	\$ 260	1/27/2017	\$ 260	\$ -	Pd in full
Mabton	\$ -	\$ 924	\$ 924	1/19/2017	\$ 924	\$ -	Pd in full
Moxee	\$ -	\$ 1,524	\$ 1,524	1/19/2017	\$ 1,524	\$ -	Pd in full
Naches	\$ -	\$ 332	\$ 332	1/12/2017	\$ 332	\$ -	Pd in full
Selah	\$ -	\$ 2,998	\$ 2,998	1/12/2017	\$ 2,998	\$ -	Pd in full
Sunnyside	\$ -	\$ 6,512	\$ 6,512	1/25/2017; 4/7/2017; 7/14/2017	\$ 4,884	\$ 1,628	Pd 3/4
Tieton	\$ -	\$ 502	\$ 502	1/27/2017	\$ 502	\$ -	Pd in full
Toppenish	\$ -	\$ 3,586	\$ 3,586	1/26/2017	\$ 3,586	\$ -	Pd in full
Union Gap	\$ -	\$ 2,460	\$ 2,460	1/26/2017	\$ 2,460	\$ -	Pd in full
Wapato	\$ -	\$ 2,016	\$ 2,016	1/26/2017	\$ 2,016	\$ -	Pd in full
City of Yakima	\$ -	\$ 37,288	\$ 37,288	1/19/2017; 4/17/2017; 8/1/2017	\$ 27,966	\$ 9,322	Pd 3/4
Zillah	\$ -	\$ 1,256	\$ 1,256	1/24/2017	\$ 1,256	\$ -	Pd in full
Yakima Co.	\$ -	\$ 34,394	\$ 34,394	1/1/2017; 4/1/2017; 7/1/2017	\$ 25,796	\$ 8,599	Pd 3/4
<b>Totals:</b>	\$ <b>350</b>	\$ <b>99,988</b>	\$ <b>100,338</b>		\$ <b>80,425</b>	\$ <b>19,913</b>	

FY 2018 Monthly BVA

September 2017					
Report Date: October 12, 2017		Budget	Actual Current	Actual Year to Date	Year to Date % of Budget
<b>REVENUE 614 YRCAA Base Operations</b>					
<b>REVENUE 614 YRCAA Base Operations</b>					
<b>Stationary Source Permit Fees</b>					
614-32190001	Minor Sources	\$ 161,700	\$ -	\$ -	0.0%
614-32190008	Synthetic Minor Sources	\$ 21,280	\$ -	\$ -	0.0%
614-32190006	Complex Sources	\$ 19,554	\$ -	\$ -	0.0%
614-32290001	Title V Sources	\$ 122,845	\$ -	\$ 101,625	82.7%
614-32190002	New Source Review	\$ 31,500	\$ 6,473	\$ 17,642	56.0%
<i>Subtotal, Stationary Source Permit Fees</i>		<i>\$ 356,879</i>	<i>\$ 6,473</i>	<i>\$ 119,267</i>	<i>33.4%</i>
<b>Burn Permit Fees</b>					
614-32290005	Residential Burn Permits	\$ 63,120	\$ 336	\$ 2,880	4.6%
614-32290007	Agricultural Burn Permits	\$ 28,000	\$ 1,673	\$ 3,433	12.3%
614-32290011	Conditional Use Burn Permits	\$ 2,000	\$ -	\$ -	0.0%
<i>Subtotal, Burn Permit Fees</i>		<i>\$ 93,120</i>	<i>\$ 2,009</i>	<i>\$ 6,313</i>	<i>6.8%</i>
<b>Compliance Fees</b>					
614-32190005	Asbestos Removal Fees	\$ 32,200	\$ 3,112	\$ 8,801	27.3%
614-32190009	Construction Dust Control Fees	\$ 8,365	\$ 1,291	\$ 2,565	30.7%
<i>Subtotal, Compliance Fees</i>		<i>\$ 40,565</i>	<i>\$ 4,403</i>	<i>\$ 11,366</i>	<i>28.0%</i>
<i>Subtotal, All Permit Fee Revenue</i>		<i>\$ 490,564</i>	<i>\$ 12,885</i>	<i>\$ 136,946</i>	<i>27.9%</i>
<b>Base Grants</b>					
614-33366001	EPA, Core Grant	\$ 97,172	\$ -	\$ 30,520	31.4%
614-33403101	DOE, Core Grant	\$ 77,283	\$ -	\$ 20,688	26.8%
<i>Subtotal, Base Grants</i>		<i>\$ 174,455</i>	<i>\$ -</i>	<i>\$ 51,208</i>	<i>29.4%</i>
<b>Fines &amp; Penalties</b>					
614-35990001	Civil Penalty	\$ 2,500	\$ 4,972	\$ 7,356	
614-35990001	Other Fines	\$ -	\$ -	\$ -	
<i>Subtotal, Fines &amp; Penalties</i>		<i>\$ 2,500</i>	<i>\$ 4,972</i>	<i>\$ 7,356</i>	
<b>Supplemental Income</b>					
614-33831001	Supplemental Income	\$ 100,360	\$ -	\$ 16,293	16.2%
<i>Subtotal, Supplemental Income</i>		<i>\$ 100,360</i>	<i>\$ -</i>	<i>\$ 16,293</i>	<i>16.2%</i>
<b>Other Income</b>					
614-36111001	Interest	\$ 2,024	\$ 390	\$ 1,143	56.5%
614-36990014	Miscellaneous Income	\$ 150	\$ 115	\$ 248	165.2%
<i>Subtotal, Other Income</i>		<i>\$ 2,174</i>	<i>\$ 505</i>	<i>\$ 1,391</i>	<i>64.0%</i>
<i>Total YRCAA Base Operations Revenue</i>		<i>\$ 770,053</i>	<i>\$ 18,362</i>	<i>\$ 213,193</i>	<i>27.7%</i>
<b>REVENUE 614 YRCAA Grant Operations</b>					
614-33403105	Wood Stove Ed	\$ 5,331	\$ -	\$ 5,331	100.0%
614-33403108	PM 2.5	\$ 21,050	\$ -	\$ 5,263	25.0%
614-33403107	Woodstove Change-out	\$ 132,000	\$ -	\$ 42,164	31.9%
<i>Total YRCAA Grant Operations Revenue</i>		<i>\$ 158,381</i>	<i>\$ -</i>	<i>\$ 52,757</i>	<i>33.3%</i>
<b>REVENUE Enterprise Operations</b>					
614-34317001	VE Certification Fees	\$ 79,800	\$ 450	\$ 3,900	4.9%
614-34317002	Other Enterprise Revenue	\$ 415	\$ -	\$ -	0.0%
<i>Subtotal, Enterprise Revenue</i>		<i>\$ 80,215</i>	<i>\$ 450</i>	<i>\$ 3,900</i>	<i>4.9%</i>
<i>Total Base, Grant and Enterprise Revenue</i>		<i>\$ 1,008,649</i>	<i>\$ 18,812</i>	<i>\$ 269,850</i>	<i>26.8%</i>

FY 2018 Monthly BVA

September 2017

Report Date: October 12, 2017

		Budget	Actual Current	Actual Year to Date	Year to Date % of Budget
<b>EXPENSES</b>					
<b>EXPENSES 614 YRCAA Base Operations</b>					
<b>Salaries</b>					
614-1001	Salaries	\$ 495,855	\$ 38,971	\$ 121,837	24.6%
614-2002	Benefits	\$ 179,781	\$ 13,693	\$ 42,807	23.8%
614-1003	Overtime	\$ -	\$ -	\$ -	#DIV/0!
<i>Subtotal, Salaries</i>		<b>\$ 675,636</b>	<b>\$ 52,664</b>	<b>\$ 164,644</b>	<b>24.4%</b>
<b>Supplies</b>					
614-3101	Office Supplies	\$ 7,180	\$ 180	\$ 1,191	16.6%
614-3101	Safety Equipment	\$ -	\$ -	\$ -	#DIV/0!
614-3201	Vehicles, Gas	\$ 2,780	\$ 136	\$ 397	14.3%
614-3501	Small Tools/Equipment	\$ 300	\$ -	\$ -	0.0%
614-3502	Computer Network	\$ 8,900	\$ 92	\$ 3,527	39.6%
<i>Subtotal, Supplies</i>		<b>\$ 19,160</b>	<b>\$ 409</b>	<b>\$ 5,115</b>	<b>26.7%</b>
<b>Services</b>					
614-4101	Professional Services	\$ 20,365	\$ 2,030	\$ 4,488	22.0%
614-4101	Laboratory Analyses	\$ 200	\$ -	\$ -	0.0%
614-4125	Treasurer, Yakima County	\$ 1,375	\$ 44	\$ 131	9.5%
614-4201	Communications, Phones/Internet	\$ 13,152	\$ 1,029	\$ 3,087	23.5%
614-4202	Postage	\$ 3,690	\$ -	\$ -	0.0%
614-4301	Travel & Transportation	\$ 2,950	\$ 346	\$ 346	11.7%
614-4401	Public Education	\$ 4,000	\$ -	\$ 2	0.1%
614-4401	Publications, Legal Notices	\$ 1,000	\$ -	\$ 711	71.1%
614-4501	Rents & Leases, Equipment	\$ 3,260	\$ 442	\$ 815	25.0%
614-4501	Rents & Leases, Space	\$ 43,659	\$ 3,638	\$ 10,915	25.0%
614-4601	Insurance	\$ 12,662	\$ -	\$ 12,505	98.8%
614-4801	Maintenance, Motor Vehicles	\$ 2,450	\$ 20	\$ 84	3.4%
614-4801	Maintenance, Equipment	\$ 2,065	\$ 119	\$ 152	7.4%
614-4801	Maintenance, Computers	\$ 265	\$ -	\$ -	0.0%
614-4801	Maintenance, Building	\$ 875	\$ 518	\$ 668	76.3%
614-4901	Memberships	\$ 540	\$ -	\$ -	0.0%
614-4901	Training	\$ 2,900	\$ 1,300	\$ 1,300	44.8%
614-4901	Service Chgs & Interest	\$ 4,600	\$ 180	\$ 865	18.8%
614-4901	Miscellaneous Services	\$ 7,205	\$ 164	\$ 164	2.3%
614-4901	DOE Oversight Fees	\$ 4,787	\$ -	\$ -	0.0%
<i>Subtotal, Services</i>		<b>\$ 132,000</b>	<b>\$ 9,830</b>	<b>\$ 36,233</b>	<b>27.4%</b>
<b>Capital Out-Lay &amp; Fixed Assets</b>					
614-6401	Capital Out-Lay/Fixed Assets	\$ 6,500	\$ -	\$ -	0.0%
<i>Total YRCAA Base Operations Expenses</i>		<b>\$ 833,296</b>	<b>\$ 62,903</b>	<b>\$ 205,992</b>	<b>24.7%</b>
<b>EXPENSES 614 YRCAA Grant Operations</b>					
<b>614-33403105 Wood Stove Ed</b>					
<b>Salaries</b>					
614-1001	Salaries	\$ 3,956	\$ 40	\$ 248	6.3%
614-2002	Benefits	\$ 1,462	\$ 14	\$ 87	6.0%
614-1003	Overtime	\$ -	\$ -	\$ -	#DIV/0!
<i>Subtotal, Salaries</i>		<b>\$ 5,418</b>	<b>\$ 54</b>	<b>\$ 335</b>	<b>6.2%</b>
<b>Supplies</b>					
614-3101	Office Supplies	\$ -	\$ -	\$ -	#DIV/0!
<i>Subtotal, Supplies</i>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>#DIV/0!</b>

FY 2018 Monthly BVA

September 2017

Report Date: October 12, 2017

		Budget	Actual Current	Actual Year to Date	Year to Date % of Budget
<b>Services</b>					
614-4139	Professional Services	\$ -	\$ -	\$ -	#DIV/0!
614-4202	Postage	\$ -	\$ -	\$ -	#DIV/0!
	<i>Subtotal, Services</i>	\$ -	\$ -	\$ -	#DIV/0!
	<i>Subtotal, Woodstove Grant Expenses</i>	\$ 5,418	\$ 54	\$ 335	6.2%
<b>614-33403108 PM2.5</b>					
<b>Salaries</b>					
614-1001	Salaries	\$ 15,367	\$ 1,376	\$ 3,658	23.8%
614-2002	Benefits	\$ 5,683	\$ 483	\$ 867	15.3%
614-1003	Overtime	\$ -	\$ -	\$ -	#DIV/0!
	<i>Subtotal, Salaries</i>	\$ 21,050	\$ 1,859	\$ 4,943	23.5%
<b>Supplies</b>					
614-3101	Office Supplies	\$ -	\$ -	\$ -	#DIV/0!
	<i>Subtotal, Supplies</i>	\$ -	\$ -	\$ -	#DIV/0!
<b>Services</b>					
614-4101	Professional Services	\$ -	\$ -	\$ -	#DIV/0!
	<i>Subtotal, Services</i>	\$ -	\$ -	\$ -	#DIV/0!
<b>Capital Out-Lay &amp; Fixed Assets</b>					
614-6401	Capital Out-Lay/Fixed Assets	\$ -	\$ -	\$ -	#DIV/0!
	<i>Subtotal, PM 2.5 Grant Expenses</i>	\$ 21,050	\$ 1,859	\$ 4,943	23.5%
<b>614-33403107 Woodstove Change-out</b>					
<b>Salaries</b>					
614-1001	Salaries	\$ 12,715	\$ 259	\$ 259	2.0%
614-2002	Benefits	\$ 5,555	\$ 91	\$ 91	1.6%
614-1003	Overtime	\$ -	\$ -	\$ -	#DIV/0!
	<i>Subtotal, Salaries</i>	\$ 18,270	\$ 350	\$ 350	1.9%
<b>Supplies</b>					
614-3101	Office Supplies	\$ -	\$ -	\$ -	#DIV/0!
	<i>Subtotal, Supplies</i>	\$ -	\$ -	\$ -	#DIV/0!
<b>Services</b>					
614-4101	Professional Services	\$ 120,400	\$ -	\$ 4,620	3.8%
	<i>Subtotal, Services</i>	\$ 120,400	\$ -	\$ 4,620	3.8%
<b>Capital Out-Lay &amp; Fixed Assets</b>					
614-6401	Capital Out-Lay/Fixed Assets	\$ -	\$ -	\$ -	#DIV/0!
	<i>Subtotal, Woodstove Change-out Grant Expenses</i>	\$ 138,670	\$ 350	\$ 4,970	3.6%
	<i>Total, Grant Operations Expenses</i>	\$ 165,138	\$ 2,263	\$ 10,248	6.2%
<b>EXPENSES 141 Enterprise Operations</b>					
<b>Salaries</b>					
141-1001	Salaries	\$ 12,776	\$ 5,444	\$ 7,017	54.9%
141-2002	Benefits	\$ 4,722	\$ 1,913	\$ 2,018	42.7%
141-1003	Overtime	\$ -	\$ -	\$ -	#DIV/0!
	<i>Subtotal, Salaries</i>	\$ 17,498	\$ 7,356	\$ 9,483	54.2%

FY 2018 Monthly BVA

September 2017		Budget		Actual Current		Actual Year to Date		Year to Date % of Budget	
Report Date: October 12, 2017									
<b>Supplies</b>									
141-3101	Office Supplies	\$	400	\$	-	\$	430		107.6%
141-3201	Vehicles, Gas	\$	1,700	\$	43	\$	104		6.1%
141-3501	Small Tools/Equipment	\$	200	\$	-	\$	-		0.0%
	<i>Subtotal, Supplies</i>	\$	<b>2,300</b>	\$	<b>43</b>	\$	<b>534</b>		<b>23.2%</b>
<b>Services</b>									
141-4101	Professional Services	\$	-	\$	-	\$	-		#DIV/0!
141-4202	Postage	\$	-	\$	-	\$	-		#DIV/0!
141-4301	Travel & Transportation	\$	6,550	\$	1,221	\$	1,650		25.2%
141-4501	Rents & Leases, Space	\$	4,100	\$	235	\$	235		5.7%
141-4801	Maintenance, Motor Vehicles	\$	200	\$	-	\$	-		0.0%
141-4801	Maintenance, Equipment	\$	500	\$	36	\$	36		7.2%
141-4901	Miscellaneous Services	\$	-	\$	-	\$	-		#DIV/0!
	<i>Subtotal, Services</i>	\$	<b>11,350</b>	\$	<b>1,492</b>	\$	<b>1,921</b>		<b>16.9%</b>
<b>Capital Out-Lay &amp; Fixed Assets</b>									
141-4500	Capital Out-Lay/Fixed Assets	\$	-	\$	-	\$	-		#DIV/0!
	<i>Total Enterprise Operations Expenses</i>	\$	<b>31,148</b>	\$	<b>8,892</b>	\$	<b>11,938</b>		<b>38.3%</b>
<b>Summary of Revenue vs Expenses:</b>									
	<i>Prior-Year Carry Over Funds</i>	\$	<b>125,000</b>	\$	<b>-</b>	\$	<b>125,000</b>		
	<i>Total Revenue, Base, Grants &amp; Enterprise</i>	\$	<b>1,133,649</b>	\$	<b>18,812</b>	\$	<b>394,850</b>		<b>34.8%</b>
	<i>Total Expenses, Base, Grants &amp; Enterprise</i>	\$	<b>1,029,582</b>	\$	<b>74,058</b>	\$	<b>228,179</b>		<b>22.2%</b>
	<i>Fund Balance</i>	\$	<b>104,067</b>	\$	<b>(55,246)</b>	\$	<b>166,671</b>		
	<i>Operating Reserves</i>	\$	<b>(20,933)</b>						
	<i>Estimated Available Fund Balance</i>	\$	<b>125,000</b>						