



# **Yakima Regional Clean Air Agency**

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

## **Meeting of the Board of Directors November 2023**

Reunión de la Junta Directiva  
noviembre 2023

November 9, 2023

9 de noviembre de 2023

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**Regular Meeting of the Board of Directors**  
**November 9, 2023 – 2:00 P.M.**  
Yakima City Hall; 129 N Second Street; Yakima, Wash.

**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. Public Hearing**
  - 2024 Source Classifications and Fees
- 6. Board Meeting Minutes for July 2023**
- 7. Board Meeting Minutes for September 2023**
- 8. Board Meeting Minutes for October 2023**
- 9. Vouchers and Payroll Transfers for July 2023**
- 10. Vouchers and Payroll Transfers for August 2023**
- 11. Vouchers and Payroll Transfers for September 2023**
- 12. Vouchers and Payroll Transfers for October 2023**
- 13. Resolution 2023-08 – Delegating Authority to Agency Officials**
- 14. Board--Director Engagement**
- 15. Controlled Burn Policies**
- 16. Executive Director's Report**
  - National Ambient Air Quality Standards
  - Staff Changes
- 17. Adjournment**

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

Meeting ID: 605 800 7569  
Phone number: 253-215-8782 or 253-205-0468

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## **Reunión Ordinaria de la Junta Directiva**

**9 de Noviembre de 2023 – 2:00 P.M.**

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

### **AGENDA**

- 1. Llamar al orden**
- 2. Registo de asistencia**
- 3. Cambios en el orden del día**
- 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. Audiencia pública**
  - Clasificaciones de Furentes y Tarifas de 2024
- 6. Actas de la Reunión de la Junta para Julio de 2023**
- 7. Actas de la Reunión de la Junta para Septiembre de 2023**
- 8. Actas de la Reunión de la Junta para Octubre de 2023**
- 9. Comprobantes y Transferencias de Nómina para Julio de 2023**
- 10. Comprobantes y Transferencias de Nómina para Agosto de 2023**
- 11. Comprobantes y Transferencias de Nómina para Septiembre de 2023**
- 12. Comprobantes y Transferencias de Nómina para Octubre de 2023**
- 13. Resolución 2023-08 – Delegar Autoridad a Funcionarios de la Agencia**
- 14. Participacion del Director de la Junta**
- 15. Políticas de Quema Controlada**
- 16. Informe de los Directores Ejecutivos**
  - Estándares Nacionales de Calidad del Aire Ambiente
  - Cambios de Personal
- 17. Cierre**

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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## STAFF REPORT

**Date:** November 2, 2023  
**To:** YRCAA Board of Directors  
**From:** Marc Thornsbury, Executive Director  
**Subject:** 2024 Source Classifications and Fees - Update

### Summary

Minor sources would be scored on the following three elements: Compliance (the time required for compliance work), Emissions (the quantity of emissions released), and Toxicity (the degree of hazard posed by the emissions released). Based on this score, the source would be given a Minor Source Class upon which the total fee (comprised of a base and variable fee) would be assessed. Under this system, simple sources with few emissions and low toxicity would pay less while complicated sources with a greater quantity of emissions and higher toxicity would pay more. In the opinion of Staff, this proposal is objective, equitable, and meets the requirements of the Board as stated in 2022.

### Recommendation

Approve the general methodology and estimated rates described herein with final approval and adoption to take place at the December meeting.

### Background

During a series of meetings held in late 2022, and taking note most registered sources were in the same category (minor sources) and paid the same registration fee, the Board of Directors requested staff review the framework for assessing registration fees and present a proposal that would more equitably allocate fees across different sources. The proposal was to be presented and adopted so as to allow implementation in conjunction with the planned 2024 fee increase.

### Analysis

The Agency's registered sources fall into one of three categories (minor, synthetic, and major) as described below. To address the desire of the board for a more equitable distribution of minor source registration fees, and keeping in mind the intent of the legislature that sources of pollution fund pollution control agencies, staff worked to identify factors that would mirror the proportion of compliance costs related to, and the air quality impact of, various sources.

### Minor Sources

Minor sources are those not otherwise classified as synthetic or major sources. Under this proposal, minor sources would be assigned to one of six possible classes as shown below. The annual fee for each class would combine a uniform fixed (or base) fee of \$322 that covers costs common to all sources plus a variable fee starting at \$253 that covers costs unique to each source given its compliance, emissions, and toxicity (see below).

Type	Score	2022			2023				Proposed 2024			
		Count	Rate	Revenue	Count	Chg.	Rate	Revenue	Count	Chg.	Rate	Revenue
Minor		317	\$ 482	\$ 152,794	349	32.6%	\$ 639	\$ 223,011				
Class 1	0								12	-10.0%	575	6,646
Class 2	1-2								81	13.7%	727	\$ 58,749
Class 3	3-4								237	37.5%	879	207,996
Class 4	5-6								49	61.3%	1,030	50,567
Class 5*	7-8								6	85.0%	1,182	6,809
Class 6*	9-10								0	108.8%	1,334	-
Synthetic		8	2,822	22,576	7	32.8%	3,749	26,243	7	25.3%	4,697	32,882
<b>Total</b>		<b>325</b>		<b>\$ 175,370</b>	<b>356</b>			<b>\$ 249,254</b>	<b>391</b>			<b>\$ 363,650</b>
Net Increase								\$ 73,884				\$ 114,396

The Agency has a total of 391 registered sources of which one third (133) have been classified according to the method described below. There has been insufficient time to review the remainder and it is hoped this can be completed by the December meeting. In the meantime, the number (or “Count”) of the sources in each class is estimated using the same percentage distribution of sources as was found in the third that was completed. Furthermore, the above “Proposed 2024” rates are estimates and may change slightly, as needed, before final adoption.

To assign a class, each individual source is assigned a score based on three elements and these are then totaled. The total score is used to identify the applicable class and rate according to the above table. The three elements scored are as follows:

#### *Compliance*

Compliance refers to the collective equipment and processes that contribute to the complexity of the source and the amount of time necessary to perform the required compliance work.

Hours	0 to 2	2 to 4	4 to 6	6 or more
Score	0	1	2	3

#### *Emissions*

Emissions accounts for the quantity of emissions released either as reported by the source, or as calculated by staff, based on the annual registration information submitted to the Agency for the most recent year (e.g. 2022 reporting year used in 2023 to set 2024 rates).

Tons*	0 to 10	10 to 30	30 to 40	40 or more
Score	0	1	2	3

\* Note: One million gallons liquid throughput equates to approximately one ton of emissions.

#### *Toxicity*

Toxicity accounts for the degree of hazard posed by the collective emissions from the source based on their acceptable source impact level (ASIL). This accounts for the need for greater oversight for emitters of more highly toxic pollutants (lower ASIL equals higher toxic impact).

ASIL	0 to 0.12	0.12 to 1	1 to 10	10 to 30	30 or more
Score	4	3	2	1	0

Example: Based on the above, a source that typically requires two to four hours of compliance work and emits ten to thirty tons of pollutants with an estimated average ASIL of 7 would receive a score of 4 (1 + 1 +2) would be considered a Class 3 Minor Source.

Synthetic Sources

Synthetic sources (fka “synthetic minor sources”) are those that would otherwise exceed the threshold to be classified as major sources based on their potential emissions, but have voluntarily limited operations so as to fall below the threshold. Because of their unique circumstances, they are handled separate from the other minor sources.

Major Sources

Major sources (aka “Title V” sources) are those that meet the definition for a State Air Operating Permit (AOP) as set forth in 40 CFR Part 70. Major sources are exempt from registration.

Other Fees

The discussion in late 2022 regarding fees only addressed registration fees. Other fees charged by the Agency were left for a future date. These fees have now been reviewed and the proposed changes are shown in the table below:

	2023		Proposed 2024		
	Rate	Count	Increase	Rate	Revenue
<b>Burn Permits</b>					
Residential	\$ 51	1,100	7.8%	\$ 55	\$ 60,500
Agricultural (per ton/\$80 min)	1	12,400	0.0%	1	13,480
Land Clearing (per ton)	2.42			2.42	0
Land Clearing (minimum)	242		0.0%	242	0
Conditional (per ton)	2.42			2.42	0
Conditional (minimum)	242	6	0.0%	242	1,452
<b>Dust Plans</b>					
Master/Project	357	6	3.6%	370	2,220
Site Notification	165	23	3.0%	170	3,910
<b>Demolition/Asbestos</b>					
0-10 LF/ 0-48 SF	46	50	-2.2%	45	2,250
11-260 LF/ 49-160 SF	89	70	12.4%	100	7,000
11-260 LF/ 49-160 SF	171	95	19.9%	205	19,475
1K-10K LF / 5K-50K SF	437	7	13.3%	495	3,465
>10K LF / >50K SF	922	2	29.1%	1,190	2,380
Owner Occupied	80	2	0%	80	160
Commercial Roof	175	10	22.3%	214	2,140
Annual Notice	354	2	22.9%	435	870
Emergency Notice	98	10	58.2%	155	1,550
Revision	40	10	0%	40	400

Each clean air agency in the state is unique and has developed to address the particular needs of its local community. As a result, an apples-to-apples comparison is not always possible. Nevertheless, considering what others are doing can be a useful frame of reference. With this in mind, the following table is provided for comparative purposes.

	Proposed	Benton	Northwest	Olympic	Southwest	Spokane
<b>Burn Permits</b>						
Residential	\$55	\$75	n/a	n/a	n/a	n/a
Agricultural (per acre)*	1	1	1	1	1	1
Land Cleaning (per acre)	2.42	3.75	n/a	127	-	Prohibited
Land Cleaning (minimum)	242	37.50	n/a	127	137	Prohibited
Conditional (per acre)	2.42	-	-	-	-	-
Conditional (minimum)	242	-	-	-	-	-
<b>Dust Plans</b>						
Master/Project	370	-	-	-	-	-
Site Notification	170	-	-	-	-	-
<b>Demolition/Asbestos</b>						
0-10 LF/ 0-48 SF	45	0	0	44	0	75
11-260 LF/ 49-160 SF	100	50	263	190	137	250
261-1K LF/ 161-5K SF	205	50	526	411	343	500
1K-10K LF / 5K-50K SF	495	50	1,314	822	684	1,250
>10K LF / >50K SF	1,190	50	1,892	1,645	684	1,250
Owner Occupied	80	25	47	-	34	-
Commercial Roof	214	-	-	-	-	Double
Annual Notice	435	-	920	633	684	750
Emergency Notice	155	Double	Double	63	Double	Double
Revision	40	0	42	-	34	0

\* Set by the Agricultural Burning and Research Task Force

### Financial Impact

The fee changes proposed are necessary to implement changes to the Agency's wages and benefits as considered over several meetings at the end of 2022. Wages have been substantially below those of the market for several years and have directly resulted in the loss of five staff members (two in compliance, two in engineering, and one in administration) in as many years to other public agencies. This has effectively rendered the Agency a training facility for others and made it difficult to achieve Agency objectives.

To address this, in 2022 the Board adopted an overall plan to increase wages and approved implementation of one half of that increase in 2023, supported by a commensurate fee increase. The second half of the wage increase previously adopted is scheduled to take place in 2024 and the fee increase proposed herein will provide adequate revenue to maintain a balanced Agency budget once wages are adjusted in 2024. A summary of this information is shown below including past and planned wage and benefit adjustments and how they are supported by these fee increases and the planned 2025 supplemental income adjustment.



<b>Agency</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
Wages	\$ 550,484	\$ 623,844	\$ 767,052
Social Security	-	38,678	47,557
Medicare	7,350	9,046	11,122
Unemployment	1,258	1,451	1,603
PERS	53,936	64,817	79,697
Health Insurance	98,306	109,630	125,940
Workers' Comp.	11,982	14,374	16,000
Total Wage/Ben.	723,316	861,840	1,048,970
Difference			187,130
Reg Fee Increase			114,396
Supp. Increase			25,810
Other Fee Increase			47,049
<b>Balance</b>			<b>\$ (125)</b>

It is the considered opinion of Staff that the above proposal is objective, equitable, and meets the requirements of the Board as stated in 2022. No such system is perfect, but substantial work has been put into developing a mechanism through which sources that consume a larger portion of the Agency's resources due to their complexity, emissions, and/or toxicity would bear a greater share of the Agency's operating costs versus those requiring a lesser share. In addition, efforts were made to create an effective system that would not be overly difficult or complicated to implement or require additional Agency resources. Finally, it meets the future financial demands of the Agency.

The next steps will be to make any changes requested by the Board, complete the source classification work, and finalize the proposed fees before adoption at the meeting in December 2023 (with implementation to occur at or before the start of 2024).

1. **Call to Order**

Chairperson DeVaney called the meeting to order at 2:00 p.m. in the council chambers, Yakima City Hall; 129 N Second St.; Yakima, Washington.

2. **Roll Call**

Herman conducted roll call and declared a quorum present.

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

Staff present: Marc Thornsbury, Executive Director  
Pamela Herman, Clerk of the Board

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 were any public comments and offered instructions for people attending remotely. He noted for those wishing to comment regarding the air operating permit fee assessments, a separate public hearing would be held shortly.

Jean Mendoza (*provided in Spanish—translated to English by Agency staff*)

Good morning. My name is Jean Mendoza. I live in White Swan. The topic entitled “Update on Overburdened Communities” will be discussed. In the past, the YRCAA board has expressed its concern about public declarations of frustration in board meetings. The solution that has been in effect for almost five years was to convene community forums four times per year. At these meetings, members of the public were able to discuss their concerns and issues with YRCAA staff. According to YRCAA policy, there would have been a community forum on June 12th of this year. The forum was canceled without prior notice. Consequently, there was no opportunity for the public to discuss important issues with the YRCAA. The end result is the community did not have the opportunity to learn about the high levels of methane in the ambient air in South County. They were not able to understand the causes before the issuance of permits for a manure bio-digester at the Port of Sunnyside. Thank you.

5. **Public Hearing for the method used for Air Operating Permit fee assessments**

DeVaney asked if there were any public comments. None were offered.

DeVaney closed the public hearing at 2:05 p.m. and reopened the Regular Board Meeting.

6. **Board Meeting Minutes for June 2023**

Deccio moved to approve the minutes. McKinney seconded. Motion passed 3-0.

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**7. Vouchers and Payroll Authorization Transfers for June 2023**

Dr. Jones inquired as to why the registered sources count appearing on the monthly report appears to be approximately one-third higher than the previous year. Thornsby explained the Agency had discovered several sources were behind in their registrations. He added that staff has been engaged in reaching out to encourage those sources to bring their registrations current. McKinney moved to approve the vouchers and transfers. Deccio seconded. Motion passed 3-0.

**8. Resolution 2023-07 Updating the Method for Determining AOP Fee Assessments**

Thornsby explained the Agency is subject to accountability and financial audits for the state and a separate audit for the federal air operating permit (AOP) program—the cost of which is allocated amongst the permittees—also known as Title V sources. He added the Agency received remarks during its last audit noting several years had passed since the AOP fee assessment method had been reviewed and updated to ensure it was correct. Thornsby stated the Wash. Dept. of Ecology (ECY) statewide development and oversight (D&O) costs related to the AOP program are divided strictly by the total number of sources in Washington and the amount charged to the various clean air agencies is calculated on the number of sources in each jurisdiction.

Thornsby noted in the prior language, audit and ECY development and oversight costs were allocated to the permittees on a percentage basis. He added staff considered this method unfair as these costs are charged to the Agency on a flat basis and steps were taken to charge the permittees on the same basis. Thornsby explained the language of the previous resolution, however, did not allow for this, requiring the language be adjusted as found in the proposed resolution so these costs can be allocated to permittees in the same way the Agency is charged for them. Deccio moved to adopt Resolution 2023-07. McKinney seconded. Motion passed 3-0.

**9. Wood Smoke Reduction Program conditions**

Thornsby noted at its prior meeting, the Board expressed concern regarding how staff determined the proposed rebate amounts available for different types of wood stove replacement devices and whether the amounts proposed were unfairly weighted in favor of one or more alternatives relative to others available. Thornsby stated staff conducted a thorough assessment, looking particularly at the estimated costs for low-income installations as they would be fully funded by the Agency and, thus, represent a reasonable total estimated cost. He cautioned that despite this, there can be unique circumstances resulting in higher or lower costs and offered, as an example, the installation of an electric device where the electrical panel is found to be undersized, requiring installation of a larger panel at additional cost. Thornsby noted an average member of the public, not part of the program, would be expected to pay a slightly greater amount than what the agency is paying for a low-income installation, but the difference would be a similar percentage, approximately five percent (5%) across-the-board premium, regardless of the replacement device type.

Thornsbury stated there are two alternatives proposed with the first one being strictly neutral with respect to fuel source and consistent with the Board's prior statements. He added the idea was to set amounts so that a person using a rebate, regardless of the fuel source, would end up paying the same out-of-pocket amount whether the device operated on natural gas or electric power. Thornsbury explained this would ensure an economically neutral selection for homeowners. He added this may run counter to what may have been the Board's expectation the original proposal was underfunding rebates for gas devices in favor of electric devices, but from a strictly neutral perspective relative to out-of-pocket expense, the original proposal actually favored gas devices over electric devices.

Thornsbury explained a second alternative was developed in the event the Board found the first unacceptable and this set the rebate amounts based on the same percentage of total cost for gas installations relative to electric installations. He noted the estimated costs are \$7,000 for low-income gas installations and \$8,500 for low-income electric installations such that gas installations are estimated to cost 82% of an electric installation. Thornsbury added the rebate amount for electric devices was determined and the same percentage, 82%, was then applied to calculate the rebate amount for gas devices.

DeVaney asked if he understood the second alternative would require an ongoing review of actual market costs for various devices. Thornsbury responded that would not be the case and the estimated amounts used would remain unchanged. He added they were determined based on what staff believes to be reasonable market estimates. Thornsbury reiterated the amounts used in the two alternatives are different with the second alternative favoring gas devices with higher rebates relative to total cost.

Jones then asked if moving from an open flame fireplace to a certified wood stove would result in the largest reduction in PM2.5. Thornsbury stated he would expect the greatest reduction would occur in moving from a fireplace to an electric device. Jones asked if moving from an open flame fireplace to a certified wood stove would still represent a significant reduction in PM2.5 emissions. Thornsbury concurred, adding it would be a significant drop whether the move was from a fireplace or an older, uncertified wood stove. He explained the substantial impact of such a change prompted the higher rebate amounts proposed to encourage replacement of these devices. Jones asked if any consideration was given to the cost of fuel after installation. Thornsbury replied fuel costs were not a factor in developing the two proposals.

Thornsbury added pellet stoves offered an improvement in emissions over standard wood stoves due largely to their mechanical feed mechanism that reduces the effect of human error in operating the stove. He noted wood stove emission certification was based on operating the stove in accordance with certain standards and these are often not strictly followed by persons using a wood stove.

McKinney stated she liked the idea neutrality and allowing the consumer to choose what works best for their household and what may be more economically feasible for them. She offered gas as an example, noting there might be higher costs on the front end, but it might prove to be more economically viable for continuous service given actual fuel costs going forward. McKinney explained she leaned toward supporting the first alternative due in large part to its neutrality. DeVaney and Deccio concurred.

Jones expressed support for the second alternate, adding the consumer should be allowed to make the choice with the goal being to reduce emissions. He reiterated if the impact of changing to a gas or electric device is relatively equal, the decision should be left to the consumer without influence. Jones stated the costs used as the basis for determining rebates did not take into account any potential additional costs such as electrical panels, adding these would not be a factor for gas installations. Thornsby explained gas installation had their own unanticipated costs such as having to install a more expensive roof vent versus a wall vent. He added the figures used, regardless of the device type, are reasonable estimates, but estimates nonetheless.

Thornsby suggested the first alternative would more fully allow the consumers to make the choice as they would have the same out-of-pocket cost for either device type and would then make a choice based on anticipated long-term operating cost, not short-term installation cost. Jones stated the first alternative appeared to more heavily weighted toward natural gas. Thornsby replied the first alternative was not weighted toward any device type and explained the rebate amounts were calculated by looking at the estimated installation costs and then using a figure that would result in the same out-of-pocket cost for the consumer regardless of whether the device was gas or electric.

Jones noted gas devices are much cheaper to operate and expressed support for the second alternative as it would serve to promote the installation of gas devices. McKinney stated her objective was to avoid promoting either gas or electric devices and leave the decision to the consumer. Thornsby remarked Jones statement was correct and the second alternative would serve to encourage installing gas devices, but at the cost of neutrality. He added not everyone has choices available to them so, for example, if a person does not have natural gas service and gas devices are more heavily subsidized, the latter would effectively act as a penalty.

Jones stated his belief most persons taking advantage of the program likely live in older homes where the addition of a propane heater would be more feasible than bringing in additional power to a 100-year-old house and explained this was the reason for his support for the second alternative. Thornsby noted the rebate amount for a gas device would be greater under the second alternative meaning a person who chose to install a gas device would have a lower out-of-pocket cost than a person who chose to install an electric device.

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DeVaney called for a motion. Jones moved to approve alternative two. There was no second. DeVaney asked if there was another motion. Deccio moved to approve alternative one. McKinney seconded. Motion passed 3-0.

#### 10. **Executive Director's Report**

Board meeting remote access. Thornsby explained staff had worked diligently to provide remote access to the Agency board meetings as requested by the Board. McKinney expressed appreciation for the work done. She added the ability would be useful for board members and expressed hope it would encourage community members to participate.

Inter-agency coordination of burn ban notifications. Thornsby explained the catalyst for this work was a previous meeting held to discuss how agencies could better communicate the status of burning to members of the public. He added there are County fire safety burn bans, State fire safety burn bans, and Agency air quality burn bans and these are not always well-communicated. Thornsby noted the result can be a situation where one agency might state it has no prohibition on burning without that statement necessarily being applicable to all other agencies—leaving the impression burning is allowed even when it is not.

Thornsby reported some work has been done to identify potential alternatives to help synchronize messaging and to coordinate with other agencies—particularly Yakima County and, in the future, perhaps EPA (to allow accurate reporting of bans covering the Yakama Nation Reservation) and the State of Washington (to allow accurate reporting of state-wide bans). He added several options are available including modifications to the Agency's residential burn permits to highlight where (and with whom) permittees should check before burning, improvements to the Agency web site, and alterations to the Agency phone system automated attendant. Thornsby noted he has been in contact with County technology staff and a rough concept has been developed with work now turning to the practical aspects concerning what elements will be needed to implement the concept—though no specific solution has been identified to date.

McKinney noted there has been some miscommunication that has been frustrating for the County and the Agency while creating confusion for members of the public who are trying to do the right thing. She expressed appreciation for the work being done and suggested the County Geographic Information System (GIS) might prove useful.

Update on Overburdened Communities. Thornsby stated he inadvertently left this item on the agenda and was unable to provide an update regarding Overburdened Communities due to other demands on his time. He noted it would appear on a future agenda.

#### 11. **Other Business**

DeVaney expressed appreciation for the coordination of the YRCAA with other agencies concerning landfill permitting and commended Thornsby for his efforts to work with peer agencies as has been done with respect to burn ban notification.

Thornsbury noted the Board will likely need to address when to hold its planned Fall Lower Yakima Valley meeting and suggested the September or October meeting to avoid inclement weather. He added he expected to have a primary and alternate venue lined up by the next meeting. Thornsbury explained discussions are being held regarding a public air quality meeting to be held in the fall at a location in the Lower Yakima Valley and noted the Agency would have an opportunity to participate with respect to its wood stove replacement program.

DeVaney noted the Board is legally required to hold at least ten meeting each year and has historically canceled the August meeting. Thornsbury stated he would be reluctant to make that call at present and stated his preference to wait a couple weeks to see what develops. He explained if there were no pressing agenda items, the meeting could then be canceled. Thornsbury cautioned doing so would push back any discussion regarding the Fall Lower Yakima Valley meeting.

DeVaney asked if the Board wished to discuss location. McKinney stated she was satisfied with deferring to staff regarding location. Thornsbury asked if there was a preference for September or October. The consensus favored September. DeVaney stated he would leave the August meeting on the calendar and cancel at a later date if there was no pressing business.

## 12. **Adjournment**

McKinney moved to adjourn. Deccio seconded. Motion passed 3-0.

DeVaney adjourned the meeting at 3:38 p.m.

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Jon DeVaney, Chairman

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Pamela Herman, Clerk of the Board

1. **Call to Order**

Chairperson DeVaney called the meeting to order at 2:00 p.m. in the council chambers, Yakima City Hall; 129 N Second St.; Yakima, Washington.

2. **Roll Call**

Herman conducted roll call and declared no quorum present. DeVaney stated the meeting would proceed, but no action would be taken on any agenda item.

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

Staff present: Marc Thornsbury, Executive Director  
Pamela Herman, Clerk of the Board

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 were any public comments. None were offered.

5. **Board Meeting Minutes for July and August 2023**

No action was taken.

6. **Vouchers and Payroll Authorization Transfers for July and August 2023**

DeVaney asked if staff had any comments. None were offered. No action was taken.

7. **Board—Director Engagement**

DeVaney deferred discussion until the presence of other board members allowing them to participate.

8. **Executive Director's Report**

Education and Outreach.

The U.S. Environmental Protection Agency (EPA) sponsored an outreach event which the agency participated in over the past two days. Thornsbury will provide details during the October meeting.

Source Classification. There was a discussion where staff had expressed the need for a finely tuned minor source classification system be available. Thornsbury hopes to propose a new system during October meeting.



DeVaney inquired on the amount of people from the public participated in the EPA outreach event. Thornsbury characterized the turn-out as modest. He noted the event in Wapato saw more attendees, adding a previously scheduled health fair for the next day in Granger might have affected attendance.

**9. Other Business**

DeVaney noted the October meeting will be held in the Lower Yakima Valley. Thornsbury confirmed, adding complications prevented use of the Port of Sunnyside facilities as originally anticipated. He explained the facilities at KDNA in Granger were also considered, but unavailable on the planned date, and current efforts were under way to secure the council chambers at the City of Granger. Thornsbury stated he would inform the Chairperson of the venue ultimately secured.

DeVaney asked if there would be additional public outreach. Thornsbury explained because it will be considered a special meeting due to the different venue, additional notice requirements would be in effect. He added once the venue is confirmed, notices to local newspapers and other media would go out.

**10. Adjournment**

DeVaney noted items not addressed at the meeting would be tabled and addressed at the next meeting. DeVaney adjourned the meeting at 2:07 p.m.

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Jon DeVaney, Chairman

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Pamela Herman, Clerk of the Board

1. **Call to Order**

Chairperson DeVaney called the meeting to order at 5:34 p.m. in the council chambers, Granger City Hall; 102 Main St.; Granger, Washington.

2. **Roll Call**

Herman conducted roll call and declared no quorum present. DeVaney stated the meeting would proceed, but no action would be taken on any agenda item.

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

Staff present: Marc Thornsbury, Executive Director  
Pamela Herman, Clerk of the Board

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 were any public comments. None were offered.

5. **Board Meeting Minutes for July 2023**

6. **Board Meeting Minutes for September 2023**

No action was taken.

7. **Vouchers and Payroll Authorization Transfers for July 2023**

8. **Vouchers and Payroll Authorization Transfers for August 2023**

9. **Vouchers and Payroll Authorization Transfers for September 2023**

DeVaney asked if there were any questions or comments. None were made. No action was taken.

10. **Board—Director Engagement**

DeVaney referred to the memo he had written to the Board and included in the packet describing follow-up items from Thornsbury's performance review to be discussed to ensure he understands the expectations and preferences of the Board. DeVaney noted the first item pertained to the level of detail received in oral briefings during the monthly board meetings, and how best to facilitate discussion at meetings. He explained some board members had noted the oral briefings provided, to the extent they repeated the content of written reports, could be repetitive while others observed information may be more easily absorbed when presented orally. DeVaney stated his preference is to receive written reports which can be read and later reviewed before being discussed during the board meeting. Jones concurred.

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Jones noted the elimination of the consent agenda. Thornsbury briefly described its purpose and explained its use did not save much time given the Agency's limited number of agenda items. Jones asked if not having a consent agenda meant some information was no longer provided to the Board. Thornsbury assured Jones all applicable information is still included in the packet.

DeVaney stated the second item concerned board meeting duration, noting the previous practice of scheduling study sessions on specific topics was raised as a possible means of shortening the business meeting. Jones stated he believed the study sessions had provided considerably more detail and found the additional information useful.

DeVaney explained meeting with more discussion can run longer than anticipated and this can conflict with members who may have subsequent appointments scheduled and suggested two ways in which this might be addressed. First, the Chair could be more assertive with regard to time management during the meeting. Second, the meetings could be held later in the afternoon when they would more likely be the last item on members' schedules and a longer duration would be less likely to conflict with other commitments.

DeVaney noted the recent back-to-back meetings at which no quorum was present and stated he would try to make contact with other board members to discuss the use of a designated alternate, as permitted by statute, should a primary member be unable to attend. He noted it was important to recognize the scheduling difficulties faced by elected officials while adding the work of the board was also important and necessary.

Thornsbury suggested the issues of meeting time and duration and board member attendance may intersect and a joint discussion of the two might be appropriate. DeVaney concurred.

DeVaney explained board member discussions during the meetings often result in requests for further information or investigation by staff—sometimes from individual members and sometimes from the Board, as a whole. He noted Thornsbury had requested additional guidance on how these should be prioritized so they can be appropriately managed within the context of all agency activities. DeVaney expressed his preference that any requests for further information or investigation by staff be discussed by the board to determine the need and rationale for the request and to avoid confusion. He added having such a discussion would help eliminate any question as to whether the request was coming from, and had the full support of, the Board.

Thornsbury described situations he has witnessed or experienced where conflicts between individual board member requests and Board requests—particularly with respect to the time and priority afforded them—led to conflict within the board and difficulties for staff. He cautioned that asking staff to take direction from multiple members whose requests might conflict with each other or the expressed desires of the Board can result in board member

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unhappiness leading to the termination of the director or frustration by the director leading to resignation from the Agency.

#### 11. **2024 Source Classification and Fees**

Thornsbury explained there would be further discussion of this matter at future meetings, but there was a desire by staff to ensure its efforts were aligned with the desire of the Board and meeting its expectations. He asked if there were questions concerning the information provided.

Jones inquired as to the need for a conversion from gallons to tons. Thornsbury explained this was an approximation and, given the registrant types, primarily used in conjunction with gasoline dispensing operations. He added tons referred to the tons of emissions generated.

Jones asked if the categories and scoring methods were borrowed from a third party such as the U.S. Environmental Protection Agency or developed in-house. Thornsbury replied they were developed exclusively by staff as a similar system was not found. He reminded the Board many agencies test actual emissions to determine fees, but this would require additional staff at a considerable cost—which would have to be passed on to the registrants. Thornsbury explained to avoid this while also developing a more nuanced system than the one-size-fits-all method previously used required a somewhat unique combination of creativity and a reasonable balance between cost and accuracy.

Thornsbury acknowledged it is an imperfect system, but noted it is better than what the Agency had been using. He reminded the Board the proposed system would not be set in stone and that adjustments or modifications might be found necessary as it is implemented. Thornsbury explained these could, and should, be incorporated in the discussion of 2025 fees next year at this time. He added under the proposed system, simple sources with lower emissions and toxicity would pay less while complex sources with higher emissions and toxicity would pay more.

Jones asked if any minor sources would be charged more than a synthetic source. Thornsbury replied the registrants had not yet been scored because staff did not know if the proposed method would be accepted by the Board and, as a result, a definitive answer could not be given. He added such an outcome would be highly unlikely as synthetic sources are essentially Title V sources that have voluntarily scaled back operations to fall below the Title V threshold. Thornsbury stated the complex minor category would be eliminated under the proposed system as these would now be accounted for as simply a minor source with a higher score and class.

DeVaney asked if the compliance score was based on estimated or actual hours. Thornsbury replied the entire scoring system was largely based on estimates as tracking the actual amounts would be costly and time-consuming.

DeVaney asked if there were an appeal process if a registrant wished to object to the score assigned. Thornsbery explained there is little statutory language defining how the Agency must establish fees apart from ensuring registrants fairly and equitably pay for the costs of regulation. He added it was unclear upon what basis such an appeal could occur from a legal standpoint. Thornsbery noted that, whether or not a formal appeal process existed, the intent of the Agency is to ensure the fair and equitable distribution of costs to those generating air emissions and any legitimate complaint made by a registrant would be considered by staff and an adjustment made if appropriate.

DeVaney inquired as to the extent to which scoring was arbitrary. Thornsbery stated the scores are based on estimates, but they are not arbitrary. He explained the range applied is based on actual information known to staff. Thornsbery offered, as an example, a registrant where compliance staff is known to take approximately two to three hours to prepare, conduct, and document an inspection. This would result in a compliance score of 1 (for two to four hours).

Jones noted the proposed six classes and asked how a registrant would score over ten and be assigned to Class-5 or Class-6. Thornsbery acknowledged that would not be possible and apologized for the fact last-minute adjustments were made to the scoring method and these were not reflected in the class categories (which remained based on the earlier scoring method). He noted this would be corrected before the next meeting.

DeVaney stated his belief the proposed system is better than the current system and advised staff to continue its work. He added other board members might wish to know what the overall distribution of fees will be based on last year's performances and the overall effect on income—notably as to an increase, decrease, or no change.

Thornsbery replied the current plan is to come back at the next board meeting, during which a public hearing will be held, with a greater level of detail with adoption to occur at the December meeting. He added that, at present, the amount of income generated is expected to be roughly equivalent to that anticipated during the discussions that took place in November and December 2022. Thornsbery explained the overall size of the pie would not be substantially changing, but each piece would be adjusted with some becoming larger and others becoming smaller.

## 12. **Controlled Burn Policies**

DeVaney asked if staff had a report of if the matter should be tabled until the next meeting. Thornsbery noted the agenda item had been requested by McKinney. Thornsbery stated he was unclear as to what was being requested of staff, but attempted to provide as much information as possible and, to that end, compiled the information provided to the Board concerning applicable statutes and regulations. He stated his belief the matter was related to a desire by the U.S. Forest Service to conduct prescribed burns to reduce forest fire danger including burning during air quality burn bans. Thornsbery added such burning falls under

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the Washington State Smoke Management Plan and the agency has not adopted its own regulations regarding such burning. He further explained that, as a result, the Agency had a relatively limited role in the matter and current statutory and regulatory language does not appear to allow such burning to take place.

### 13. **Executive Director's Report**

Education and Outreach. Thornsby noted the U.S. Environmental Protection Agency (EPA) sponsored recent outreach events in which the Agency participated. DeVaney inquired as to the number of members of the public attending the events. Thornsby characterized attendance as modest. He explained the event in Wapato had more attendees than the event in Granger, but added a previously scheduled health fair for the next day in the same location might have depressed attendance. Thornsby provided the board members present with examples of old Agency flyers along with two new flyers and one new guide developed and handed out at the events. He also provided sample flyers for which content is currently being developed. Thornsby showed a request box used when staff could not attend an event that allows attendees to request contact and/or additional information.

DeVaney asked if the Agency offered an electronic comment box. Thornsby stated that was not currently available. DeVaney suggested staff consider the possible use of a QR (aka Quick Response) code as a way for the public to quickly access the Agency website for information. Thornsby noted this might be possible with the new website, but would require further investigation.

2023-25 Wood Smoke Reduction Program. Thornsby reviewed program funding and performance through the two previous biennials as well as the award amount and objectives for the coming biennium. He noted a number of inquiries have already been received, several people have signed up, and work will begin soon. Thornsby also provided the board members present with examples of the old and new documents being used in the program

Jones noted the Agency has received additional funds in years past and asked if that was a possibility. Thornsby cautioned because the program has been successful the pool of available old-model stoves eligible for replacement has grown smaller and, at some point, the law of diminishing returns will likely come into play, but noted that has not yet occurred. He explained in a typical biennium, a majority of the program's funds are consumed in the first year with the remainder largely exhausted halfway through the second year after which interested people are placed on a waiting list. Thornsby stated in many years, near the end of the biennium, the Agency is awarded additional funds not used by similar programs elsewhere in the state and these are used for those people on the waiting list.

National Ambient Air Quality Standards. Thornsby explained he had hoped to have information on the National Ambient Air Quality Standards (NAAQS) update, but none had been released as anticipated.

Thornsbury remarked that just over a year ago he had been standing in the same place answering interview questions from the Board. He noted in regard to public complaints and inquiries, his response had been to actively listen, identify fundamental issues, investigate and research, explain other factors involved, ensure equality and parity, follow statutory requirements, and embrace transparency.

Thornsbury added with respect to working with other agencies, his response had been to respect the autonomy of others, identify common goals, maintain communication, provide supporting information, consider alternatives, and exercise reciprocity and he had identified several in particular including fire departments and districts, the Washington Dept. of Natural Resources, the U.S. Forest Service, city and county planning and building departments, the Washington Dept. of Health and the county health district, the Yakima Valley Council of Governments, the Washington Dept. of Transportation, the Washington Dept. of Ecology, the U.S. Environmental Protection Agency, and local public utilities.

As to helping individuals and businesses, he stated his response had been to partner with local planning and building departments, ensure adequate field interaction, update website resources, engage with civic, industry, and other organizations, participate in events, utilize local media, and development materials for youth and schools.

Thornsbury noted several areas where he believed he had done what he had described the year before and some objectives that remain unfulfilled—leaving it to others to judge whether he was doing what he said he would do. He added it can be useful to look back at objectives and assess the extent to which they are being achieved.

#### **14. Other Business**

Jones inquired as to the employment status of (staff accountant) Christa Owen. Thornsbury stated she had accepted a job at another agency but was continuing to work as a part-time employee until a replacement could be hired.

DeVaney wished Jones “Happy Birthday”.

#### **15. Adjournment**

DeVaney adjourned the meeting at 6:39 p.m.

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Jon DeVaney, Chairman

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Pamela Herman, Clerk of the Board

**Date of Release:** November 2, 2023  
**Date of Consideration:** November 9, 2023  
**To:** Honorable YRCAA Board of Directors and Alternates  
**From:** Office of the Executive Director  
**Subject:** Monthly Activity Report

Activity	FY23 Total	Current Quarter			FY24 Ttl. to Date
		August FY24	Sept FY24	Oct FY24	
Minor Source Inspections	156	0	0	0	20
Complaints Received	161	13	25	7	51
NOVs Issued	77	1	0	0	3
AODs Issued	4	0	0	0	0
Warning Notices Issued	2	0	0	0	0
NOPs Issued	19	0	0	0	1
SEPA Reviews	297	13	18	21	74
AOP Applications Received	0	0	0	0	0
AOPs Issued or Renewed	1	0	0	0	0
Deviations/Upsets Reported	16	2	2	2	7
AOP Inspections	2	0	0	0	0
Public Workshops	2	0	1	1	2
Media Events	3	1	0	0	1
Media Contacts	8	1	0	0	2
Education Outreach Events	0	0	2	0	2
Sources Registered	375	0	0	0	6
NSR Applications Received	12	1	2	2	6
NSR Approvals Issued-Temporary	0	0	0	0	0
NSR Approvals Issued-Permanent	16	0	2	1	5
NODRs Received	180	28	6	10	51
Agricultural Burn Permits Issued	40	0	0	2	3
Conditional Use Permits Issued	5	0	0	0	0
Residential Burn Permits Issued	852	0	0	0	0
Burn Ban Days	34	0	0	0	0
Public Records Requests Fulfilled	29	3	2	3	11

**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



**Yakima Regional Clean Air Reimb  
July 2023**

Gross Wages	\$52,862.68	
Reserve Adjustment		\$52,862.68
ER Taxes Paid	749.93	
ER Medical Paid	9,135.89	
Pers 1 ER Paid	0.00	
Pers 2 ER Paid	3,733.76	
Pers 3 ER Paid	1,127.92	
	0.00	
SUTA	135.80	
L & I	1,123.81	
	0.00	
<b>Total Benefits</b>	<b>16,007.11</b>	<b>\$16,007.11</b>
Other	0.00	
Bank Charges	33.30	
<b>Total</b>	<b>\$33.30</b>	<b>\$33.30</b>
<b>Total Payroll</b>		<b>\$68,903.09</b>

Christa Owen  
Primary Auditing Officer      Date

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

\_\_\_\_\_  
Secondary Auditing Officer      Date



# Yakima Regional Clean Air Agency

186 Iron Horse Court, Suite 101  
Yakima, WA 98901-1468  
509-834-2050  
www.yakimacleanair.org

July 14, 2023

**Fund 614-6140 YRCAA**  
**Fund 614-1410 Enterprise**


<u>Name</u>	<u>Warrant/MICR #</u>	<u>GL #</u>	<u>Amount</u>	<u>Date</u>
Abadan Reprographics	35610	4801	\$ 122.38	7/17/2023
Cheyenne Breshears*	35611	4105	\$ 500.00	7/17/2023
Cascade Natural Gas	35612	4701	\$ 15.52	7/17/2023
Coastal*	35613	4105	\$ 11,365.56	7/17/2023
Coleman Oil Company	35614	3201	\$ 239.09	7/17/2023
Invisible Ink	35615	4201	\$ 90.00	7/17/2023
Iron Horse Real Estate & Property Mgt	35616	4501	\$ 4,920.80	7/17/2023
KeyBank	35617	Various	\$ 741.77	7/17/2023
Nth Degree Environmental Engineering Sol	35618	4101	\$ 2,550.00	7/17/2023
Michael Romias*	35619	4105	\$ 500.00	7/17/2023
Rowdy Construction*	35620	4105	\$ 4,413.85	7/17/2023
StorageMax**	35621	4506	\$ 75.00	7/17/2023
Valley Publishing	35622	4401	\$ 46.25	7/17/2023
YRCAA	35623	4901	\$ 699.18	7/17/2023
Yakima County Public Services	35624	4701	\$ 21.90	7/17/2023
Yakima Herald Republic	35625	4401	\$ 56.00	7/17/2023

**\$ 26,357.30**

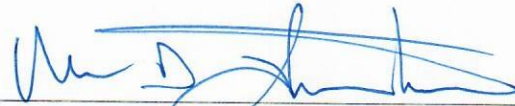
\*Reimbursement from Grant \*\*NOC/Enterprise

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: **\$ 26,357.30**

  
Christa Owen, Primary Auditing Officer 7/17/2023

Jon DeVaney, Board Chairman Date

  
Marc D. Thornsbury, Secondary Auditing Officer Date 7-25-2023

July 27, 2023

**Fund 614-6140 YRCAA  
Fund 614-1410 Enterprise**

<u>Name</u>	<u>Warrant/MICR #</u>	<u>GL #</u>	<u>Amount</u>	<u>Date</u>
Alliant Communications	35626	4201	\$ 345.33	7/31/2023
Charter Communications	35627	4201	\$ 309.51	7/31/2023
Intermountain Cleaning Service, Inc.	35628	4101	\$ 370.00	7/31/2023
NTH Degree Environmental Engineering Sol	35629	4101	\$ 900.00	7/31/2023
Pacific Power	35630	4701	\$ 245.14	7/31/2023
Rowdy Construction*	35631	4105	\$ 2,220.59	7/31/2023

**\$ 4,390.57**


**\*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: **\$ 4,390.57**

  
\_\_\_\_\_  
Christa Owen, Primary Auditing Officer 7/31/2023

\_\_\_\_\_  
Jon DeVaney, Board Chairman Date

  
\_\_\_\_\_  
Marc D. Thornsbury, Secondary Auditing Officer Date 7-31-2023

**Yakima Regional Clean Air Reimb  
August 2023**

Gross Wages	\$60,684.04	
Reserve Adjustment		\$60,684.04
ER Taxes Paid	863.34	
ER Medical Paid	8,204.20	
Pers 1 ER Paid	0.00	
Pers 2 ER Paid	3,733.76	
Pers 3 ER Paid	1,127.92	
	0.00	
SUTA	132.26	
L & I	1,218.47	
	0.00	
Total Benefits	15,279.95	\$15,279.95
Other	0.00	
Bank Charges	0.00	
Total	\$0.00	\$0.00
<b>Total Payroll</b>		<b>\$75,963.99</b>

Christa Owen 8/27/2023  
 Primary Auditing Officer                      Date                      Chairman Board of Directors                      Date  
 \_\_\_\_\_  
 Secondary Auditing Officer                      Date



**Yakima Regional  
Clean Air Agency**

186 Iron Horse Court, Suite 101  
Yakima, WA 98901-1468  
509-834-2050  
www.yakimacleanair.org

August 29, 2023

**Fund 614-6140 YRCAA  
Fund 614-1410 Enterprise**

<u>Name</u>	<u>Warrant/MICR #</u>	<u>GL #</u>	<u>Amount</u>	<u>Date</u>
Alliant Communications	35645	4201	\$ 308.88	8/31/2023
Charter Communications	35646	4201	\$ 309.51	8/31/2023
Christa Owen	35647	3101	\$ 52.44	8/31/2023
Ridgeline Office Systems	35648	4801	\$ 146.88	8/31/2023
StorageMax**	35649	4506	\$ 75.00	8/31/2023
Itza-Vel Trudell	35650	3101	\$ 34.10	8/31/2023
Yakima Herald Republic	35651	4401	\$ 46.00	8/31/2023

**\$ 972.81**

**\*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: \$ 972.81

*Christa Owen*

Christa Owen, Primary Auditing Officer 8/31/2023

Jon DeVaney, Board Chairman

Date

Marc D. Thornsbury, Secondary Auditing Officer

Date

**Yakima Regional Clean Air Reimb  
September 2023**

Gross Wages	\$53,282.51	
Reserve Adjustment		\$53,282.51
ER Taxes Paid	756.02	
ER Medical Paid	8,204.20	
Pers 1 ER Paid	0.00	
Pers 2 ER Paid	3,666.74	
Pers 3 ER Paid	1,144.75	
	0.00	
SUTA	95.64	
L & I	1,135.27	
	0.00	
<b>Total Benefits</b>	<b>15,002.62</b>	<b>\$15,002.62</b>
Other	0.00	
Bank Charges	8.18	
<b>Total</b>	<b>\$8.18</b>	<b>\$8.18</b>
<b>Total Payroll</b>		<b>\$68,293.31</b>

Christa Owen 9/26/2023  
 Primary Auditing Officer Date  
[Signature] 10-5-2023  
 Secondary Auditing Officer Date

[Signature] 10/11/23  
 Chairman Board of Directors Date



**Yakima Regional  
Clean Air Agency**

186 Iron Horse Court, Suite 101  
Yakima, WA 98901-1468  
509-834-2050  
www.yakimacleanair.org

September 15, 2023

**Fund 614-6140 YRCAA  
Fund 614-1410 Enterprise**

<u>Name</u>	<u>Warrant/MICR #</u>	<u>GL #</u>	<u>Amount</u>	<u>Date</u>
Abadan	35652	4201	\$ 111.16	09/19/2023
Alliant Communications	35653	4201	\$345.33	09/19/2023
Cascade Natural Gas Corporation	35654	4701	\$13.00	09/19/2023
Coleman Oil Company	35655	3201	\$301.88	09/19/2023
Intermountain Cleaning Services Inc	35656	4101	\$370.00	09/19/2023
Iron Horse Real Estate & Property Mgt	35657	4501	\$4920.80	09/19/2023
KeyBank	35658	Various	\$967.37	09/19/2023
Pacific Power	35659	4701	\$267.08	09/19/2023
Pitney Bowes Global Financial Services L	35660	4501	\$242.58	09/19/2023
YRCAA	35661	4901	\$557.41	09/19/2023
Yakima County Public Services- Utility Di	35662	4701	\$23.01	09/19/2023

**\$ 8,119.62**

**\*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: \$ 8,119.62

Christa Owen, Primary Auditing Officer 9/19/2023

  
Jon DeVaney, Board Chairman

10/11/23  
Date

  
Marc D. Thornsbury, Secondary Auditing Officer

9-26-2023  
Date

**Yakima Regional Clean Air Reimb  
October 2023**

Gross Wages	\$43,516.87	
Reserve Adjustment		\$43,516.87
ER Taxes Paid	614.41	
ER Medical Paid	7,272.51	
Pers 1 ER Paid	0.00	
Pers 2 ER Paid	2,908.12	
Pers 3 ER Paid	1,144.75	
	0.00	
SUTA	69.27	
L & I	1,196.44	
	0.00	
Total Benefits	13,205.50	\$13,205.50
Other	0.00	
Bank Charges	12.46	
Total	\$12.46	\$12.46
<b>Total Payroll</b>		<b>\$56,734.83</b>

Christa Owen 10/26/23  
 Primary Auditing Officer Date

[Signature] 10-7-2023  
 Secondary Auditing Officer Date

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





# Yakima Regional Clean Air Agency

186 Iron Horse Court, Suite 101  
Yakima, WA 98901-1468  
509-834-2050  
www.yakimacleanair.org

October 17, 2023

**Fund 614-6140 YRCAA**  
**Fund 614-1410 Enterprise**

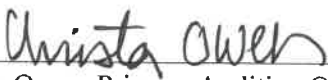
<u>Name</u>	<u>Warrant/MICR #</u>	<u>GL #</u>	<u>Amount</u>	<u>Date</u>
Alliant Communications	35668	4201	\$ 36.45	10/17/2023
Cascade Natural Gas Corporation	35669	4701	\$18.03	10/17/2023
Coastal*	35670	4105	\$19,803.48	10/17/2023
Coleman Oil Company	35671	3201	\$510.64	10/17/2023
Philp & Darcy English *	35672	4105	\$1,550.00	10/17/2023
Robewrt & Joleen Inlow *	35673	4105	\$1,600.00	10/17/2023
Invisible Ink	35674	4201	\$90.00	10/17/2023
Manuel Villafan, Sr	35675	4105	\$53.20	10/17/2023
Pacific Power	35676	4701	\$198.48	10/17/2023
Rowdy Construction *	35677	4105	\$13,461.69	10/17/2023
Storage Max **	35678	4506	\$75.00	10/17/2023
Terrace Heights Sewer District	35679	4701	\$114.00	10/17/2023
Valley Publishing Co.	35680	4401	\$39.00	10/17/2023
YRCAA	35681	4901	\$7219.40	10/17/2023
Yakima Country Public Services-Utility Di	35682	4701	\$21.54	10/17/2023

**\$ 44,790.91**


\*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: \$ 44,790.91

  
\_\_\_\_\_  
Christa Owen, Primary Auditing Officer 10/17/2023

\_\_\_\_\_  
Jon DeVaney, Board Chairman  
Date

  
\_\_\_\_\_  
Marc D. Thornsbury, Secondary Auditing Officer  
Date 11-7-2023



# Yakima Regional Clean Air Agency

186 Iron Horse Court, Suite 101  
Yakima, WA 98901-1468  
509-834-2050  
www.yakimacleanair.org

October 30, 2023

**Fund 614-6140 YRCAA**  
**Fund 614-1410 Enterprise**

<u>Name</u>	<u>Warrant/MICR #</u>	<u>GL #</u>	<u>Amount</u>	<u>Date</u>
509 Ductless*	35683	4105	\$11,000.00	10/30/2023
Alliant Communications	35684	4201	\$345.33	10/30/2023
Armstrong's Stove & Spa Yakima*	35685	4105	\$7000.00	10/30/2023
Wayne Brooks *	35686	4105	\$350.00	10/30/2023
Jerry & Gaelynn Cecil*	35687	4105	\$2,100.00	10/30/2023
Charter Communications	35688	3301	\$309.51	10/30/2023
Coastal*	35689	4105	\$17,500.63	10/30/2023
Michael Edson*	35690	4105	\$1600.00	10/30/2023
Gerald Evans*	35691	4105	\$350.00	10/30/2023
Fosseen's Home & Hearth*	35692	4105	\$15,907.63	10/30/2023
Danielle Hassanin*	35693	4105	\$1,600.00	10/30/2023
Intermountain Cleaning Service, Inc.	35694	4101	\$370.00	10/30/2023
Key Bank	35695	Various	\$3,662.04	10/30/2023
NTH Degree Environmental Engineering Sol	35696	4101	\$600.00	10/30/2023
Rowdy Construction*	35697	4105	\$13,916.55	10/30/2023
StorageMax **	35698	4506	\$75.00	10/30/2023
Shane Suhadolnik*	35699	4105	\$2,300.00	10/30/2023
Sunnyside Sun	35700	4401	\$63.00	10/30/2023
Valley Publishing Co.	35701	4401	\$34.47	10/30/2023
Yakima Herald Republic	35702	4401	\$53.20	10/30/2023

**\$ 79,137.35**

\*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: \$ 79,137.35

Christa Owen, Primary Auditing Officer 10/30/2023

Jon DeVaney, Board Chairman

Date

Marc D. Thornsbury, Secondary Auditing Officer

Date

11-7-2023

Yakima Regional Clean Air Agency  
**RESOLUTION NO. 2023-08**

A Resolution of the Board of Directors  
**Delegating Authority to 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;

**NOW THEREFORE, BE IT RESOLVED**, that the Board does hereby designate Jocelyn Roberson as Primary Auditing and Investing Officer, Pamela Herman as Public Records Officer, and Marc Thornsburry as Executive Director, Air Pollution Control Officer, and Secondary Auditing and Investing Officer subject to the following provisions:

1. The individuals named above 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 individuals named above;
3. The Primary and Secondary Auditing and Investing Officers shall be responsible for:
  - a. Ensuring all Agency financial transactions are executed in accordance with state law and consistent with commonly accepted accounting practices;
  - b. Identifying internal control deficiencies and recommending corrective action;
  - c. Reporting fraud, misconduct, malfeasance, or other wrongdoing to the Board of Directors; and
  - d. Monitoring grants to ensure contract and budget compliance.
4. The Primary and Secondary Auditing and Investing Officers shall have the authority to:
  - a. Receive monies and make deposits into Agency accounts;
  - b. Transfer funds between and within Agency accounts;
  - c. Audit claims against the Agency;
  - d. Issue checks, make electronic or other external fund transfers, and submit warrants for lawful Agency expenditures in advance of approval by the Board of Directors and act as signatories on all such documents; and
  - e. Sign warrant registers and void warrant agreements.
5. The Public Records Officer shall be responsible for:
  - a. Making all public records available for public inspection and copying, unless the record falls within the specific exemptions permitted by state law;
  - b. Protecting public records from damage or disorganization;

- c. Ensuring public records are retained in accordance with the retention schedules set forth in Washington Administrative Code; and
  - d. Otherwise implementing all provisions of the Public Records Act (Chapter 42.56 RCW).
6. The Executive Director shall be responsible for:
- a. Providing management and supervision of all other employees;
  - b. Preparing and proposing annual budgets and amendments thereto;
  - c. Informing employees of Agency policy and their rights as set forth in the same or by statute or regulation;
  - d. Providing facts, figures, and other pertinent information, advice, and guidance to the Board of Directors in support of its governance and policy-making responsibilities;
  - e. Ensuring employees are not subjected to discrimination, unsafe or unhealthy working conditions, or harassment;
  - f. Implementing and directing the activities and expenditures of the Agency consistent with Agency policy, its duly adopted budget, and the direction of the Board; and
  - g. Ensuring no practice, activity, or decision of Agency personnel is in violation of state law, Agency policy, or commonly accepted standards of ethical conduct.
7. The Executive Director shall have the authority to:
- a. Delegate and re-delegate his/her authority to other employees with any degree of formality consistent with state law;
  - b. Expend funds, without restriction as to individual expenditure amounts or line items, up to the aggregate amount approved by the Board of Directors in the Agency's most recent adopted budget, as may be amended;
  - c. Schedule or reschedule work periods for all employees;
  - d. Enter into contracts on behalf of the Agency with his/her signature being sufficient to bind the Agency in all such matters;
  - e. Hire, review, promote, discipline, and terminate all Agency employees consistent with Agency policy;
  - f. Seek grant funds from other federal, state, and local agencies or other organizations;
  - g. Adjust wages and salaries consistent with Agency policies and duly adopted budgets;
  - h. Evaluate, select, direct, and execute and terminate professional services contracts as necessary to perform his/her assigned duties and to do so without conducting a competitive solicitation process for emergency projects pursuant to RCW 39.80.060; and
  - i. Represent the Agency to the public, other agencies, and the media in a manner consistent with Agency policy and the direction of the Board.
8. The Board of Directors shall retain the authority and responsibility to:
- a. Establish the Agency's mission, goals, and objectives and ensure these are met and accomplished;
  - b. Govern the Agency through the establishment, by resolution, of written policies reflecting the values and objectives of the Board of Directors consistent with the requirements of state law;
  - c. Approve the borrowing of funds;
  - d. Exercise discipline in governing including adequately preparing for and regularly attending board meetings, respecting the roles of others, orienting new board members in the governance process, engaging in constructive debate, deliberating individually while acting in unison, exercising proper decorum, and ensuring the expertise of individual members is not a substitute for the Board's collective judgment;
  - e. Oversee the work of the Executive Director and General Counsel;
  - f. Approve minutes, resolutions, vouchers, budgets, and amendments thereto;
  - g. Review the performance of, and establish and adjust compensation for, the Executive Director; and
  - h. Alter the authorities and responsibilities of the Executive Director by specific action of the Board, including the adoption of a new resolution delegating authority to agency officials.

9. The direction or instruction of any individual board member is not binding upon the Agency officials set forth herein except as they are authorized by resolution or majority vote of the Board of Directors and no individual board member shall be deemed to carry instructive authority in the absence of action by the Board.
10. All resolutions delegating authority to Agency personnel adopted before the date set forth below are hereby rescinded and the authorities assigned to the persons named therein are null and void.

**ADOPTED IN OPEN SESSION** this 9th day of November, 2023.

\_\_\_\_\_  
Jon DeVaney, Chairperson

\_\_\_\_\_  
Janice Deccio, Director

\_\_\_\_\_  
Amanda McKinney, Director

\_\_\_\_\_  
Jose A. Trevino, Director

\_\_\_\_\_  
Steven Jones, Ph.D., Director

ATTEST:

\_\_\_\_\_  
Pamela Herman, Clerk of the Board

## MEMORANDUM

**Date:** September 7, 2023  
**To:** YRCAA Board of Directors  
**From:** Jon DeVaney, Chair  
**Subject:** Follow-Up from Executive Director Performance Review

You will be gratified to know that our Executive Director takes the feedback he received from the Board at his performance review very seriously, and has asked for some further discussion of a few points at our September 14<sup>th</sup> meeting to ensure that he fully understands our expectations and preferences. To refresh your memories and tee-up this discussion, I will attempt to summarize these issues below.

The first of these issues pertains to the level of detail we receive in oral briefings during monthly meetings, and how best to facilitate discussion at meetings. Some members pointed out that oral briefings that repeat the content of written memos may be repetitive, while others observed that information may be more easily absorbed when presented orally. The previous practice of scheduling study sessions on specific topics was raised as one possible means of addressing this issue. I agree with Mr. Thornsbury that the Board should more clearly express its preferences for how information is conveyed by staff.

The second concern relates to the length of Board meetings. This was not necessarily a complaint that they are too long, but instead an issue of scheduling so that members can plan the appropriate amount of time for each meeting around other commitments. I have discussed potential means of addressing this concern with Mr. Thornsbury, including more assertive time management by the Chair or moving the meeting time to later in the afternoon where members may be less likely to have scheduled commitments right after the anticipated end time of our meetings.

Finally, our discussions in meetings frequently result in requests for further information or investigation by staff either from individual members or the Board as a whole. Mr. Thornsbury has asked that we provide some clearer guidance on how to organize and prioritize individual and collective requests for research and information so that these can be appropriately managed within the context of all agency activities.

Please consider the above and be prepared to discuss these issues on September 14<sup>th</sup>.

## STAFF REPORT

**Date:** October 2, 2023  
**To:** YRCAA Board of Directors  
**From:** Marc Thornsbery, Executive Director  
**Subject:** Board Packet and Communication

### Summary

Board packet and communication changes in FY 2022-23 were made with the intent to provide several improvements including increased transparency, thorough documentation of issues, discussion, debate, board member remarks, and the basis for decisions, enhanced public perception, reduced staff time, support for public communication and input, and improved delivery of comprehensive information to the board to aid deliberation and discussion.

### Recommendation

None. The Board may direct staff to implement new, and/or rescind recent, changes.

### Background

The YRCAA Board of Directors conducted a performance evaluation of the Agency's Executive Director at its meeting held June 8, 2023. During that process, various members of the Board were unclear as to the purpose of staff reports and other changes to the Board packet and/or communication instituted by the Director in FY 2022-23.

Minutes documenting the meetings of a board, council, or commission generally fall into one of four categories shown below with each providing a different degree of detail. However, every situation is unique and, in practice, there is a much broader range than the discrete types listed would otherwise suggest.

- *Action (aka Decision) Minutes.* These report only the actions taken at a meeting and, as a result, are typically very brief—unless there are a large number of agenda items requiring action of the body.
- *Summary Minutes.* These report actions taken and the main points or “highlights” of the discussion preceding them. Some make no distinction between summary and discussion minutes—considering the former to be an abbreviated version of the latter at the discretion of the clerk or scrivener.
- *Discussion Minutes.* These report actions taken including all unique and germane points and statements contained in the discussion preceding them. What might be described as a distillation of verbatim minutes, the intent is to more concisely convey to the reader a sense of being present.
- *Verbatim Minutes.* These are a word-for-word recitation of exactly what was said. They are typically very long and often contain unnecessary, irrelevant, or redundant comments, questions, and remarks. As a result, they are typically used only when required by law or other regulation.

## **Analysis**

Upon coming to the Agency, and with the monthly board meeting and related materials the primary mechanism through which the Executive Director communicates with the Board (and, to an extent, the public), a review of past practices was undertaken. The conclusions reached resulted in the following changes.

### *Minutes*

Previous minutes appear to have been a hybrid of action and summary minutes. Though they accurately reflected the decisions of the Board, they did not always fully reflect the points of view offered or help the reader understand *why* or *how* the Board arrived at a particular decision. To address this, a shift was made to discussion minutes to:

- Improve transparency;
- Allow use of text search (not possible with recordings);
- Describe and identify board member issues and positions;
- Ensure discussion and debate are documented;
- Provide a written record for use by the public and future board members; and
- Clarify and document the basis for decisions.

### *Consent Agenda*

A consent agenda that groups non-controversial items such as the adoption of minutes, approval of financial transactions, acceptance of a director's report, and other routine items can shorten meeting times. However, it can also leave the impression these items have received inadequate oversight or an attempt has been made to avoid discussion. To prevent this, and in light of the limited time savings achieved, it was recommended the consent agenda be abandoned.

### *Staff Reports*

In years past, staff reports were largely provided orally with the occasional use of supporting documents. Written staff reports were introduced to:

- Provide board members time to consider the information presented, request clarification or additional details, or solicit other points of view in advance of discussion;
- Support effective public comment by providing detailed information in advance of the comment period;
- Reduce staff time through use of a single report versus drafting notes for oral presentation and producing expanded minutes to document the information presented;
- Provide information in written form for reference in deliberations;
- Facilitate board member review and consideration of information presented for unresolved/tabled items without waiting for the production of meeting minutes; and
- Condense the time needed to present details and allow additional time for discussion amongst, and questions from, board members without extending meeting length.

### *Statistics*

As in the past, statistics continue to be provided in the board packet, but are no longer recited in whole or in part. While the Agency's technology systems do not current support doing so, plans call for the elimination of these at a future date with more capable online equivalents to replace them that will be available to board members and the public at any time.



## Notes on Forest Management Prescribed Burns

### Local (Agency) Regulations

None.

### **Federal Clean Air Act, Title 42, Chapter 85, Subchapter I, Part A, Section 7418(a):**

“Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in the discharge of air pollutants, and each officer, agent, or employee thereof, shall be subject to, and comply with, all Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of air pollution in the same manner, and to the same extent as any nongovernmental entity. The preceding sentence shall apply (A) to any requirement whether substantive or procedural (including any recordkeeping or reporting requirement, any requirement respecting permits and any other requirement whatsoever), (B) to any requirement to pay a fee or charge imposed by any State or local agency to defray the costs of its air pollution regulatory program, (C) to the exercise of any Federal, State, or local administrative authority, and (D) to any process and sanction, whether enforced in Federal, State, or local courts, or in any other manner. This subsection shall apply notwithstanding any immunity of such agencies, officers, agents, or employees under any law or rule of law. No officer, agent, or employee of the United States shall be personally liable for any civil penalty for which he is not otherwise liable.”

### **RCW 70A.15.5020**

(1) Consistent with the policy of the state to reduce outdoor burning to the greatest extent practical, outdoor burning shall not be allowed in:

(a) Any area of the state where federal or state ambient air quality standards are exceeded for pollutants emitted by outdoor burning; or

(b) Any urban growth area as defined by RCW [36.70A.030](#), or any city of the state having a population greater than ten thousand people if such cities are threatened to exceed state or federal air quality standards, and alternative disposal practices consistent with good solid waste management are reasonably available or practices eliminating production of organic refuse are reasonably available.

(2) Notwithstanding any other provision of this section, outdoor burning may be allowed for the exclusive purpose of managing storm or flood-related debris. The decision to allow burning shall be made by the entity with permitting jurisdiction as determined under RCW [70A.15.5120](#) or [70A.15.5040](#). If outdoor burning is allowed in areas subject to subsection (1)(a) or (b) of this section, a permit shall be required, and a fee may be collected to cover the expenses of administering and enforcing the permit. All conditions and restrictions pursuant to RCW [70A.15.5080](#)(1) and [70A.15.5010](#) apply to outdoor burning allowed under this section.

(3)(a) Outdoor burning that is normal, necessary, and customary to ongoing agricultural activities, that is consistent with agricultural burning authorized under RCW [70A.15.5090](#) and [70A.15.5110](#), is allowed within the urban growth area in accordance with RCW [70A.15.5090](#)(8)(a).

(b) Outdoor burning of cultivated orchard trees shall be allowed as an ongoing agricultural activity under this section in accordance with RCW [70A.15.5090](#)(8)(b).

(4) This section shall not apply to silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas. (emphasis supplied)

(5) Notwithstanding any other provisions of this section, outdoor burning that reduces the risk of a wildfire, or is normal, necessary, and customary to ongoing silvicultural activities consistent with silvicultural burning authorized under RCW [70A.15.5120\(1\)](#), is allowed **within the urban growth area** in accordance with RCW [70A.15.5120](#). Before issuing a burn permit within the urban growth area for any burn that exceeds one hundred tons of material, the department of natural resources shall consult with department of ecology and condition the issuance and use of such permits to comply with air quality standards established by the department of ecology. (emphasis supplied)

#### **RCW 70A.15.5120**

(1) The department of natural resources is responsible for issuing and regulating burning permits required by it relating to the following activities for the protection of life or property and for the public health, safety, and welfare:

- (a) Abating or prevention of a forest fire hazard;
- (b) Reducing the risk of a wildfire under RCW [70A.15.5020\(5\)](#);
- (c) Instruction of public officials in methods of forest firefighting;
- (d) Any silvicultural operation to improve the forestlands of the state, including but not limited to forest health and resiliency, decreasing forest insect or disease susceptibility, maintaining or restoring native vegetation, or otherwise enhancing resiliency to fire; and
- (e) Silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas.

(2) The department of natural resources shall not retain such authority, but it shall be the responsibility of the appropriate fire protection agency for permitting and regulating outdoor burning on lands where the department of natural resources does not have fire protection responsibility, except for the issuance of permits for reducing the risk of wildfire under RCW [70A.15.5020\(5\)](#). The department of natural resources may enter into cooperative agreements with local fire protection agencies to issue permits for reducing wildfire risk under RCW [70A.15.5020\(5\)](#).

(3) Permit fees shall be assessed for wildfire risk reduction and for silvicultural burning under the jurisdiction of the department of natural resources and collected by the department of natural resources as provided for in this section. All fees shall be deposited in the air pollution control account, created in RCW [70A.15.1010](#). The legislature shall appropriate to the department of natural resources funds from the air pollution control account to enforce and administer the program under this section and RCW [70A.15.5130](#), [70A.15.5140](#), and [70A.15.5150](#). Fees shall be set by rule by the department of natural resources at the level necessary to cover the costs of the program after receiving recommendations on such fees from the public.

#### **RCW 70A.15.5130**

(1)(a) The department of natural resources shall administer a program to reduce statewide emissions from silvicultural forest burning so as to achieve the following minimum objectives:

- (i) Twenty percent reduction by December 31, 1994, providing a ceiling for emissions until December 31, 2000; and
- (ii) Fifty percent reduction by December 31, 2000, providing a ceiling for emissions thereafter.

(b) Reductions shall be calculated from the average annual emissions level from calendar years 1985 to 1989, using the same methodology for both reduction and base year calculations.

(2)(a) The department of natural resources, within twelve months after May 15, 1991, shall develop a plan, based upon the existing smoke management agreement to carry out the programs as described in this section in the most efficient, cost-effective manner possible. The plan shall be developed in consultation with the department of ecology, public and private landowners engaged in silvicultural forest burning, and representatives of the public.

(b) The plan shall recognize the variations in silvicultural forest burning including, but not limited to, a landowner's responsibility to abate an extreme fire hazard under chapter [76.04](#) RCW and other objectives of burning, including abating and preventing a fire hazard, geographic region, climate, elevation and slope, proximity to populated areas, diversity of land ownership, improving forest health and resiliency, decreasing forest insect or disease susceptibility, maintaining or restoring native vegetation, or otherwise enhancing resiliency to fire. The plan shall establish priorities that the department of natural resources shall use to allocate allowable emissions, including but not limited to, forest health and resiliency, silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas. The plan shall also recognize the real costs of the emissions program and recommend equitable fees to cover the costs of the program.

(c) The emission reductions in this section are to apply to all forestlands including those owned and managed by the United States. If the United States does not participate in implementing the plan, the departments of natural resources and ecology shall use all appropriate and available methods or enforcement powers to ensure participation.

(d) The plan shall include a tracking system designed to measure the degree of progress toward the emission reductions goals set in this section. The department of natural resources shall report annually to the department of ecology and the legislature on the status of the plan, emission reductions and progress toward meeting the objectives specified in this section, and the goals of this chapter and chapter [76.04](#) RCW.

(3) If the December 31, 1994, emission reductions targets in this section are not met, the department of natural resources, in consultation with the department of ecology, shall use its authority granted in this chapter and chapter [76.04](#) RCW to immediately limit emissions from such burning to the 1994 target levels and limit silvicultural forest burning in subsequent years to achieve equal annual incremental reductions so as to achieve the December 31, 2000, target level. If, as a result of the program established in this section, the emission reductions are met in 1994, but are not met by December 31, 2000, the department of natural resources in consultation with the department of ecology shall immediately limit silvicultural forest burning to reduce emissions from such burning to the December 31, 2000, target level in all subsequent years.

(4) Emissions from silvicultural burning in eastern Washington that is conducted for the purpose of restoring forest health or preventing the additional deterioration of forest health are exempt from the reduction targets and calculations in this section if the following conditions are met:

(a) The landowner submits a written request to the department identifying the location of the proposed burning and the nature of the forest health problem to be corrected. The request shall include a brief description of alternatives to silvicultural burning and reasons why the landowner believes the alternatives not to be appropriate.

(b) The department determines that the proposed silvicultural burning operation is being conducted to restore forest health or prevent additional deterioration to forest health; meets the requirements of the state smoke management plan to protect public health, visibility, and the environment; and will not be conducted during an air pollution episode or during periods of impaired air quality in the vicinity of the proposed burn.

(c) Upon approval of the request by the department and before burning, the landowner is encouraged to notify the public in the vicinity of the burn of the general location and approximate time of ignition.

(5) The department of ecology may conduct a limited, seasonal ambient air quality monitoring program to measure the effects of forest health burning conducted under subsection (4) of this section. The monitoring program may be developed in consultation with the department of natural resources, private and public forestland owners, academic experts in forest health issues, and the general public.

#### **RCW 70A.15.5140**

The department of natural resources, in granting burning permits for fires for the purposes set forth in RCW [70A.15.5120](#), shall condition the issuance and use of such permits to comply to the extent feasible with air quality standards established by the department of ecology. Such burning shall not cause the state air quality standards to be exceeded in the ambient air up to two thousand feet above ground level over critical areas designated by the department of ecology, otherwise subject to air pollution from other sources. Air quality standards shall be established and published by the department of ecology which shall also establish a procedure for advising the department of natural resources when and where air contaminant levels exceed or threaten to exceed the ambient air standards over such critical areas. The air quality shall be quantitatively measured by the department of ecology or the appropriate local air pollution control authority at established monitoring stations over such designated areas. Further, such permitted burning shall not cause damage to public health or the environment. All permits issued under this section shall be subject to all applicable fees, permitting, penalty, and enforcement provisions of this chapter. The department of natural resources shall set forth smoke dispersal objectives designed consistent with this section to minimize any air pollution from such burning and the procedures necessary to meet those objectives.

The department of natural resources shall encourage more intense utilization in logging and alternative silviculture practices to reduce the need for burning. The department of natural resources shall, whenever practical, encourage landowners to develop and use alternative acceptable disposal methods subject to the following priorities: (1) Slash production minimization, (2) slash utilization, (3) nonburning disposal, (4) silvicultural burning. Such alternative methods shall be evaluated as to the relative impact on air, water, and land pollution, public health, and their financial feasibility.

**The department of natural resources shall not issue burning permits and shall revoke previously issued permits at any time in any area where the department of ecology or local board has declared a stage of impaired air quality as defined in RCW [70A.15.3580](#).** (emphasis supplied – RCW 70A.15.3580 pertains to first stage and second stage burn bans including when and how they are to be called)

#### **Washington Smoke Management Plan (SMP)**

(full 84-page text at [www.dnr.wa.gov/publications/rp\\_burn\\_smoke\\_mgmt\\_plan2022.pdf?1695487768911](http://www.dnr.wa.gov/publications/rp_burn_smoke_mgmt_plan2022.pdf?1695487768911))

#### *Responsibilities*

DNR is responsible for the overall enforcement and administration of the SMP. The Wildland Fire Management Division Manager delegates operating responsibilities to DNR Regions. Other agencies in both the state and federal governments also have responsibilities under the plan, as discussed further in this section.

The Wildland Fire Management Division Manager is responsible for:

- Providing smoke management operating procedures for DNR Regions and federal land managers.
- Providing technical expertise, meteorological information and forecasts, and training to both divisions and regions related to this plan.
- Developing performance standards for DNR Regions.
- Coordinating among Smoke Management Plan participants.
- Approving or disapproving large burns (and small burns within UGAs) depending upon meteorological conditions, potential smoke intrusions or National Ambient Air Quality Standards (NAAQS).
- Developing and maintaining systems for gathering, transmitting, and reporting data required by the SMP. This includes collection and reporting of emissions data from silvicultural burning, as required by RCW 70A.15.5130.
- Developing and maintaining systems for notifying Agencies/affected public of any proposed or active silvicultural burning.
- Coordinating responses to complaints when they are determined to result from silvicultural burning.
- Collecting required fees from federal landowners.
- Specifying to burners the documentation needed to fulfill the requirements of the Exceptional Events Rule.
- Providing all DNR documentation used to inform an Exceptional Events Demonstration.
- Maintain records for 3 years.

DNR Regional Managers are responsible for:

- Implementing the SMP on state and private lands that receive fire protection from DNR.
- Approving or disapproving silvicultural burns, taking into consideration fire danger, air quality impacts and local knowledge.
- Ensuring that DNR standards and operating procedures are followed.
- Assigning priorities for burning on state and private lands.
- Providing necessary information and required data to Wildland Fire Management Division.
- Collecting permit fees from state and private burners.
- Reporting and documenting where and when smoke intrusions occur, responding to citizen complaints about smoke nuisances on state and private lands and providing feedback to the Wildland Fire Management Division when necessary.
- Notify relevant Ecology Regions and Local Clean Air Agencies of the response to and resolution of any complaints.
- Coordinating plan implementation with local fire districts, Ecology regions and LCAA.
- Ensuring that field enforcement is conducted and is consistently applied.
- Provide Ecology with data used to make burn decisions to inform Exceptional Events Rule demonstrations upon request.

The Washington State Department of Ecology Director is responsible for:

- Establishing "Designated Areas."
- Adopting federal NAAQS into Washington rules and/or establishing other air quality standards (see Appendix 7).
- Notifying DNR when air quality has diminished to the point when "impaired air" or a "forecasted stage of air pollution episode" has been, or is likely to be, declared.

- Maintaining the State Implementation Plan, which includes visibility protection of Class I federal areas.

The Washington State Department of Health Director is responsible for:

- Collaborating with DNR, ECY, and LCAAs when smoke intrusions occur.
- Issuing health advisories as needed, or delegating such issuance to county authorities.

The following federal officials are responsible for meeting the requirements and operating procedures of this SMP on lands under their control:

- The Forest Supervisor for the US Forest Service (USFS).
- The Park Superintendent for the National Park Service (NPS).
- The Refuge Manager for the Fish and Wildlife Service (F&WS).
- The District Manager for the Bureau of Land Management (BLM).
- The Base Commander for the Department of Defense facilities (DOD).
- The tribal designee or government body specified in the agreement between DNR and any Indian Nation will be responsible for meeting all requirements and operating procedures.

### *Enforcement*

The primary enforcement mechanisms employed by DNR are education regarding requirements and mitigating impacts as they occur, followed by revoking current burn permits and withholding permits, if there is a refusal to comply. Permit holders who are repeatedly in violation the SMP may have their current burn permits and ability to apply for new permits suspended until they demonstrate the ability to comply with the SMP.

DNR has specific authority to issue orders revoking or suspending burn privileges or permits when necessary to prevent air pollution or for the safety of adjacent property. RCW 76.04.205(4); WAC 332-24-205(1). DNR may also suspend burning under RCW 76.04.315 in order to address unusual fire danger. Any burning that occurs without a required permit, or in violation of any permit requirements, violates WAC 332-24-201(4) or other provisions of WAC 332-24. Any burning in violation of DNR rules voids any prior permission granted to burn WAC 332-24-217.

If necessary, DNR has specific authority to issue civil penalties for violations of RCW 76.04.205 per RCW 70A.15.3160 . As directed in RCW 76.04.205, DNR is in the administrative procedure process, including public input, of conducting rulemaking. The rule will establish: (a) A framework for resolving conflicts that may arise related to this section, including the issuance of civil penalties pursuant to RCW 70A.15.3160 for violations of this section; and (b) the method by which penalties issued pursuant to RCW 70A.15.3160 for violations of this section will be calculated.

As a last resort DNR Law Enforcement Officers are stationed throughout Washington to protect the public, employees, and state lands, resources and other assets, and DNR can take action under chapter 76.04 RCW issuing criminal citations for willful violations of permit provisions.

### *Reporting*

DNR will provide reports to the Legislature and Ecology detailing the total emissions from silvicultural burning and other burning statistics and trends, as needed to meet the emission reporting requirements of the Washington Clean Air Act, RCW 70A.15.5130.

### *Complaint Tracking*

When a smoke complaint is received by DNR, DNR will obtain as much information as possible and ensure follow up with the complainant. The following actions guide how DNR responds to complaints:

1. The entity receiving the complaint will refer the complainant to the appropriate DNR Region or Federal entity. Information obtained from the complainant needs to include as much of the following as possible:
  - Date, time and location of the smoke (must include this information or DNR/federal entity cannot follow up on complaint).
  - Location of the suspected burn resulting in the smoke.
  - Duration of smoke impact, if known.
  - Nature of the complaint.
  - Complainants address and contact information, if available.
  - Any documentary evidence available, including photos, home air quality monitor readouts, etc.
  - Name of person recording the complaint.
  - If the complainant left a voicemail or sent an email, the receiving party will archive or transcribe a copy of the voicemail or email in the current tracking system and convey it to the following people.
    - On-site responsible party, if it can be determined.
    - DNR Region Fire Management Staff.
2. All complaints, including all relevant information will be relayed to appropriate staff the day of the complaint, if on a holiday or weekend duty officers will be available to respond to complainants and burner. Complaints will be logged in current tracking system and the following people will be notified:
  - On-site responsible party.
  - Fire Management Officer of the District in which the burn occurred (Federal land).
  - Applicable DNR Region Fire Forester.
  - DNR Wildland Fire Management Division Staff.
3. Responsible region or federal entity must attempt contact with complainant and investigate the complaint immediately. If there is no known burn in the area a DNR or Federal employee will be dispatched as a possible fire response. If there is a burn in the area, DNR or the federal entity will evaluate the complaint with the possible result of a field visit and if out of compliance enforcement action may be taken (see Enforcement Section). Should further contact from other participants be necessary, the order of contact will be:
  - DNR Region Leadership.
  - DNR Wildland Fire Management Division Leadership.
4. DNR will forward all complaint responses to the people listed in item 2.
5. DNR Wildland Fire Management Division will follow up on all silvicultural related complaints within 2 business days of receipt to ensure that complainant was contacted and that appropriate actions were taken to:
  - Mitigate the complaint, if warranted.
  - Document any safety hazards on public roads.
  - Document an intrusion of smoke, or
  - Document an exceedance of the NAAQS.
  - Take appropriate enforcement action if warranted.

### *Exceptional Events Demonstration*

If a burn contributes to an exceedance of NAAQS, an Exceptional Event demonstration may be prepared to request EPA exclude the monitored exceeding value.

The EPA promulgated the Exceptional Events Rule in 2007 and revised the rule in 2016 to facilitate the exclusion of data that was influenced by an Exceptional Event that might have caused or contributed to an exceedance of NAAQS. EPA defined an Exceptional Event as one that:

- Affected air quality in such a way that there exists a clear causal relationship between the specific event and the monitored exceedance or violation,
- Was not reasonably controllable or preventable, and
- Was a human activity that is unlikely to recur at a particular location or was a natural event.

The burner and DNR will need to gather the documentation that shows that the burner met permit conditions and followed the smoke management plan.

In order to demonstrate that a silvicultural burning operation that contributed to or caused a NAAQS exceedance qualifies as an Exceptional Event, DNR and the burner must gather detailed demonstration materials and deliver those materials to Ecology as requested. The documentation must include the following detailed information for before, during and after the burn. DNR will use our Smoke Management Burn Portal to ensure that the public is aware of burns that may be ignited in their areas before date of ignition, to inform the public of smoke conditions and outlook during the course of burning, and to alert communities after burn operations are completed. DNR will use social media to direct the public to our burn portal before the burn season is underway, and to alert the public of days when several burns might be ignited close to their communities as the burn season progresses.



## **Executive Memorandum**

**Date of Release:** November 2, 2023  
**Date of Consideration:** November 9, 2023  
**To:** Honorable YRCAA Board of Directors and Alternates  
**From:** Office of Engineering and Planning Division  
**Subject:** October's Compliance, Engineering and Planning Division Report

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**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:

- Residential burn season ended on October 15, 2023;
- Issued one Order of Approvals;
- Working on New Source Reviews (NSR) permits;
- Reviewed/responded to 21 SEPA's projects;
- Working on Title V renewals;
- Issued two Dust Control Plans (DCP);
- Reviewed/approved 10 Notifications of Demolition / Renovation (NODR);
- Issued two agricultural burn permits;
- 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;
- No burn ban called for the month of October;
- Working on several permitting and compliance 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. Investigated 7 complaints for the month of October;

The following Table itemizes, by type, the number of complaints received and the number of NOV's issued, if any, for the month October 2023:

Type of Complaint	Number of Complains	Number of NOV's*	Number of AOD's**
Residential Burning	7		
Agricultural Burning			
Other Burning and SFBD***		0	
Fugitive / Construction Dust			
Agricultural Dust			
Agricultural Odor			
Other Dust			
Surface Coating			
Odor			
Asbestos			
Others and NSR****			
Registration			
Industrial Sources			
<b>TOTALS</b>	<b>7</b>	<b>0</b>	<b>0</b>

\*NOV- Notice of Violation

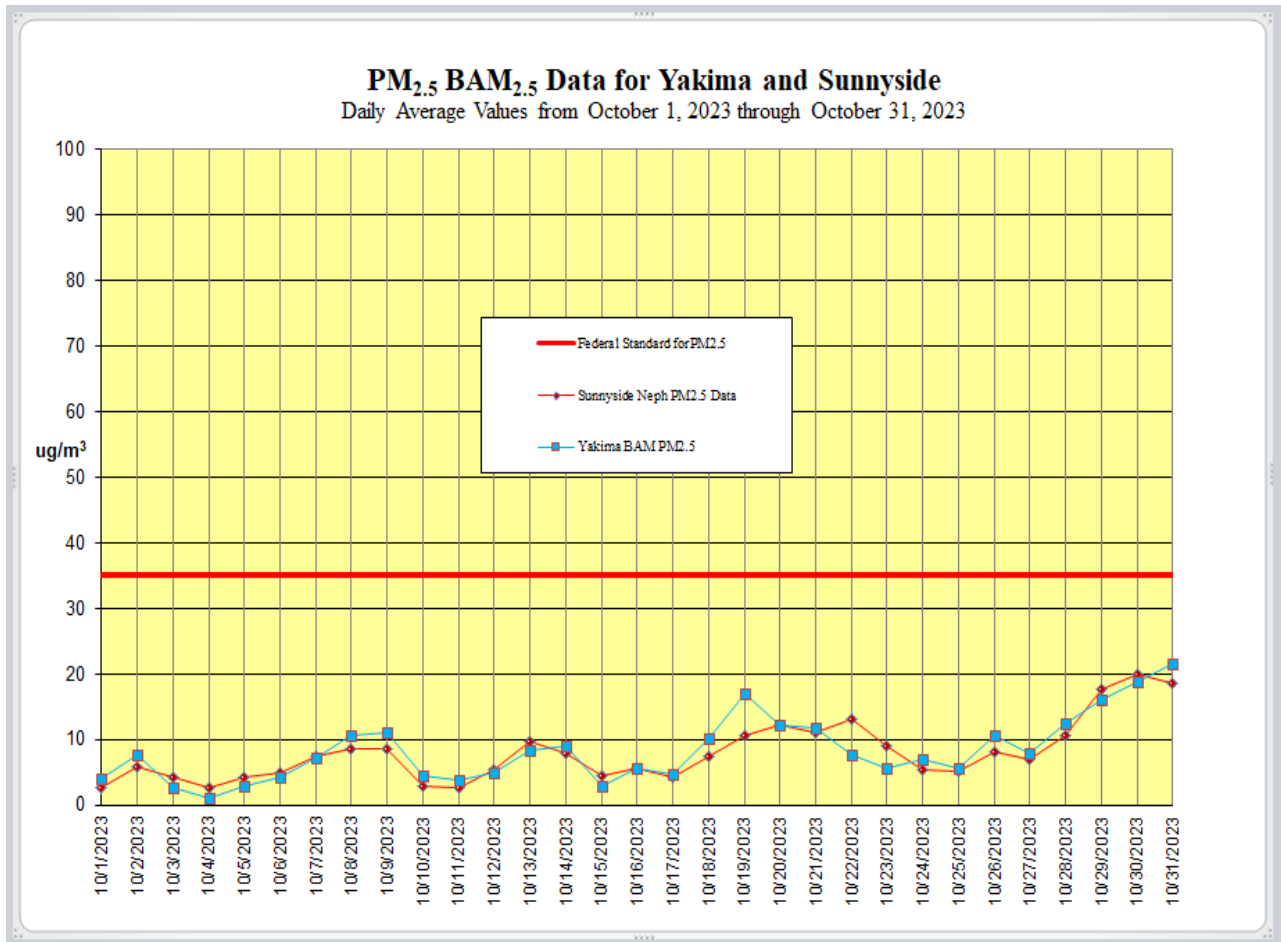
\*\*AOD- Assurance of Discontinues

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

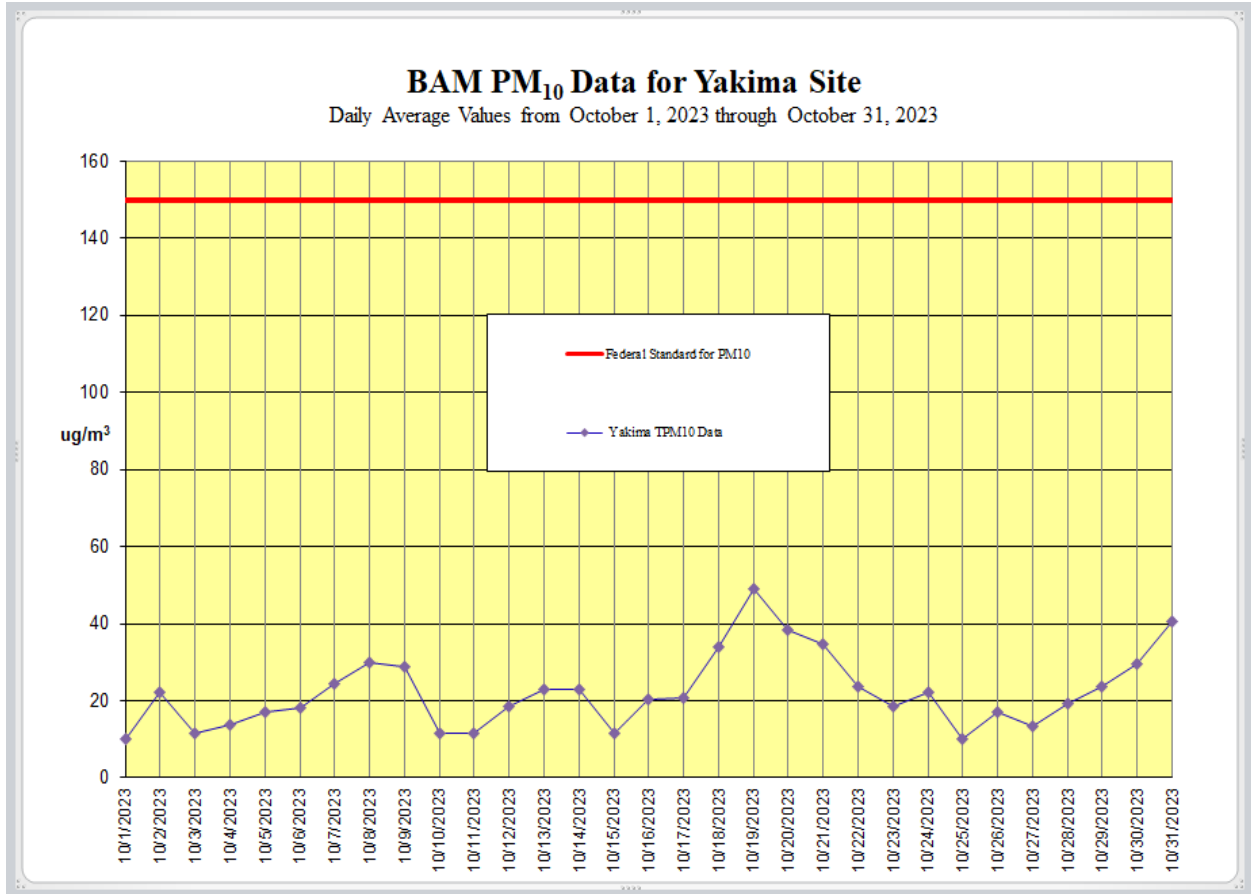
***Attachments:***

- ✓ *PM<sub>2.5</sub> Monitor Data for the month of October 2023 and the annual graphs.*
- ✓ *PM<sub>10</sub> Monitor Data for the month of October 2023.*

- **PM<sub>2.5</sub> Data**
  - We expect no PM<sub>2.5</sub> exceedances for the month of October.



- **PM<sub>10</sub>**
  - We expect no PM<sub>10</sub> exceedance for the month of October.



- **Annual PM<sub>2.5</sub> Data**
  - Annual PM<sub>2.5</sub> for Yakima and Sunnyside monitors for the specified periods.

**PM<sub>2.5</sub> FEM/BAM<sub>2.5</sub> Annual Air Monitoring Data, Cities of Yakima (BAM-Sept. 2015) and Sunnyside (BAM-April 2023)**

Daily Average Values from November 1, 2022 through October 31, 2023

