



Yakima Regional Clean Air Agency

Yakima Regional Clean Air Agency
Agencia Regional de Aire Limpio de Yakima

Meeting of the Board of Directors November 2024

Reunión de la Junta Directiva
Noviembre 2024

November 14, 2024

14 de noviembre de 2024

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Regular Meeting of the Board of Directors

November 14, 2024 – 2:00 P.M.

Yakima City Hall; 129 N Second Street; Yakima, Wash.

Duration – 30 Minutes (estimated)

AGENDA

- 1. Call to Order**
- 2. Roll Call**
- 3. Changes to the Agenda**
- 4. Public Comments**
The public may address any matter relevant to the business of the Board at this time. Please state your name and the item you wish to address. Comments are limited to three (3) minutes per person.
- 5. Board Meeting Minutes for October 10, 2024**
- 6. Resolution 2024-07 Appointing Agency Officials**
- 7. Resolution 2024-08 Voiding Warrants**
- 8. Executive Director's Report**
 - 2025 Fee Schedule
 - Staff and Organizational Changes
- 9. Other Business**
- 10. Adjournment**

Zoom information

URL: <https://us06web.zoom.us/j/6058007569>

Meeting ID: 605 800 7569

Phone number: 253-215-8782 or 253-205-0468

If you wish to attend the YRCAA board meeting and require an accommodation due to a disability or need interpretation or translation services, call 509-834-2050 ext. 100 or send an email to admin@yrcaa.org.



Reunión Ordinaria de la Junta Directiva

14 de Noviembre de 2024 – 2:00 P.M.

Ayuntamiento de Yakima; 129 N Second Street; Yakima, Wash.

Duración – 30 minutos (estimativo)

ORDEN DEL DIA

- 1. Llamar al Orden**
- 2. Registo de Asistencia**
- 3. Cambios en la Agenda**
- 4. Comentarios Públicos**
El público puede abordar cualquier asunto relacionado con los asuntos de la Junta en este momento. Indique su nombre y el artículo que desea abordar. Los comentarios están limitados a tres (3) minutos por persona.
- 5. Acta de la Reunión de la Junta para 10 de Octubre del 2024**
- 6. Resolución 2024-07 Nombrar Oficiales de la Agencia**
- 7. Resolución 2024-08 Ordenes de Anulacion**
- 8. Informe del Director Ejecutivo**
 - Lista de Tarifas para 2025
 - Cambios de Personal y Organizativos
- 9. Otros Asuntos**
- 10. Conclusión**

Zoom información

URL: <https://us06web.zoom.us/j/6058007569>

ID de reunión: 605 800 7569

Número de teléfono: 253-215-8782 or 253-205-0468

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1. Call to Order

Chairperson DeVaney called the meeting to order at 2:03 p.m. in the council chambers, Yakima City Hall; 129 N Second St.; Yakima, Washington.

2. Roll Call

DeVaney conducted roll call and declared a quorum present.

Board members: Amanda McKinney, County Representative, Present
Steven Jones, Ph.D., County Representative, Absent
Janice Deccio, Large City Representative, Absent
Jose Trevino, Small City Representative, Present
Jon DeVaney, Member-at-Large, Present
Staff present: Marc Thornsburg, Executive Director

3. Changes to the Agenda

DeVaney asked if there were any changes to the agenda. None were requested.

4. Public Comment

DeVaney asked if there any public comments.

Jean Mendoza of White Swan stated she attended a public hearing held by the Yakima Regional Clean Air Agency (YRCAA) a week prior and expressed disappointment no members of the board attended the meeting. Mendoza stated her opinion Director Thornsburg and Dr. Tahat had no power to make any decisions, adding they repeatedly stated there was nothing they could do. She suggested had board members been present, they might have gained additional perspective and looked at the issues from a broader angle.

Mendoza expressed her opinion Chapter 173.400 Washington Administrative Code (WAC) served as the basis for the statements of Thornsburg and Tahat, noting the Agency did not address Chapter 197.11 WAC also known as the State Environmental Protection Act (SEPA). She added the Agency should not be ignoring that portion of the law, reminded the board the Friends of Rocky Top (FoRT) had appealed the Agency decision to issue an order of approval for the DTG landfill operation, asserted the Agency would lose at the Pollution Control Hearings Board (PCHB) hearing, and suggested the latter would result in the loss of taxpayer funds that could have been used for other activities such as enforcement. Mendoza suggested the Board consider the pro and cons of proceeding with the appeal, the prospects for prevailing before the PCHB, and whether the Agency would be better served by negotiating with FoRT and avoiding litigation.

McKinney addressed Mendoza's comments, noting that while there is always a preference for transparency, common legal advice is to discuss matters concerning potential litigation in executive session as information disclosed in a public forum can be used in potential future

litigation. She added there is no desire to withhold information, it is done under the advice of counsel to protect and preserve whatever case the board or agency might have.

Nancy Lust, Friends of Rocky Top, thanked Thornsby for promptly providing the notice of violation records requested and concurred with Mendoza regarding board member attendance at the public hearing pertaining to the proposed order of approval for the DTG crushing operation. She thanked Hasan Tahat for making the effort to model various locations for the crusher. Lust added it appeared DTG had selected the location closest to the neighbors, likely to cause the most problems in terms of noise and dust, and resulting in the poorest air quality for the neighbors.

Lust stated DTG engineer Ian Sutton had explained the location was selected due to its proximity to the stockpiles of source material on the site and urged McKinney to suggest to DTG that it would have fewer problems in the future if the crusher were located elsewhere. She added there were a number of questions concerning the modeling done by the Agency including whether the modeling was done using data during the period the landfill has not been operating.

Lust expressed concern regarding the compliance efforts of the Agency and stated it seems the efforts of the Agency are focused on issuing a proper permit, yet once it has been granted there is insufficient effort to ensure its requirements are met. She stated when the Agency was asked how often facilities are subject to inspection, the answer was once per year under optimal circumstances. Lust remarked this answer was unsatisfactory and the Agency appears to expend more effort on permitting than on determining what the Agency will or can do if there is a violation, adding there is a need for better compliance measures.

Sandy Braden, Friends of Rocky Top and Friends of Toppenish Creek, expressed disappointment members of the board did not attend the recent DTG public hearing and questioned why DTG engineer Ian Sutton, who was present at the hearing, was not introduced and subjected to questioning by the attendees. She suggested Sutton might have been able to answer questions and that some of them might have been appropriately directed to him.

5. Board Meeting Minutes for September 2024

DeVaney asked if the board members had an opportunity to review the September minutes. McKinney moved to approve the minutes as presented. Trevino seconded. Motion passed 2-0.

6. Payroll Transfer for August 2024

DeVaney asked if the board members had an opportunity to review the August transfer. McKinney moved to approve the payroll transfers for August 2024. Trevino seconded. Motion passed 2-0.

7. Vouchers for September 2024

McKinney moved to approve the vouchers for September 2024. Trevino seconded. Motion passed 2-0.

8. Executive Director's Report

Thornsbury stated three weeks prior the Agency was recruiting for the administrative assistant position, approximately one week later the staff accountant gave notice, a week after that, while preparing to fill the administrative assistant position, the candidate unexpectedly withdrew due to family needs, and a week later the client services representative—who had been on medical leave for approximately five weeks—submitted a letter immediately resigning the position. Thornsbury explained he is currently recruiting for three positions, there is no administrative staff except for the Executive Director, and his primary focus is on filling the empty positions.

DeVaney asked if Thornsbury was able to utilize any assistance through a temporary staffing firm given the number of vacancies. Thornsbury stated he is evaluating what options are available, suggested the client services representative would likely be the easiest to fill, and expressed hope the latter could be done soon. He added he is looking at securing an accounting firm to assist in the event a staff accountant cannot be hired within the next week or two, noting the position would be the most challenging of the three to fill. He stated his objective is to provide minimal coverage that would allow the Agency to continue moving forward without requiring operations staff—already heavily tasked—to cover administrative needs.

DeVaney asked if Thornsbury needed special authorization to enter into a contract for service through a temporary staffing agency. Thornsbury stated he did not believe so and added he hoped to avoid the need to do so as many of the contracts used require a minimum 90-day commitment. He noted he does not have all the answers at this time as these developments occurred quickly and recently, but added the openings were posted promptly.

McKinney suggested the County Human Resources director would be able to provide assistance if needed and speculated the City of Yakima Human Resources director would probably be willing to assist as well. She noted the workforce issues faced by the Agency have been felt elsewhere across the county and offered her support and encouragement. Thornsbury requested contact information for the County Human Resources director. McKinney stated she would provide it after the meeting.

Thornsbury clarified the most recent public hearing held by the Agency was not for the DTG landfill operation, but for a concrete and asphalt recycling and crushing operation. McKinney thanked Thornsbury for the clarification.

9. Other Business

DeVaney asked for a review of the timeline for adopting the fee schedule for next year.

Thornsbury stated he has started determining an estimate of the inflation rate, suggesting it

would likely be around two and one-half percent (2.5%) to three percent (3%) depending on events in the Middle East that could result in higher fuel prices or labor issues with the longshore workers that could result in higher consumer goods prices, both of which might push inflation toward three percent (3%). He added if these did not occur, inflation might be closer to two and one-half percent (2.5%) next year.

Thornsbury explained there had been previous discussion regarding flattening the bell curve between the upper and lower source classifications and staff is reviewing whether an adjustment is warranted as well as considering minor modifications to the breakdown in categories. He added the current plan is to present a proposal at the November meeting with a public hearing and adoption at the December meeting.

10. Adjournment

McKinney moved to adjourn. Trevino seconded. Motion passed 2-0.
DeVaney adjourned the meeting.

Jon DeVaney, Chairperson

Marc Thornsbury, Executive Director

Yakima Regional Clean Air Agency
RESOLUTION NO. 2024-07

A Resolution of the Board of Directors
Appointing Agency Officials

WHEREAS, the Board of Directors is required to appoint an Auditing Officer for the Agency pursuant to Revised Code of Washington (RCW) 42.24.080; and

WHEREAS, the Board of Directors is required to appoint a Public Records Officer for the Agency whose responsibility is to oversee the Agency’s compliance with public records disclosure requirements pursuant to RCW 42.56.580; and

WHEREAS, the Board of Directors may appoint an Air Pollution Control Officer and any other personnel pursuant to RCW 70A.15.2030; and

WHEREAS, the Board of Directors is required to designate the treasurer of a county as treasurer of the Agency pursuant to RCW 70A.15.2610 and has so designated the Yakima County Treasurer; and

WHEREAS, the Yakima County Treasurer requires the Agency to designate a Primary and Alternate Auditing and Investing Officer; and

WHEREAS, the Yakima County Treasurer requires a date upon which the designation of a Primary and Alternate Auditing and Investing Officer expires;

NOW THEREFORE, BE IT RESOLVED, that the Board does hereby designate Sherrie Springer as Primary Auditing and Investing Officer and Marc Thornsby as Executive Director, Air Pollution Control Officer, Public Records Officer, Secondary Auditing and Investing Officer, and agent to receive claims for damages with said designation superseding all previous designations and effective until superseded or through January 31, 2026, whichever shall occur first, subject to the authorities and responsibilities for said positions as set forth in Resolution 2024-01 adopted January 11, 2024, and the provisions set forth below:

1. The named individuals shall be held harmless, to the fullest extent allowed by law, for actions taken, or for failure to take actions, that are required by virtue of their designated offices;
2. The Agency shall acquire and maintain, through its insurance provider, indemnification (aka “directors and officers”) insurance to defray the cost of any action against the named individuals.

ADOPTED IN OPEN SESSION this 14th day of November, 2024.

Jon DeVaney, Chairperson

Janice Deccio, Director

Amanda McKinney, Director

Jose A. Trevino, Director

Steven Jones, Ph.D., Director

ATTEST:

Jacqueline Meza, Clerk of the Board

Yakima Regional Clean Air Agency
RESOLUTION NO. 2024-08

A Resolution of the Board of Directors
Voiding Warrants

WHEREAS, the Primary Auditing and Investing Officer issued checks on an Agency-controlled account as shown below; and

WHEREAS, the Primary Auditing and Investing Officer incorrectly reported to the Yakima County Treasurer that the checks in question were warrants to be drawn on a different, County-controlled account; and

WHEREAS, the Yakima County Treasurer entered said checks into its system as warrants; and

WHEREAS, the aforementioned warrants do not exist and, thus, can never be reconciled;

NOW THEREFORE, BE IT RESOLVED, that the Board does hereby void the warrants identified below:

<u>Warrant No.</u>	<u>Date</u>	<u>Payee</u>	<u>Amount</u>
4653	1-17-2024	Carl C Brookshire	\$5,446.98
4656	3-29-2024	Itza-Vel Trudell	391.64
4658	4-2-2024	Brandon A Lamb	1,096.88
4661	4-15-2024	Itza-Vel Trudell	1,589.28
4662	4-30-2024	Itza-Vel Trudell	1,677.41
4672	7-1-2024	Itza-Vel Trudell	1,212.50
Total			\$11,414.69

ADOPTED IN OPEN SESSION this 14th day of November, 2024.

Jon DeVaney, Chairperson

Janice Deccio, Director

Amanda McKinney, Director

Jose A. Trevino, Director

Steven Jones, Ph.D., Director

ATTEST:

Jacqueline Meza, Clerk of the Board

STAFF REPORT

Date: October 30, 2024
To: YRCAA Board of Directors
From: Marc Thornsberry, Executive Director
Subject: 2025 Fees

Summary

After reviewing the COLA implemented for the current fiscal year and the actual versus the anticipated rate of inflation upon which it was calculated, several inflation projections for 2025, national and international events with the potential to significantly affect inflation in 2025, and current revenue projections, staff recommends no adjustment in fees for 2025.

Recommendation

Conduct a public hearing at the December meeting and adopt the no-increase fee schedule presented (and based on the information contained herein).

Background

In 2022, the Board commissioned a compensation survey, the results of which were considered at its October, November, and December meetings in that year. The findings contained within the survey report indicated Agency wages were substantially below market levels due to a decade or more with no or minimal adjustments. To address this, the Board substantially increased wages in a two-part process taking place in fiscal years (FY) 2023-24 and 2024-25. To fund these increases, in calendar years (CY) 2023 and 2024, the Board substantially increased Agency fees that, similar to wages, had seen only minimal adjustments in the prior decade.

In conjunction with the adjustments made, the Board stated its desire to abandon the largely flat registration fees then in place in favor of a structure that assessed such fees on a scale determined by the source with an initial concept proposed and adopted by the Board in 2023. At that time the Board stated its desire to avoid the need for large adjustments in the future and staff recommended the use of an annual cost-of-living adjustment (COLA) between compensation surveys.

For FY 2024-25, and in addition to the second part of the wage adjustment previously adopted, a COLA of four and one-half percent (4.50%) was implemented to account for market changes since the compensation survey of September 2022.

Determining an appropriate annual COLA and fee adjustment is challenging due, in large part, to adoption of the latter at the start of the calendar year (January) while the budget—including any COLA—is adopted a minimum of six months later at the start of the fiscal year (July). Thus, a one and one-half year gap exists between when a fee structure must be adopted and the last month covered by the budget and COLA funded by it. Finally, at the time fees must be adopted,

the most current Consumer Price Index data available is for September, making the data upon which an estimated COLA is partially based nine months old by the time it is implemented.

Analysis

Over the period of September 2022 through September 2023, the actual inflation rate was three and seven-tenths percent (3.70%) while the anticipated rate used to calculate the COLA was four and one-half (4.50%), leaving a difference of eight-tenths of one percent (0.80%).

Staff currently estimates inflation through June 30, 2026, at two and eight tenths percent (2.80%) based on an assessment that included the following:

- The Congressional Budget Office (www.cbo.gov/publication/59431) projects a 2025 inflation rate of 2.2% based on current conditions;
- Statista (www.statista.com/statistics/244983/projected-inflation-rate-in-the-united-states) projects a 2025 inflation rate of 2.0% based on current conditions;
- The Federal Reserve of Philadelphia (www.philadelphiafed.org/surveys-and-data/real-time-data-research/survey-of-professional-forecasters) projects a 2025 inflation rate of 2.4% based on current conditions;
- The Bureau of Labor Statistics (BLS) reports the September 2023 through September 2024 inflation rate as 2.44% (as of the date of this report);
- The BLS (www.bls.gov/charts/consumer-price-index/consumer-price-index-by-category-line-chart.htm) shows the inflation rate generally leveled off in 2023 and 2024;
- There is considerable risk hostilities in the Middle East could expand into a regional conflict and this would likely trigger a significant increase in oil prices—a key driver of inflation;
- There is moderate risk current dock worker labor contract negotiations might collapse resulting in resumption of the strike currently suspended until January 15, 2025. Were a strike to occur, it would result in a substantial increase in consumer goods prices—a key driver of inflation; and
- There is significant risk the incoming administration at the federal level will implement various tariffs and these would serve to increase consumer goods prices—a key driver of inflation (though the impact would be dependent upon the breadth and extent of such tariffs). **Estimates of the potential inflationary impact range from a one percent (1%) to a five percent (5%) increase above the current rate.**

Taking the above into account, staff considers it reasonable a COLA of two percent (2%)—comprised of a potential inflation rate of two and eight-tenths percent (2.80%) less the eight-tenths of one percent covered by the prior COLA.

A similar increase is also anticipated in related expenses that are calculated based on wages paid including Medicare, unemployment, the Public Employees Retirement System (PERS), etc.

The cost for health insurance in 2025 is expected to increase approximately six and twenty-six hundredths percent (6.26%) over 2024.

Property and casualty insurance expense in 2025 is expected to increase twelve and thirty-nine hundredths percent (12.39%) over 2024.

Other increases such as Workers' Compensation are not currently known or estimated.

As described during adoption of the new classification-based registration fee structure last year, staff reviewed the initial classifications assigned in response to errors or incorrect information brought to the attention of the Agency and, later, as part of a broad audit to ensure the classifications assigned were correct. The result was the reclassification of twenty-three (23) registrants (or 6%) where a mistake had been made or the classification was found to be based on erroneous information.

Seventeen businesses were added bringing the total number of registered sources to 396 and staff continue to work toward ensuring all sources within the Agency service area are registered and properly permitted. By ensuring all operations subject to registration are identified, the financial burden of registration is spread across a larger number of companies, reducing the cost on an individual basis and ensuring no firm is forced to carry more than their fair share.

Modest increases in population (upon which supplemental income revenues are calculated) are also anticipated in 2025.

After reviewing the anticipated costs and revenues described above, it is the opinion of staff **no fee increase** is necessary for the calendar year 2025, including registration fees as shown below.

Type	2023			2024			Proposed 2025			
	Count	Rate	Revenue	Count	Rate	Revenue	Count	Chg.	Rate	Revenue
Minor	349	\$ 639	\$ 223,011							
Class 0				1	\$ 236	\$ 236	10	0%	\$ 236	\$ 2,360
Class 1				3	292	877	3	0%	292	877
Class 2				21	387	8,127	16	0%	387	6,192
Class 3				71	547	38,823	53	0%	547	28,981
Class 4				187	816	152,622	190	0%	816	155,070
Class 5				50	1,270	63,511	66	0%	1,270	83,834
Complex Minor	24	1,812	43,488							
Class 6				33	2,036	67,176	40	0%	2,036	81,425
Class 7				4	3,326	13,304	8	0%	3,326	26,607
Class 8				1	5,501	5,501	1	0%	5,501	5,501
Class 9				0	9,168	-	1	0%	9,168	9,168
Class 10				0	15,348	-	0	0%	15,348	-
Synthetic	8	3,749	26,243	8	4,949	37,190	8	0%	4,949	37,190
Total	349		\$ 292,742	379		\$ 387,366	396			\$ 437,205
Net Increase						\$ 94,624				\$ 49,839

Executive Memorandum

Date of Release: November 7, 2024
Date of Consideration: November 14, 2024
To: Honorable YRCAA Board of Directors and Alternates
From: Office of Engineering and Planning Division
Subject: October's Compliance, Engineering and Planning Division Report

Issue:

Monthly activities report to the Board of Directors of YRCAA.

Discussion:

The following summarizes some of the activities for the month of October including some additional related information:

- No burn ban called for the month of October;
- Had a public hearing, NSR application for a crusher at DTG Enterprise, Inc.;
- Working on New Source Reviews (NSR) permits;
- Reviewed/responded to 23 SEPA's projects;
- Issued 3 Dust Control Plans (DCP);
- Reviewed/approved 14 Notifications of Demolition and Renovation (NODR);
- Worked on the daily weather forecasts for the burn status and agricultural burn allocation;
- We expect no exceedance during the month of October as shown in the graphs below;
- Working on several permitting, compliance and technical assistance issues with industrial sources; and
- Collected and shipped for analysis approximately 15 Air Monitoring Samples and completed 6 Quality Control (QC) checks on 5 Air Monitors. Inspected 7 sources and investigated 11 complaints for the month of October. Issued one NOP;

The following Table itemizes, by type, the number of complaints received and the number of NOV's issued, for the month October 2024:

Type of Complaint	Number of Complains	Number of NOV's*	Number of AOD's**
Residential Burning	6		
Agricultural Burning			
Other Burning and SFBD***	1		
Fugitive / Construction Dust	1		
Agricultural Dust	1		
Agricultural Odor			
Other Dust			
Surface Coating			
Odor	1		
Asbestos	1		
Others and NSR****			
Registration			
Industrial Sources			
TOTALS	11	0	0

*NOV- Notice of Violation

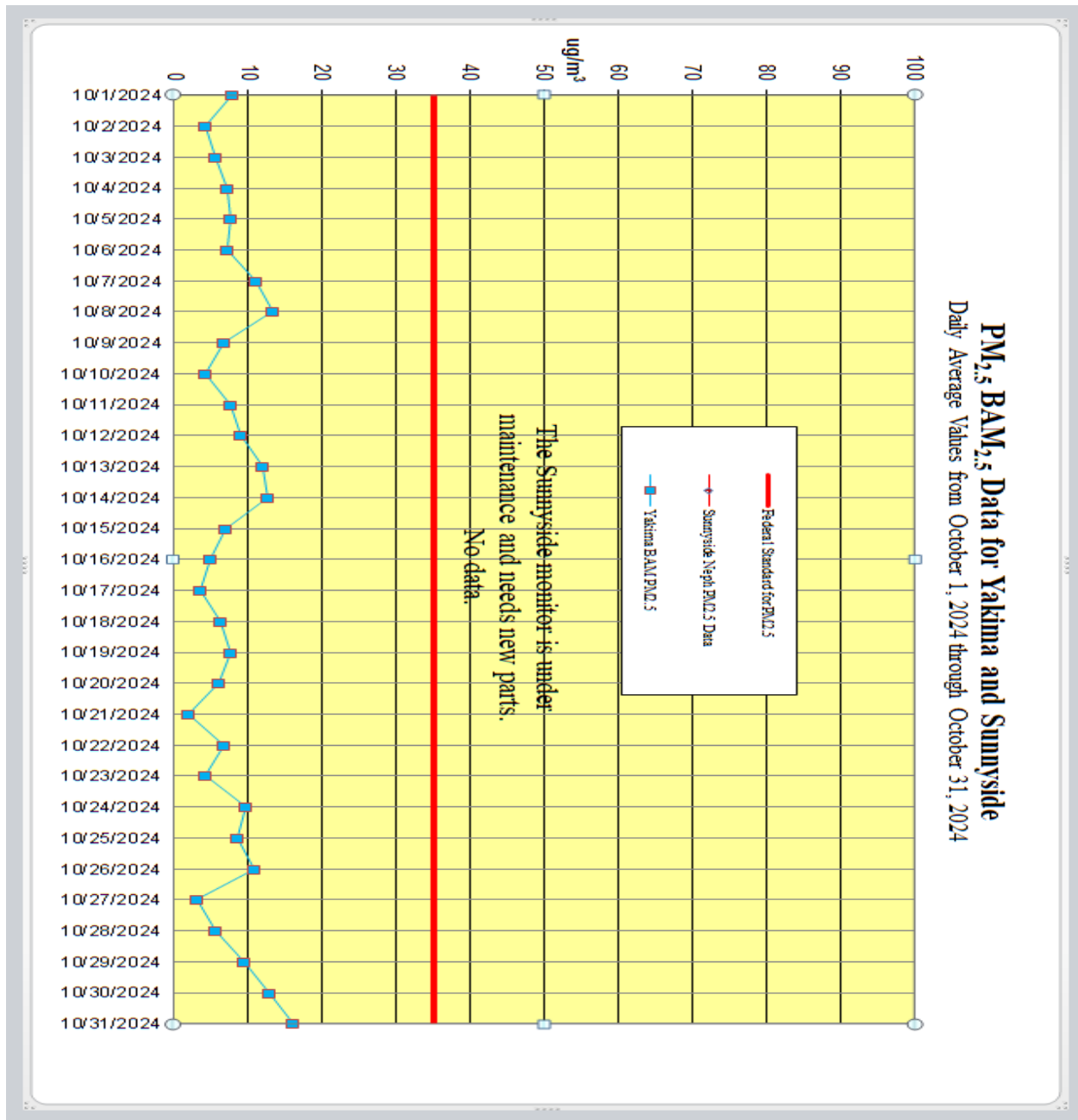
**AOD- Assurance of Discontinues

*** Solid Fuel Burning Device **** New Source Review

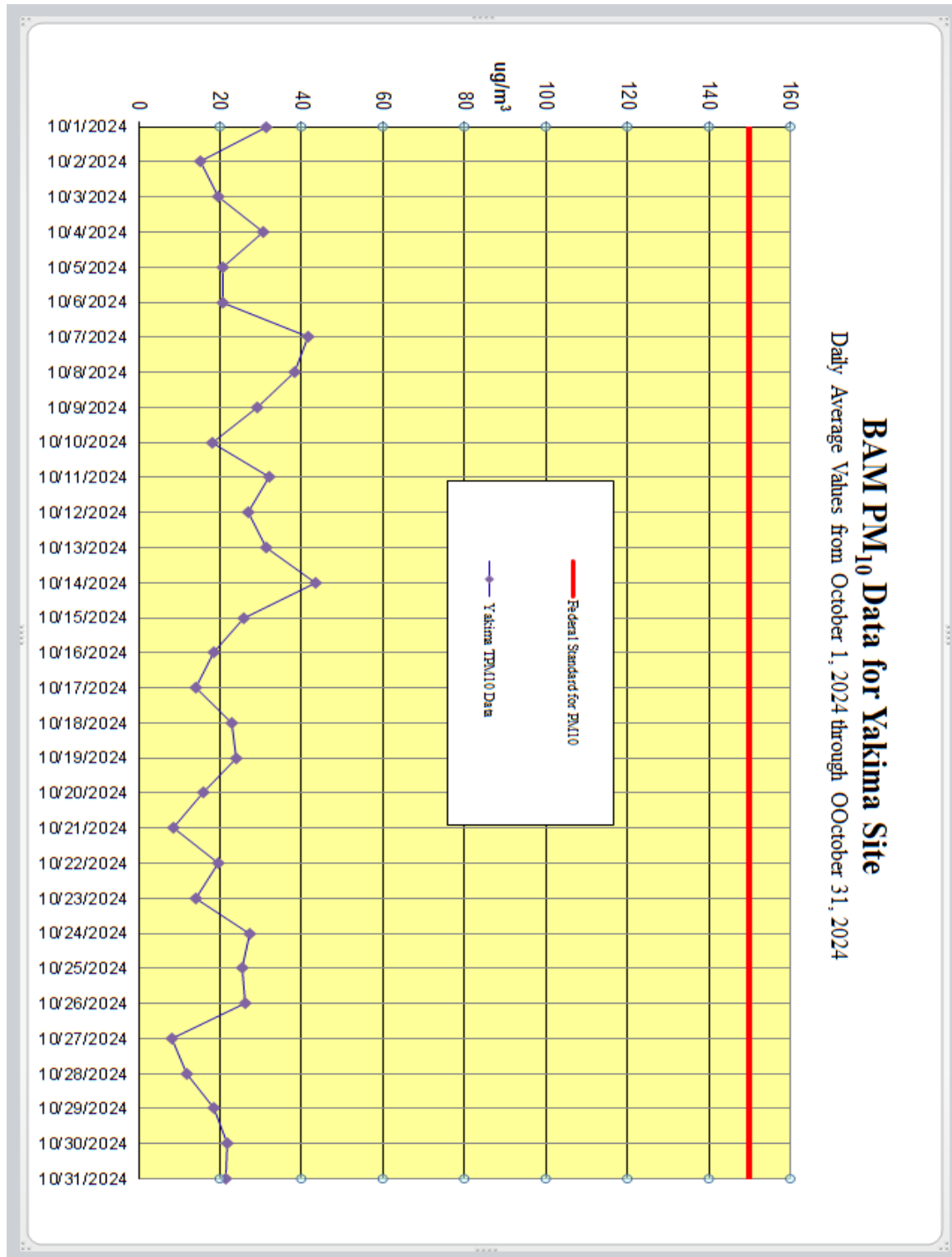
Attachments:

- ✓ *PM_{2.5} Monitor Data for the month of October 2024 and the annual graphs.*
- ✓ *PM₁₀ Monitor Data for the month of October 2024.*

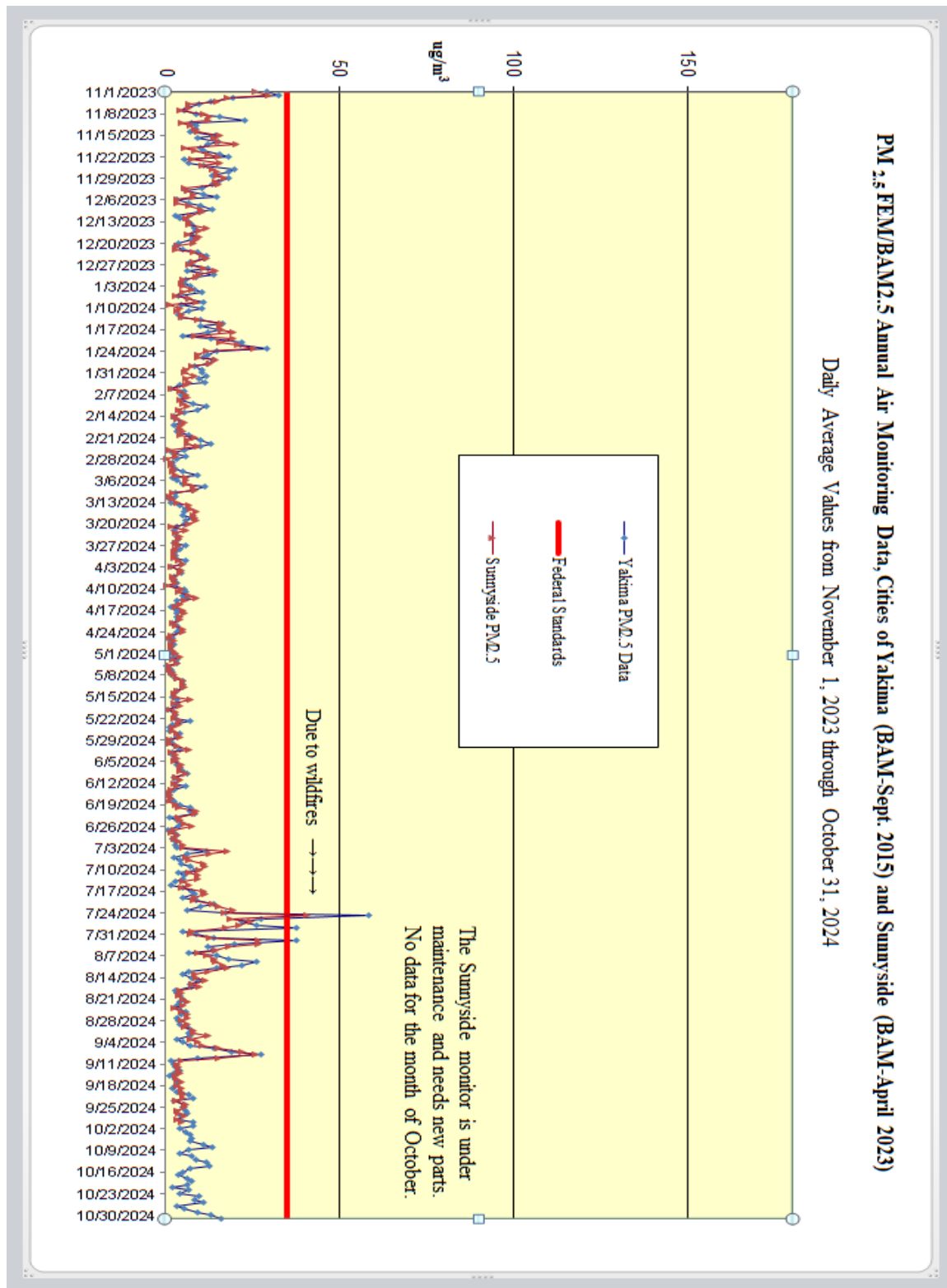
- **PM_{2.5} Data**
 - We expect no PM_{2.5} exceedances for the month of October.



- **PM₁₀**
 - We expect no PM₁₀ exceedance for the month of October.



- **Annual PM_{2.5} Data**
 - Annual PM2.5 for Yakima and Sunnyside monitors for the specified periods.



Date of Release: November 7, 2024
Date of Consideration: November 14, 2024
To: Honorable YRCAA Board of Directors and Alternates
From: Office of the Executive Director
Subject: Monthly Activity Report

Activity	<i>Current Quarter</i>				FY25 Total to Date
	FY24 Total	Aug FY25	Sept. FY25	Oct. FY25	
Minor Source Inspections	85	2	1	7	10
Complaints Received	189	15	8	11	34
NOVs Issued	35	7	1	0	8
AODs Issued	7	1	0		1
Warning Notices Issued	7	2	1		3
NOPs Issued	12	1	0	1	2
SEPA Reviews	263	25	18	23	66
AOP Applications Received	1	0	0	0	0
AOPs Issued or Renewed	2	0	0	0	0
Deviations/Upsets Reported	18	1	1	1	3
AOP Inspections	0	0	0	0	0
Public Workshops	2	0	0	0	0
Media Events	2	0	0	0	0
Media Contacts	3	1	0	0	1
Education Outreach Events	2	0	0	0	0
Sources Registered	240	0	0	0	0
NSR Applications Received	12	0	1	1	2
NSR Approvals Issued-Temporary	0	0	0	0	0
NSR Approvals Issued-Permanent	10	0	1	0	1
NODRs Received	117	1	5	14	20
Agricultural Burn Permits Issued	41	1	2	1	4
Conditional Use Permits Issued	7	0	0	1	1
Residential Burn Permits Issued	764	0	0	16	16
Burn Ban Days	16	0	0	0	0
Public Records Requests Fulfilled	21	1	2	3	6

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

AGENDA ITEM 6.2