

**Advisory Council Minutes  
January 23, 2014  
Spokane Regional Clean Air Agency**

Members Present:

Jana McDonald, Air Pollution Control  
Doug Pottratz, Member at Large  
Adriane Borgias, Environmental  
Chester Jahns, Jr. Agriculture  
Bernard Leber (Bud), Industry  
Kevin Miller, Fire Protection  
Raymond, Byrne, Public Health  
Hal Ophus, Business Community

Staff Present:

William Dameworth, Director  
Matt Holmquist, Compliance Administrator  
Debbie Riley, Administrative Assistant

The meeting was called to order at 8:00 a.m.

**1. Approval of the October 24, 2013 minutes**

Kevin Miller made a motion to approve the October 24th minutes and Doug Pottratz seconded it. Minutes approved.

**2. Update on Asbestos Regulations – Matt**

Matt gave an update on the Asbestos Regulation. He discussed some of the highlights which included dropping asphalt shingle three tab roofing as a suspect asbestos-containing material (ACM). Debris, dust or soil that can be reasonably attributed to asbestos removal or disturbance must be treated as ACM unless testing shows otherwise. Spokane Clean Air found a few situations where the agency could increase flexibility regarding abandoned structures: discovery of ACM that is not in the asbestos survey; adding structures to a Notice of Intent (NOI) and a fee reduction if the owner finds more asbestos that needs to be added to a NOI. They can pay a fee of seventy five dollars and finish the project the same day instead of getting a new NOI and have a three day waiting period. Due to sampling and testing issues of vermiculite and hazards when disturbed, Spokane Clean Air would regulate loose vermiculite as asbestos containing material (ACM) and employ designated work practices.

Matt presented the proposed changes to the Advisory Council October 24, 2013. On November 7, 2013 he presented it to the Board. November 15, 2013, the notice of proposed changes were posted on the agency's website, e-mailed to the building permit center contacts, asbestos training providers, asbestos abatement and demolition service providers, local home inspectors, and associations and published in the Washington State Register. December 20, 2013 the second Notice of proposed changes were emailed to the building permit center contacts, asbestos training providers, asbestos abatement and demolition service providers, local home inspectors and associations. The published legal notice was in The Spokesman-Review on December 22, 2013. A comment was received from the United States Air Force. They recommended striking the requirements for treating debris which tests positive for asbestos as asbestos-containing material when it is reasonably attributed to the removal, disturbance or natural degradation of asbestos-containing material (ACM) from a structure and put it in a guidance document instead. Staff responded that guidance documents are not enforceable. IRS Environmental of WA's comment was received the evening prior and had not yet been reviewed. Hal Ophus, our new Advisory Council member shared his concerns about regulating dust and soil. He had a situation on a job he was working on at FAFB that the dust had encompassed the entire building. He wanted to know what do you do when there is an unknown dust factor and dust is everywhere, how do you control or contain the dust? Matt explained how an added test method in the proposal provided a regulatory threshold which would resolve uncertainties with debris and dust analysis. Hal said that on the West side of the state when they tried to regulate dust it ended up being a class action lawsuit. Bill asked Hal what the West side agency did to regulate the dust and what kind of issues they had; did the issue get resolved or did they just drop the whole thing? Bill said he would like to talk to Puget Sound before moving forward with the proposed changes and that a guidance document is not an option for Spokane Clean Air. There was some discussion between staff and the Advisory Council.

Matt gave a review of the Variance Request he received from the Hutterian Brethren using Google Earth on the location of the land and the size of the piles to be burned in the requested variance. There are about 148 piles and they are fairly large piles. The future site is a location that they wish to cut and pile up and burn also. The Hutterian Brethren originally requested a burn permit and SRCAA told them that they couldn't get a burn permit, because all land clearing burning was banned at the end of 2010. They requested an agricultural burning permit and it was denied and went to the Pollution Control Hearing Board. The Hutterian Brethren kept approaching the SRCAA board to get some kind of relief to burn. The Board instructed them to apply for a variance. SRCAA staff had told them they could apply for a variance. On November 6<sup>th</sup> they submitted a variance request and in the request they requested a variance from a number of different RCW's and WAC's, but some of them didn't seem completely relevant so we followed up to get clarification. What we ended up with was a request for burning some land clearing debris or agricultural burning and they said they were requesting a variance from some of the outdoor burning prohibitions in 6.01f, the Reasonable Alternatives Provisions. The agricultural burning issue from SRCAA staff perspective isn't applicable because this issue is already under appeal before the PCHB and the hearing is set for the middle of next month. From a staff perspective, trying to make sense out of everything we've gotten so far, it still seems that what they're really requesting is a variance from land clearing fires. One of the big issues with the variance is trying to establish the acreages and the tonnages. In terms of quantities, in the original request there was reference to three acres but there

was this vague reference to future material. Over a course of a couple months, we ultimately came up with about 82 acres for the existing proposed conversion which consists of approximately 1,081 tons. The future conversion was the adjacent property where most of those trees are still standing and that is roughly 1,200 tons on approximately 120 acres. One of the issues that have been brought up is the fire hazard concern. Fire District 5 did indicate there is a great risk if there is a wild fire. The Conservation District considers it to be high risk and DNR had a different perspective; they did not consider it an extreme high fire danger. Ultimately it appears there is an interest in getting rid of the material, it's just a matter of burning it or using alternatives to burning. The Spokane Noxious Weed Board indicated there is a seed bank issue and that mitigating measures are labor intensive and costly. Again, there's an interest in timely disposal preferably before spring and it's a matter of using the alternatives or burning. So the alternatives we have established in communication with Paul Gross are that the existing debris could be dealt with for approximately \$25,000, by chipping and hauling. The future material would be about the same amount. So from a WAC and SRCAA perspective, reasonable alternatives are those that are considered to exist when the cost is less than or equivalent to the median of all county tipping fees in the state for disposal and that number comes out to be approximately \$92 per ton. Based on our total tonnages that we have and the total estimated costs, it will put us at around \$22 per ton for disposal using alternatives to burning. Referencing the WAC, it identifies different ways of disposal and there's a hierarchy for environmental harm and outdoor burning is basically the most harmful on the list and above it would be energy recovery which would fall into chipping and hauling it to Busy Bee Recycling. One thing we did hear back on regarding the alternatives while there were no references to alternatives in the original request, when we did some initial follow-up there was an indication that there are emissions from alternatives as well and that is true, but we tried to calculate all the different alternatives. Basically, we looked at the emissions associated with the tub grinder dust emissions, diesel emissions, unpaved roads and emissions from heavy duty diesel trucks hauling to Busy Bee Recycling and the comparison between burning debris versus grinding and trucking it. To give a perspective or reference, Matt looked at the Waste To Energy (WTE) and in 2012, WTE emitted 93,000 pounds of CO and 15,000 pounds of PM<sub>2.5</sub>. In summary, we have the existing conversion and the future conversion. The 82 acres and the future 120 acres; 1,081 tons on the one property and about 1,200 tons on the other and we're somewhere in the neighborhood of \$25,000 or \$24 per ton if you break them out separately. There was a public comment that mentioned the pine beetle as well. For the future conversion, the timing is that they'd like to be able to do that work within a two year time period and in the springtime.

Under the variance procedure SRCAA sent out a 30 day public notice. On December 9, 2013, a neighbor of the SHB, Brent Heinz, sent in written comments. Steve Abrahamson and 23 families from the SHB sent in letters of support. On January 9, 2014 there was a Public Hearing. Paul Gross of The SHB, Lupe Dela Cerda and James Ryan both neighbors. David Mundt, from the Noxious Weed Board, and Jim Armstrong from Spokane County Conservation District testified in support of the variance. The Board of Directors approved the existing project as well as approved the future project granting a variance from SRCAA Section 6.01 and the reasonable alternatives provisions that we have in the regulations. SRCAA had an order drawn up in case the request was approved, similar to a burn permit, that we would issue that restricts burn hours, time to extinguish the fires, when they can ignite it, and make sure there aren't any curtailment things such as those that are put into a burn permit. It was issued January 9<sup>th</sup> and signed by Paul

Gross and the Board Chair. One thing that we learned just prior to the hearing, although we have been asking Department of Ecology for a while, it took Ecology a while to get back to us that they would have to do an independent review of their own. They said that because there is also an exemption request from the reasonable alternatives which is in the WAC, Ecology must also approve the variance in order for it to be effective. Karen Wood and Kary Peterson from Ecology's Eastern Region were at that meeting and shared the information with the Board. They hope to make a decision by January 28<sup>th</sup>. Bill said that if Ecology denies it, the Hutterian Brethren can go to the PCHB. There was some discussion between the Advisory Council and staff.

**The meeting adjourned at 9:00 A.M.**

The next Advisory Council meeting is scheduled for February 27, 2014 in Spokane Regional Clean Air Agency's office located at 3104 E. Augusta Ave.

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ADVISORY COUNCIL MEMBER

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WILLIAM DAMEWORTH, DIRECTOR