



Yakima Regional Clean Air Agency

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

Meeting of the Board of Directors September 2024

**Reunión de la Junta Directiva
Septiembre 2024**

September 12, 2024

12 de septiembre de 2024

Notice of Language Services

The Yakima Regional Clean Air Agency (YRCAA) offers free interpretation of public meetings and translation of board documents. To request interpretation of this Board of Directors' Meeting, to obtain a translation of this document, or to provide public comment at this meeting in a language other than English, please call 509-834-2050 extension 100 or send electronic mail to admin@yrcaa.org at least 72 hours in advance of the meeting.

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Public Comments

Members of the public may submit comments to the Board by: a) speaking in person or remotely (see below) during the public comment period of any meeting; b) mailing them to 186 Iron Horse Ct. Ste. 101, Yakima, WA 98901; or c) sending them via electronic mail to admin@yrcaa.org.

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Meetings are broadcast and rebroadcast on the Yakima Public Access Channel (Y-PAC). Visit www.yakimawa.gov/services/yctv. Public comment may be offered remotely via Zoom video or telephone conference call. See the agenda for the URL, meeting ID, and phone numbers (long-distance charges may apply). Please raise your virtual hand (*9 on a phone) to be recognized.

Aviso de Servicios Lingüísticos

La agencia Regional de Aire Limpio de Yakima (YRCAA) ofrece interpretación gratuita de reuniones públicas y traducción de documentos de la junta. Para solicitar la interpretación de esta reunión de la Junta Directiva, obtener una traducción de este documento o proporcionar comentarios públicos en esta reunión en un idioma que no sea inglés, llame al 509-834-2050 extensión 100 o envíe un correo electrónico a admin@yrcaa.org al menos 72 horas antes de la reunión.

Notificación de No Discriminación

La Agencia Regional de Aire Limpio de Yakima (YRCAA) no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades. La YRCAA no intimida ni toma represalias contra ningún individuo o grupo por haber ejercido sus derechos de participar u oponerse a acciones protegidas por 40 C.F.R. las Partes 5 y 7 o con el propósito de interferir con tales derechos en violación del Título VI de la Ley de Derechos Civiles de 1964; Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, todas modificadas.

Comentarios Públicos

Los miembros del público pueden enviar comentarios a la Junta por: a) hablando en persona o de forma remota (ver a continuación) durante el período de comentarios públicos de cualquier reunión; b) enviándolos por correo a 186 Iron Horse Ct. Ste. 101, Yakima, WA 98901; o c) enviándolos por correo electrónico a admin@yrcaa.org.

Acceso remoto

Las reuniones se transmiten y retransmiten en el Canal de Acceso Público de Yakima (Y-PAC). Para ver un cronograma actual, visite www.yakimawa.gov/services/yctv. Los comentarios públicos se pueden ofrecer de forma remota a través de Zoom video o conferencia telefónica. Consulte la agenda para obtener la URL, el ID de la reunión y los números de teléfono (es posible que se apliquen cargos de larga distancia). Levante su mano virtual (*9 en un teléfono) para ser reconocido.

Regular Meeting of the Board of Directors

September 12, 2024 – 2:00 P.M.

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

Duration – 30 minutes (estimated)

AGENDA

- 1. Call to Order**
- 2. Roll Call**
- 3. Changes to the Agenda**
- 4. Public Comments**
The public may address any matter relevant to the business of the Board at this time. Please state your name and the item you wish to address. Comments are limited to three (3) minutes per person.
- 5. Board Meeting Minutes for August 8, 2024**
- 6. Payroll Transfers for July 2024**
- 7. Vouchers for August 2024**
- 8. Executive Director’s Report**
- 9. Other Business**
- 10. Adjournment**

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

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

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

Reunión Ordinaria de la Junta Directiva

12 de septiembre de 2024 – 2:00 P.M.

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

Duración – 30 minutos (estimativo)

ORDEN DEL DIA

- 1. Llamar al Orden**
- 2. Registo de Asistencia**
- 3. Cambios en 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. Acta de la Reunión de la Junta Directiva del 8 de agosto de 2024**
- 6. Transferencias de Nómina para julio de 2024**
- 7. Pagos de agosto de 2024**
- 8. Informe de los Directores Ejecutivos**
- 9. Otros asuntos**
- 10. 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

Si desea asistir a la reunión de la junta de YRCAA y requiere una adaptación debido a una discapacidad o necesita servicios de interpretación o traducción, llame al 509-834-2050 ext. 100 o envíe un correo electrónico admin@yrcaa.org.

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**

Roberson 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 Thornsby, Executive Director
Jocelyn Roberson, Acting 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.

Jean Mendoza (Friends of Toppenish Creek) stated in 2023 the Friends of Toppenish Creek (FoTC) attempted to talk with the YRCAA concerning discrimination within the Agency, but was unsuccessful and subsequently filed a Title VI discrimination complaint with the U.S. Environmental Protection Agency (EPA) against the YRCAA. She stated the EPA had informed the FoTC it had accepted the complaint for investigation and noted the EPA would contact the FoTC and the Agency to discuss the complaint. Mendoza stated the FoTC and Agency would need to decide which of three options to select by August 30: (1) Early dispute resolution involving informal discussion between the FoTC and the Agency and arranged by the EPA; (2) Alternative dispute resolution involving a professional under contract to the EPA to facilitate a discussion between the FoTC and the Agency and monitored by the EPA; or (3) A formal investigation of the Agency by the EPA concluding with a voluntary agreement with, or enforcement action by, the EPA—provided the Agency was found to have been discriminatory. Mendoza expressed her believe the matter should be decided by the board and noted this would have to be done by August 30.

Nancy Lust (Friends of Rocky Top) stated it is her understanding the YRCAA, in determining whether to issue a permit, collects various estimates upon which it bases its calculations, adding it is unclear whether actual data is later collected and questioning how the Agency would know if conditions were being met if such data is not being collected. She asked if the Agency has inspectors that conduct regular inspections and, if it does, whether they are planned or “surprise” inspections.

Thornsbury stated the Agency has compliance staff that conduct inspections on all facilities it permits at various intervals depending on a variety of factors including whether there has been a history of problems and the severity of risk in the event of a release or equipment failure. He added inspectors are on site, review the permit conditions, and inspect records and operations. Thornsbury explained inspections are generally unannounced and in those circumstances where an entity might have limited notice, it would not have adequate time to subvert the inspection process with respect to any substantive violation.

Thornsbury cautioned that while state law allows the Agency to conduct inspections, there is provision for refusing access to an inspector and in such a case the Agency would have to obtain a court order to conduct the inspection. He noted this could open a relatively small window between the refusal and the court order in which conditions could be modified, but added it very rarely occurs and compliance is by far the most common response.

Regarding information upon which a permit is based, Thornsbury explained the Agency relies on information provided by the permittee concerning what it intends to do and this is reviewed when inspections are conducted. He noted it is also evaluated at the time the permit is written to ensure it is reasonable and consistent with the industry and type of operation. Thornsbury stated it is possible someone could slip something past the Agency, but it would be difficult given the knowledge and experience of staff. He invited anyone with additional questions or a desire for more specific information to contact him later.

McKinney explained there are hundreds of thousands of parcels in Yakima County and it is common for municipalities to be complaint driven because there is an inadequate number of staff available to inspect all businesses and insufficient tax revenue to hire them. She noted at the federal level, when it was deemed necessary to constantly monitor certain industries at their expense, the Supreme Court found this to be an unacceptable burden on business. McKinney added the same is true for residential, explaining there simply are not enough resources to investigate every possible circumstance where someone might try to skirt the law. She concluded stating complaint-driven enforcement is the best method available because of the limits within which government must operate.

5. Board Meeting Minutes for June 9, 2024

DeVaney asked if there were any corrections or changes to the minutes. Jones expressed appreciation for the quality of the minutes. Deccio moved to approve the minutes for June 9, 2024. Jones seconded. Motion passed 3-0.

6. Vouchers and Payroll Transfers for June 2024

7. Vouchers and Payroll Transfers for July 2024

DeVaney asked if there were any questions. McKinney moved to approve the vouchers and payroll transfers for June 2024 and July 2024. Deccio seconded. Motion passed 3-0.

8. Executive Director's Report

DTG Permit Appeal: Thornsby explained the appeal is moving forward slowly with the hearing date set for March 2025 and noted the document contained in the packet offers a summary of the legal issues to which the parties have agreed.

ED Performance Evaluation: Thornsby stated at the time of the performance evaluation in 2023, there did not appear to have been a form that had been previously used so a draft was created for the Board to discuss. He noted though the form was ultimately used unaltered, the content of the form and issues highlighted are at the discretion of the Board. Thornsby explained the staff report contains alternatives that in some cases are more, and in some cases less, difficult to implement so as to provide the Board with options it may wish to discuss. He added the Board may make any modifications it so desires and invited any questions it might have.

9. Other Business

DeVaney asked Thornsby to comment on the EPA complaint referenced during public comment. Thornsby stated he had received the notice a couple days prior and, due to work required for the Board, had not yet been able to fully review it or respond to the EPA. He expressed disagreement with the statement the Agency was not engaging the limited English proficient (LEP) segment of the population, adding the Agency has three employees that speak Spanish and a fourth is likely once the Agency is fully staffed.

Thornsby explained one Spanish-speaking employee was located in each department: Administration, Engineering, and Compliance so there are resources available whether in the field or in the office. Thornsby noted he could not speak regarding the Agency prior to his arrival, but as to the present, he expressed disagreement with the characterization the Agency does not engage with LEP persons, adding that it does so on a regular basis.

10. Executive Session

McKinney requested the length of the executive session be shortened to twenty minutes. The Board agreed by consensus and entered into executive session as 2:21 p.m. for 20 minutes pursuant to RCW 42.30.110(1)(g) for the purpose of conducting a performance evaluation of the Executive Director.

The Board reconvened the regular meeting at 2:41 p.m. DeVaney noted he would be discussing details of the evaluation with Thornsby at a later date. He stated there were some questions the Board felt it could not answer regarding management of the Agency and it would like to hear from other staff members more frequently so that it can better evaluate how well the entire organization is working. DeVaney remarked the Board recognized it needs to provide Thornsby with clearer direction at times and to avoid open-ended or vague requests. He added that, overall, the Board appreciated the work of Thornsby and the evaluation was favorable.

11. Adjournment

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

DeVaney adjourned the meeting at 2:43 p.m.

Jon DeVaney, Chairperson

Jocelyn Roberson, Acting Clerk of the Board



08/05/2024

Accounts Payable

YRCAA Fund: 614-6140
Enterprise Fund: 614-1410

<u>Name</u>	<u>Warrant No.</u>	<u>GL No.</u>	<u>Amount</u>	<u>Date</u>
509 Ductless*	35998	4105	12,000.00	08/06/2024
Alliant Communications	35999	Various	671.22	08/06/2024
Amazon Capital Services	36000	Various	215.61	08/06/2024
Andrew & Teagan Gonzalez*	36001	4105	1,550.00	08/06/2024
Cascade Natural Gas Corporation	36002	4701	19.46	08/06/2024
Charter Communications	36003	4201	372.32	08/06/2024
Enduris of Washington	36004	4601	18,472.00	08/06/2024
FP Mailing Solutions	36005	4202	194.24	08/06/2024
KeyBank	36006	Various	1,537.10	08/06/2024
Joe Mason*	36007	4105	350.00	08/06/2024
Northwest Community Action Center*	36008	4105	50.00	08/06/2024
Margaret Rinehold*	36009	4105	2,100.00	08/06/2024
Anthony Taff*	36010	4105	700.00	08/06/2024
Denise Whalen*	36011	4105	700.00	08/06/2024

Total **\$38,931.95**

* Grant Reimbursement

** NOC/Enterprise

I hereby certify the invoices and warrants described above for the Yakima Regional Clean Air Agency have been examined, audited, and approved for payment.

Jocelyn Roberson (DATE)
Primary Auditing Officer

Marc Thornsby (DATE)
Secondary Auditing Officer

Jon DeVaney (DATE)
Board Chairperson



08/27/2024

Accounts Payable

YRCAA Fund: 614-6140
Enterprise Fund: 614-1410

<u>Name</u>	<u>Warrant No.</u>	<u>GL No.</u>	<u>Amount</u>	<u>Date</u>
509 Ductless*	36012	4105	11,992.00	08/28/2024
Abadan Reprographics	36013	3101	89.69	08/28/2024
Alliant Communications	36014	4201	420.12	08/28/2024
Cascade Natural Gas Corporation	36015	4701	13.00	08/28/2024
Coastal*	36016	4105	4,106.18	08/28/2024
Coleman Oil Company	36017	3201	270.31	08/28/2024
Intermountain Cleaning Service, Inc.	36018	4802	425.00	08/28/2024
KeyBank	36019	Various	368.53	08/28/2024
Law, Lyman, Daniel	36020	4101	3,005.65	08/28/2024
Thomas Martin*	36021	4105	350.00	08/28/2024
Menke Jackson Law Firm	36022	4101	206.25	08/28/2024
OIC*	36023	4105	100.00	08/28/2024
Pacific Power	36024	4701	308.31	08/28/2024
Rowdy Construction*	36025	4105	2,306.79	08/28/2024
StorageMax	36026	4506	75.00	08/28/2024
Terrace Heights Sewer District	36027	4701	122.00	08/28/2024
Yakima County Public Services-Utility Di	36028	4701	25.09	08/28/2024

Total **\$24,183.92**

* Grant Reimbursement

** NOC/Enterprise

I hereby certify the invoices and warrants described above for the Yakima Regional Clean Air Agency have been examined, audited, and approved for payment.

Jocelyn Roberson (DATE)
Primary Auditing Officer

Marc Thornsbury (DATE)
Secondary Auditing Officer

Jon DeVaney (DATE)
Board Chairperson



**Payroll Reimbursement
July 2024**

Gross Wages		\$ 48,839.14
ER Taxes Paid	\$ 694.50	
ER Medical Paid	8,917.37	
Pers 1 ER Paid		
Pers 2 ER Paid	3,078.51	
Pers 3 ER Paid	1,256.37	
SUTA	-	
L & I	1,180.14	
Benefits		\$ 15,126.89
Bank Charges	\$ -	
Other	-	
Miscellaneous		\$ -
Total Payroll		\$ 63,966.03

Jocelyn Roberson (DATE)
Primary Auditing Officer

Marc Thornsby (DATE)
Secondary Auditing Officer

Jon DeVaney (DATE)
Board Chairperson



STAFF REPORT

Date: September 05, 2024
To: YRCAA Board of Directors
From: Jocelyn Roberson, Staff Accountant
Subject: Fiscal Program Report

Issue: Fiscal Reports

Analysis: Accounts Payable (AP) for the month of August and Payroll Authorizations for the month of July are enclosed for your approval. The Supplemental Income document is included as an informational item.

Recommendation: Accept and approve by minute action the August 2024 AP Fiscal Vouchers, totaling \$63,115.87 and the July 2024 Payroll Authorization, totaling \$63,966.03

YAKIMA REGIONAL CLEAN AIR AGENCY
SUPPLEMENTAL INCOME STATUS for CY 2024 on September 01, 2024
CY 2024 \$.48 PER CAPITA (Rounded Amounts)

City/Town	Past Due	Assessment Amount	Total Amt Due	Date Received	Amount Received	Balance Due	Responses
Grandview	\$ -	\$ 5,290	\$ 5,290	2/20/2024, 05/22/2024, 07/15/2024	\$ 3,969	\$ 1,321	Paid 1st Quarter, Paid 2nd Quarter, Paid 3rd Quarter
Granger	\$ -	\$ 1,795	\$ 1,795	2/28/2024, 06/15/2024, 07/15/2024	\$ 1,346	\$ 449	Paid 1st Quarter, Paid 2nd Quarter, Paid 3rd Quarter
Harrah	\$ -	\$ 278	\$ 278	2/21/2024	\$ 278	\$ -	Paid in full
Mabton	\$ -	\$ 948	\$ 948	2/21/2024, 05/13/2024, 07/22/2024	\$ 711	\$ 237	Paid 1st Quarter, Paid 2nd Quarter, Paid 3rd Quarter
Moxee	\$ -	\$ 2,239	\$ 2,239	2/14/2024, 05/14/2024, 07/15/2024	\$ 1,679	\$ 560	Paid 1st Quarter, Paid 2nd Quarter, Paid 3rd Quarter
Naches	\$ -	\$ 540	\$ 540	2/21/2024, 05/20/2024, 07/22/2024	\$ 405	\$ 135	Paid 1st Quarter, Paid 2nd Quarter, Paid 3rd Quarter
Selah	\$ -	\$ 4,015	\$ 4,015	2/21/2024, 05/28/2024, 07/31/2024	\$ 3,012	\$ 1,003	Paid 1st Quarter, Paid 2nd Quarter, Paid 3rd Quarter
Sunnyside	\$ -	\$ 7,920	\$ 7,920	2/27/2024, 05/13/2024, 07/20/2024	\$ 5,940	\$ 1,980	Paid 1st Quarter, Paid 2nd Quarter, Paid 3rd Quarter
Tieton	\$ -	\$ 722	\$ 722	2/20/2024, 05/20/2024, 07/15/2024	\$ 542	\$ 181	Paid 1st Quarter, Paid 2nd Quarter, Paid 3rd Quarter
Toppenish	\$ -	\$ 4,258	\$ 4,258	2/20/2024, 06/28/2024, 07/15/2024	\$ 3,194	\$ 1,064	Paid 1st Quarter, Paid 2nd Quarter, Paid 3rd Quarter
Union Gap	\$ -	\$ 3,187	\$ 3,187	4/15/2024, 07/15/2024	\$ 1,594	\$ 1,593	Paid 1st Quarter, Paid 2nd Quarter
Wapato	\$ 1,011	\$ 2,215	\$ 2,215			\$ 2,215	

City of Yakima	\$ -	\$ 47,136	\$ 47,136	2/22/2024, 05/06/2024, 07/03/2024	\$ 35,352	\$ 11,784	Paid 1st Quarter, Paid 2nd Quarter, Paid 3rd Quarter
Zillah	\$ -	\$ 1,534	\$ 1,534	2/22/2024, 05/13/2024, 07/05/2024	\$ 1,151	\$ 383	Paid 1st Quarter, Paid 2nd Quarter, Paid 3rd Quarter
Yakima Co.	\$ -	\$ 42,698	\$ 42,698	2024, 05/20/2024, 07/18/	\$ 32,024	\$ 10,674	Paid 1st Quarter, Paid 2nd Quarter, Paid 3rd Quarter
Totals:	\$ 1,011	\$ 124,775	\$ 124,775		\$ 91,197	\$ 33,579	

Executive Memorandum

Date of Release: September 5, 2024
Date of Consideration: September 12, 2024
To: Honorable YRCAA Board of Directors and Alternates
From: Office of Engineering and Planning Division
Subject: August's Compliance, Engineering and Planning Division Report

Issue:

Monthly activities report to the Board of Directors of YRCAA.

Discussion:

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

- Wildfires directly affecting or having affected our area: Retreat wildfires burned about 45,601 acers as of August 19, 2024 considered contained (85%) but still smoldering. Williams Mine Fire burned 12,661 acers, 31% contained as of September 4, 2024;
- Working on the registration program;
- Site visits, technical assistance;
- Working on New Source Reviews (NSR) permits;
- Reviewed/Commented on 25 SEPA's projects;
- Issued one agricultural burn permits;
- Reviewed/approved one Notifications of Demolition / Renovation (NODR);
- Worked on the daily weather forecasts for the burn status and agricultural burn allocation;
- Issued two Dust Control Plan (DCP);
- We expect one exceedance (wildfires) during the month of August as shown in the graphs below;
- Working on several permitting and compliance issues sources;
- Collected and shipped for analysis approximately 15 Air Monitoring Samples and completed 6 Quality Control (QC) checks on 5 Air Monitors. Received 15 complaints. Issued one Notice of Penalty and 7 Notices of Violation.

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

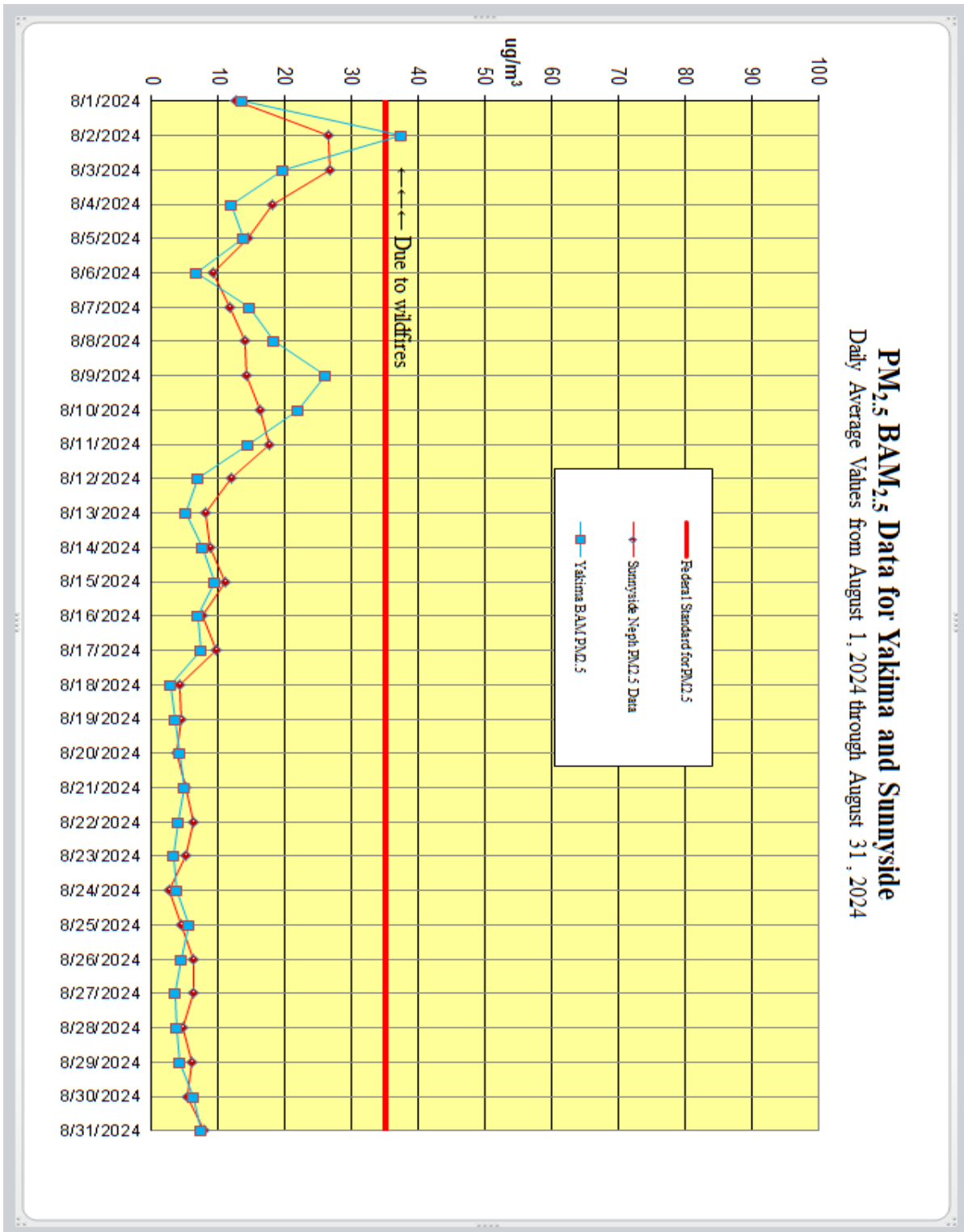
Type of Complaint	Number of Complains	Number of NOV's*	Number of AOD's**
Residential Burning	5		
Agricultural Burning			
Other Burning and SFBD***			
Fugitive / Construction Dust	2		
Agricultural Dust	4		
Agricultural Odor	1		
Other Dust			
Surface Coating			
Odor	1		
Asbestos	1		1
Others and NSR****			
Registration		7	
Industrial Sources	1		
TOTALS	15	7	1

- * NOV- Notice of Violation
- ** AOD- Assurance of Discontinues
- *** Solid Fuel Burning Device **** New Source Review

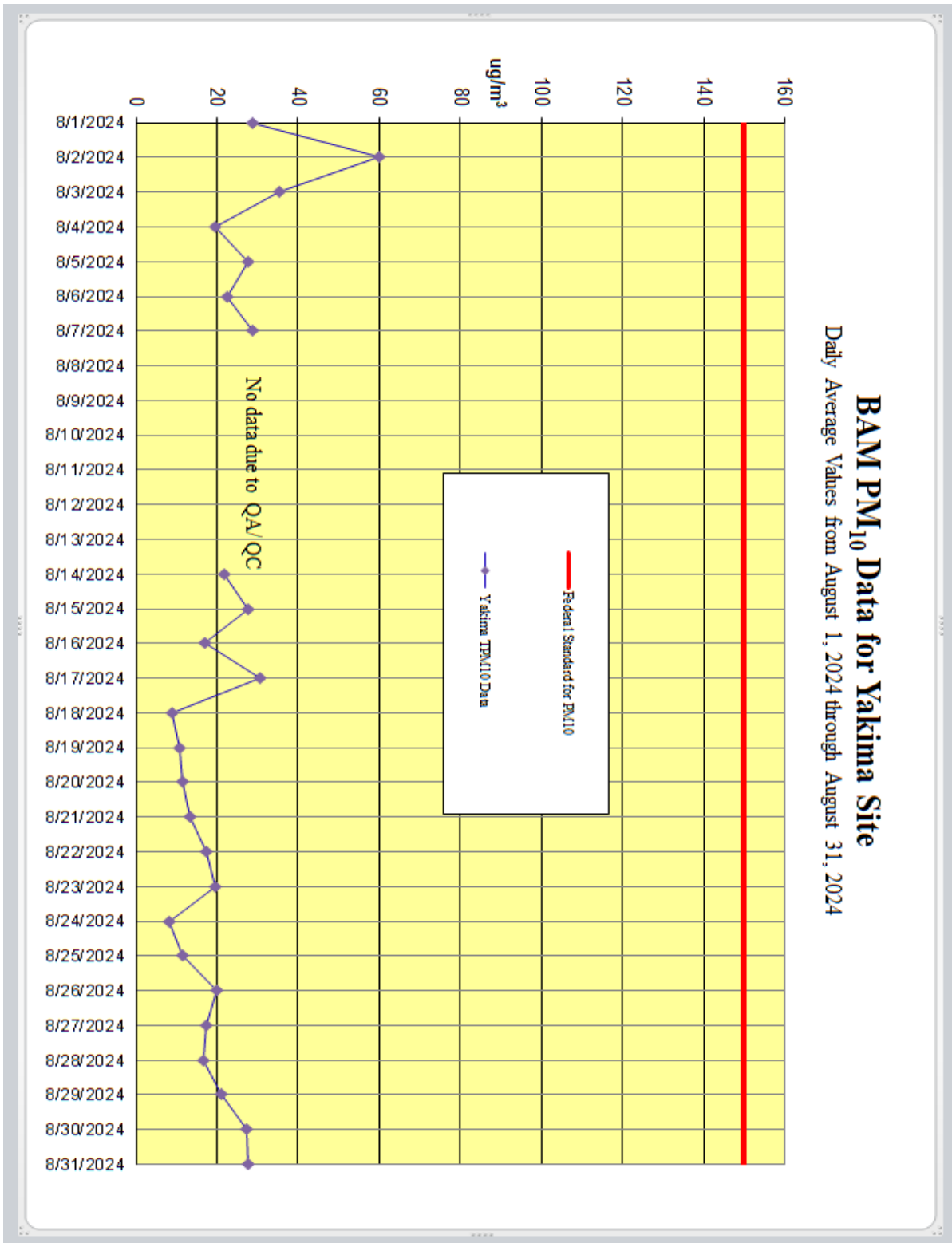
Attachments:

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

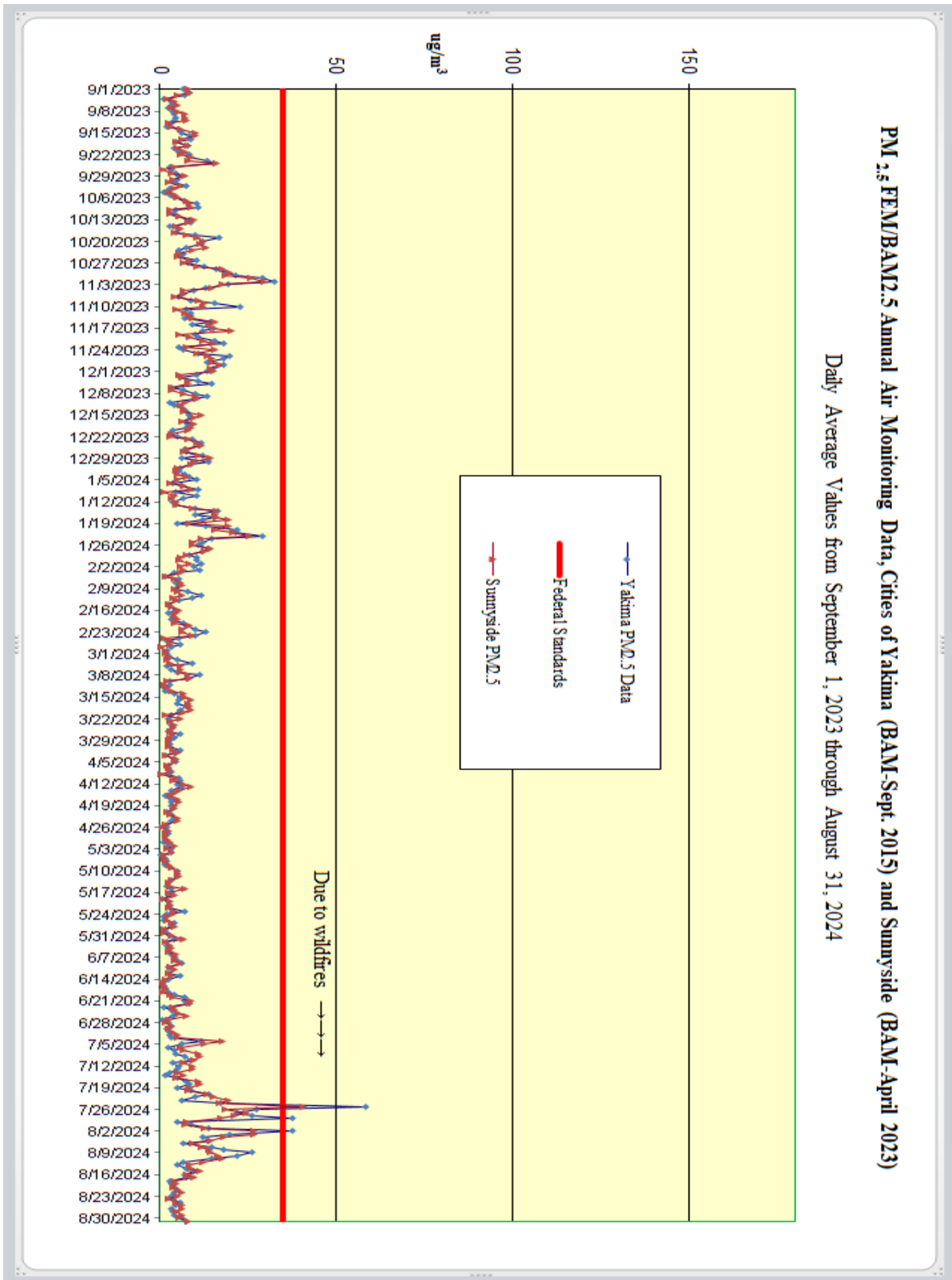
- **PM_{2.5} Data**
- We expect One PM_{2.5} exceedances for the month of August due to wildfires.



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



- **Annual PM2.5 Data**
- Annual PM2.5 for Yakima and Sunnyside monitors for the specified periods.



Date of Release: September 5, 2024
Date of Consideration: September 12, 2024
To: Honorable YRCAA Board of Directors and Alternates
From: Office of the Executive Director
Subject: Monthly Activity Report

Current Quarter

Activity	FY24 Total	June FY24	July FY25	Aug. FY25	FY25 Total to Date
Minor Source Inspections	85	15	0	2	2
Complaints Received	189	13	18	15	33
NOVs Issued	35	2	0	7	7
AODs Issued	7	1	0	1	1
Warning Notices Issued	7	0	0	2	2
NOPs Issued	12	0	2	1	3
SEPA Reviews	263	17	26	25	51
AOP Applications Received	1	0	0	0	0
AOPs Issued or Renewed	2	0	0	0	0
Deviations/Upsets Reported	18	1	2	1	3
AOP Inspections	0	0	0	0	0
Public Workshops	2	0	0	0	0
Media Events	2	0	0	0	0
Media Contacts	3	0	0	1	1
Education Outreach Events	2	0	0	0	0
Sources Registered	240	1	1	0	1
NSR Applications Received	12	0	1	0	1
NSR Approvals Issued-Temporary	0	0	0	0	0
NSR Approvals Issued-Permanent	10	0	0	0	0
NODRs Received	117	17	15	1	16
Agricultural Burn Permits Issued	41	2	0	1	1
Conditional Use Permits Issued	7	0	0	0	0
Residential Burn Permits Issued	764	0	0	0	0
Burn Ban Days	16	0	0	0	0
Public Records Requests Fulfilled	21	1	0	1	1

Acronyms:

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

AGENDA ITEM