

A G E N D A



LRAPA
Lane Regional Air Protection Agency

LANE REGIONAL AIR PROTECTION AGENCY
MONTHLY BOARD OF DIRECTORS MEETING
THURSDAY OCTOBER 14, 2021
12:15 P.M.

Note Location → VIA ZOOM

By Video: <https://us02web.zoom.us/j/83346189015>

By Audio: +1 253 215 8782

Meeting ID: **833 4618 9015**

(Note: Start times for agenda items are approximate.)

1. (12:15 p.m.) CALL TO ORDER
2. (12:15 p.m.) ADJUSTMENTS TO AGENDA
3. (12:20 p.m.) PUBLIC PARTICIPATION (time limited to three minutes per speaker)
 - A. **Comments on an Item on Today's Agenda**
 - B. **Comments on a Topic Not Included on Today's Agenda** (Note: This is an opportunity for the public to bring up unscheduled items. The board may not act at this time but, if it deems necessary, place such items on future agendas. Issues brought up under this agenda item are to be limited to three minutes' speaking time by the person raising the issue. If additional time is necessary, the item may be placed on a future agenda.)
 - C. **Comments from Board Members** (Note: This is an opportunity for Board Members to bring up unscheduled items regarding today's public comments, and/or written/electronic comments they have received. The board may not act at this time but, if it deems necessary place such items on future agendas.)

ACTION ITEMS:

4. (12:30 p.m.) Consent Calendar
 - A. Approval of Minutes for September 9, 2021, Board of Directors Meeting [VIEW MATERIAL](#)
 - B. Approval of Expense Reports for July-September 2021 [VIEW MATERIAL](#)
 - C. Proposed Adoption of Oakridge PM_{2.5} & PM₁₀ Maintenance Plans [VIEW MATERIAL](#)

REPORTS:

5. (12:35 p.m.) Status Report from Oakridge Air Program [VIEW MATERIAL](#)

6. (12:50 p.m.) Dashboard Report Update and Priorities Report [VIEW MATERIAL](#)
7. (1:00 p.m.) Advisory Committee [VIEW MATERIAL](#)
8. (1:05 p.m.) Director's Report of Agency Activities September 2021 [VIEW MATERIAL](#)

DISCUSSION:

9. (1:15 p.m.) 2021 Wildfire Cleanup Rule – Asbestos Variance Extension Status
10. (1:20 p.m.) Director Six Month Review of Accomplishments & Goals
11. (1:30 p.m.) LRAPA Benefits Review
12. (1:35 p.m.) Old Business
13. (1:40 p.m.) New Business
14. (1:45 p.m.) Adjournment

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MINUTES
LANE REGIONAL AIR PROTECTION AGENCY
BOARD MEETING

October 14, 2021

VIA - ZOOM

ATTENDANCE:

Board: Joe Pishioneri – Board Chair - Springfield; Kathy Holston – Vice Chair - Oakridge; Jeannine Parisi – Eugene; Howard Saxion – Eugene; Matt Keating – Eugene; Jenna Knee – Eugene

Absent: Mike Fleck – Cottage Grove; Joe Berney – Lane County

Others: Merlyn Hough – former LRAPA Director, Jim Daniels – CAC Chair; Josh Proudfoot – Good Company; Mary Bridget Smith – Attorney, City of Springfield

Staff: Steve Dietrich; Debby Wineinger; Travis Knudsen; Katie Eagleson; Colleen Wagstaff; Robbye Robinson; Julie Lindsey; Max Hueftle; Chris Coulter; Lance Giles

1. **OPENING: Pishioneri** called the meeting to order at 12:20 p.m.

2. **ADJUSTMENTS TO AGENDA: None**

3. **PUBLIC PARTICIPATION: None**

4. **ACTION ITEMS:** Consent Calendar

A. Approval of Minutes September 9, 2021 Board of Directors Meeting

MOTION: Saxion MOVED to approve the October 14, 2021 Minutes- Parisi SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS

B. Approval of Expense Reports September 2021

MOTION: Keating MOVED to approve the September 2021 Expense Report- Saxion SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS

C. Proposed Adoption of Oakridge PM2.5 & PM10 Maintenance Plans

Dietrich said this was on the agenda for September and we had to delay it. Comments received from both EPA and DEQ have been incorporated. We are on the agenda for the EGC hearing on November 18, 2021.

MOTION: Holston MOVED to approve adoption of Oakridge PM2.5 & PM10 Maintenance Plans - Keating SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS

5. STATUS REPORT FROM OAKRIDGE AIR PROGRAM – JOSH PROUDFOOT GOOD COMPANY:

Josh Proudfoot said the health studies that they have done so far, have garnered a lot of interest. And the University of Oregon, Oregon State University, and Oregon Health Authority researchers are helping track the benefits and the outcomes of the program. The original data we looked at was just showing the health impacts of the smoke in the environment. And Carol Trenga with Oregon Health Authority has been working with us the most and is presenting our initial results at the Oregon Public Health conference this week. We're going to continue to carry this work forward. And we were able to leverage other dollars for the U of O. They are seeking funds to see the benefits of the indoor air quality and outdoor air quality. We've been assisting the Multnomah County wood smoke working group in Portland metro area, the number one air toxic is wood smoke from home heating. About half of those emissions come from 3% of the population which is very low income. The other half comes from backyard burning chimneys, woodfired pizza ovens etc. Obviously there's some population demographic differences, but really the issues are the same. Probably the main difference up in Multnomah County is that there's a very strong group of advocates who have had major health impairments that are pushing hard for regulation. One of the things that we will be sharing as part of this grant towards the end is the guidebook or a how to run a program like this. He wanted to start that sharing the knowledge from Oakridge is spreading into the health community. That is also going to be replicated and augmented by Multnomah County Health. It's exciting to see this work being kind of the corner pilot project for the rest of the state in many ways. And just to mention we are waiting till the end of 2021, to see if the phase two application for the TAG grant will go through.

Home heating upgrades is the core of the work. We are going to start our second cohort in mid-October. The first one is well underway. We have got woodstoves and ductless heat pumps installed and one house that is completely through the system and being audited. We have had a few bumps in the road, Mainly in payment terms with the contractors that don't want to wait for their money too long. But we also need to have the work verified, audited and quality checked. We are working on ways to make that go a little faster, and modifying the terms with the contractors, just to make sure that they don't get caught waiting for their money, so something he wanted to flag. If you have tried to get anything done or fixed recently, you're going to discover that there's all kinds of supply chain disruptions and scarcity amongst vendors and also price increases. So we're dealing with finding vendors that will show up on any timeframe is very difficult. He thinks this may put the brakes on the speed of the weatherization efforts. One example is the copper tubing that the refrigerant flows through between the outdoor unit and indoor unit in a ductless heat pump that is in scarce supply. And that is disrupting heat pump installations.

The community firewood program is rolling along. We already have 48 cords delivered this week and another 80 to 100 cords of raw material are in the shed and starting to be processed.

We hope to get those out and ready for the December buying season. We are looking at some equipment not getting used as much as we thought it would be based on how other operations are being used. We are checking in with EPA, just to see if we could switch some of that equipment for more useful stuff.

Good news on the education front Middle Fork, Willamette Watershed Council, and the original school curriculum partner have a new person who's very strong. She's embracing this role, grabbing the curriculum, and is getting to the schools and starting that process. On Air Purifiers, we have almost 500 out. We are almost done distributing all of those through the school district and city hall. We are starting to send out notices to folks when they need replace their filters. We are also looking around for grants to see if there's any other possibility to get more air purifiers. And one of the things is that the community has spoken well just how important those were during the intrusion events.

Keating asked about the outreach to the homes that you had an energy audit. How are folks aware that they could have their home audited? What approach is different for renters versus homeowners? How would that be different only for a renter to reach out? How would your work change? **Proudfoot** said two things, the audits are there to establish the work program and make sure that the funds are used for the biggest bang for the buck. If there's a hole in the roof, the auditor says let's fix the hole in the roof. But if there's a question of, windows or insulation, they're saying do this first until your money runs out, go to the second thing, the third thing. The auditors have been really great in establishing that work program. The second piece about renters, the way EPA has programmed dollars for this is the renter can request it. If the renter and the landlord are interested, we can install it. All the devices weatherization or heating units have to stay in the unit because they want the airshed protected. They don't want that traveling with somebody when they leave. But also there's a clause that says they can't raise the rent once the quality of their facility or their unit has been improved. **Keating** said he was curious about the outreach in general. **Proudfoot** said the outreach in general is reaching folks, the websites being used, we have over 100 people that have signed up interested in an audit. The interest is growing through the success. But the global supply chain stuff is slowing us down. **Keating** asked if any of the 100 are renters. **Proudfoot** said he didn't know. But we are personally very interested in getting some of the rental properties into this program.

Saxion asked what percent is complete, what percent spent on this overall project? And do you anticipate accomplishing all the work that was laid out with the with the project and being able to complete the work within the budget, especially given all the supply constraints and increased costs of goods and materials. **Proudfoot** said we are on budget, we're in year three of five. We are hitting the targets on except for the home heating upgrades and that money is protected. But whether we'll be able to deliver the same number, he is starting to be suspicious of that. And it's really just cost of goods sold. And the vendors saying, we can be out there in 11 months. And by the way, all of our prices are going up. And we can't get these parts. So from a management and the rest of the program standpoint, we're right on budget and on target with everything.

Pishioneri had a follow up question in response to Matt Keating's question regarding rentals. When you install the ductless heat pumps in a rental unit, and in conjunction with your authorization, obviously with the landlord, you said they can't raise rents. But you didn't say into perpetuity one year, six years, three months? **Proudfoot** said not perpetuity. As he remembered

it's a two year period. But it's buried in the 120 pages of text for CPAs contracts, so he can get back to you with that number. **Pishioneri** said it raised a red flag for him in regard to renters. He has some rental units and wants the best for his renters and tries to always improve the homes. He would absolutely want to make sure that it's not buried in in text. If there's a property exchange six months later, is the new property owner bound by that same contract and are the present or the current landlords being clearly advised that there is some limitations on rental increases into the future, because that can make or break a relationship with renters. **Proudfoot** said he would check, he is pretty sure they have that covered, because it's been discussed, and it's kind of on the front of everybody's mind. **Pishioneri** said to him it would be very important that the information is very clear up front. Because that is definitely a point of which you can really destroy a good landlord/renter relationship. He just wants to make sure it's very clear to landlords if you're doing work on rental properties. Proudfoot said he will get back to him with the protocol and whether we're working with a landlord yet. He is not certain we are. But it will be happening. **Pishioneri** said that would be great. And wished we had a program here for that.

6. DASHBOARD REPORT UPDATE AND PRIORITIES REPORT:

Dietrich reviewed the sections outlined in the report:

- National Ambient Air Quality Health Standards
- Air Toxics and Cleaner Air Oregon
- Airmetrics
- Agency Administration

There were no comments or questions on the report.

7. ADVISORY COMMITTEE:

Daniels said their September meeting was a bit of catch up since they did not meet in July or August. They had an update from LRAPA staff about recent complaints and the Seneca sustainable public meeting. And this month's meeting they will review the website and provide some feedback to Travis on what we think could be improved.

8. DIRECTOR'S REPORT OF AGENCY ACTIVITIES IN THE MONTH OF SEPTEMBER 2021:

Dietrich reviewed the following sections from the Directors Report:

- Air quality
- Complaints
- Enforcement
- Outdoor burning letter permits
- Asbestos abatements
- Permitting
- National issues of LRAPA interest

Saxion he said appreciated the additional information on the enforcement cases.

Keating said JH Baxter is not in his ward, but nevertheless has come up multiple times from councilors who represent West Eugene, both publicly and privately. He has longed for a

collaboration between LRAPA and our municipality, in a public setting. And he would invite LRAPA staff to work with him offline. Steve and Travis for a joint work session or agency update to the Eugene City Council, especially about JH Baxter. In regard to the \$5,200 fine, how subjective are the enforcement fees that are assessed to industry. And in this case to JH Baxter how does a nominal amount like \$5,200 compared to previous fines assessed? And is there a scale by which the agency would increase the fines in a way that is transparent, and the entities being fined, or the public at large know what the scale of fines potentially assessed could be?

Dietrich said he thinks a more detailed discussion probably needs to happen offline. We do have a matrix that we use, depending on the severity of what we see from the evidence that's collected from our investigation, or from our review, whatever prompted us to do the enforcement action. And it is a number that comes out of that. It doesn't give you a range. There's input variables that you use and depending on whether it's category one through four. We can get into more detail when we sit down and talk, and I can show you how it works. As far as the previous fines for this facility versus this one he wouldn't have that information for you today. He will get back with staff to be able to see if there's a long history or just one or two examples.

Keating said that would be welcomed. And would love to work with you and Travis offline regarding a presentation or collaboration with the Eugene City Council.

Holston asked about the training that LRAPA provides for businesses or companies when they have a violation? Do we charge them for the training? Or do we absorb the cost? **Dietrich** said he didn't know if we do training on a regular basis if requested, how we recoup those funds. That may be because it's a service provided it's included in your fees. But he is not 100% sure on that. **Knudsen** said Colleen Wagstaff stepped into his office and said that there's no charge that's just provided.

Pishioneri said in the past this has come up during the budget process in regard to public outreach, or public education as part of the budgeting topic. That may be something that that maybe Julie Lindsey can flag during the budgeting process. And, and the definition of public education, awareness, or outreach. It is a valid point, something to consider at least as a Board. He thinks it is something that we should be looking at, under what specific circumstances would it be a service we provide, and they must reimburse us for the cost. We are here to educate people and to minimize the dangers that are occurring. And generally, we have a pretty good response. But in case there is something like multiple violations, it could be part of the matrix.

Holston agreed it would be nice to hear about it during budget season.

Public Information:

Knudsen said a big part of September started off with smoke management and wildfire efforts. Now that wildfire season is over, and we've seen some rain, kind of put it behind. But September was certainly a busy month for wildfire season. He continued to remain engaged on the Middlefork complex meetings, which initially in early September were daily meetings and then became three times a week. Those ended at the end of September. Also in September, we had quite a bit of public outreach efforts The first informational meeting on Seneca Sustainable Energy through the Cleaner Air Oregon program. Seneca had finished a preliminary risk assessment so we shared the details of that assessment with community members during this meeting and also pointed to opportunities the community can review the information. And provide us with feedback that we will rapidly incorporate to improve the risk assessment into the

permit. And we continue to remain engaged with communities and our core team group on the JH Baxter progress through Cleaner Air Oregon, in association with efforts from DEQ on their soil sampling that is occurring in the neighborhood surrounding JH Baxter. He is actually really excited about this is ArcGIS story map. And I'm not sure if you're all familiar with the story map, but it's sort of a fancy web based PowerPoint presentation, essentially, that is standalone, but very interactive, and explains the history of JH Baxter and community concerns, as well as efforts taken by the facility and regulatory efforts in response to the facility. We have been drafting this together with Oregon State University, Oregon Health Authority, the city of Eugene, and the Oregon Department of Environmental Quality. The first draft is not yet complete. But a lot of time and attention is being put towards that. When it is complete, he will be very excited to share it with everybody. Also, listed on the report is contacts we had with media throughout the month, as well as press releases that we sent.

Parisi said following up with what Matt Keating was asking about JH Baxter. And maybe it's too soon to answer this question. She would be curious to hear from LRAPA staff, what lessons we've learned from this experience and factor how the agency could have acted sooner or been alerted differently, where was this accumulation of toxics that were in the soil. Take this experience and do something with it that could be used in the future. She has brought this up numerous times about the delinquency and the timeline between our air toxics monitoring and comparing it to the national standards and reporting it. She thinks you've done a good job of trying to address some of those gaps. But also thinks data for data sake, isn't helpful if it's not actionable. Was there a point of action that could have intervened sooner. **Dietrich** said he didn't have as long a history with the industry here yet, as some of the other LRAPA staff, but this is a good point on had we caught something from an air perspective sooner, maybe it would have greatly alleviated or reduce the amount of soil contamination, it comes down to when we find out the information and the data we actually have, is it adequate? And he thinks you're hitting the nail on the head on how you can look for improvements, not only with reporting, but also inspections and on site testing. There needs to be a meeting about that same kind of topic either from an industry perspective or from a government agency input on how we can prevent things from happening in future.

Knudsen said what he has learned so far is the collaboration and coordination between different agencies whether it be a LRAPA, DEQ or even DEQ itself, and The silos of departments in DEQ. Whether it's the hazardous waste, ground soil or water treatment, all of those are individual departments that sometimes operate independently. And something that's been done differently through this process is collaboration between all of those groups of people. So just a little bit of insight to provide here now. And he agrees with the recommendations. **Pishioneri** said in law enforcement anytime there was some sort of incident. There was always an after incident debrief. What could be done better? He agrees, it should be implanted in our processes.

9. 2021 WILDFIRE CLEANUP RULE – ASBESTOS VARIANCE EXTENSION STATUS:

Dietrich said this is just to close out the fact that we brought this variance extension to the board at the last meeting. Chair Pishioneri was able to sign it a few days later on the on the 13th, which actually extends the wildfire cleanup rule to July 31 of 2022. This is just the to circle around and advise it is signed, and we're good to go on that.

10. DIRECTOR SIX MONTH REVIEW OF ACCOMPLISHMENTS & GOALS:

[LRAPA 2021 Goals attached here](#)

Dietrich said the first part of September he sent everyone a list of accomplishments, first five or six months. And then also a second document that deals with what he sees as the goals for the next six to 12 months. **Pishioneri** said this is not a Director's evaluation. This is simply a performance review. Where we're at and where we need to be.

Parisi asked which one is the future six months because she really thinks this is the place where we need to be in agreement. If that's going to be the basis for future evaluation in a formal way.

Keating said he didn't want to create more work for staff, but he would love to see a crosswalk that connects the goals with the mission that lays out with LRAPA's mission to protect public health by advocating for improvement and maintenance of air quality. And where these goals and actions fall into the bucket of improvement and fall in the bucket of maintenance.

Dietrich said he tried to put into three major categories or buckets, complete in the next six months, plan to begin in the next six months and continue work to completion. And the last category would be a plan to begin work in the next six to 12 months. In the first category there some of these are already underway. It's about trying to improve either internal processes, policies, procedures, and benefits with staff. The first on the list is the Oakridge maintenance plans as part of the process to get EPA approval of the redesignation of the air shed. His plan is to get that completed within the next six months. And then we're getting ready to start the LRAPA pre-budget planning process, We are trying to be prepared and in alignment with that regular process and trying to figure out what needs to be part of the process, new or ongoing. The website redesign we've mentioned to some, the goal is twofold including a more intuitive layout, and improve the user access to information, improve public search tools for information. We have got some proposals on some of those now and are considering a direction to go. We are always continuing to find ways to increase community Cleaner Air Oregon engagement. Seneca Sustainable Energy was the first one out of the gate, there are going to be others. And the situations will be site specific as we go forward. The meetings themselves will have a standard framework, but it could be different for each facility. And the nature of community engagement. What communities are affected could be different each time. He still needs as in his role to become more familiar with the environmental issues in Lane County, and coordinate solutions with the citizens and the representatives of Eugene, Springfield, Oakridge, Cottage Grove, and Lane County, as well as industry. We are always looking for ways to seek new funding sources to help improve air quality, such as the Oakridge TAG. And we recently applied for the American Recovery Plan opportunities. We are waiting to see the outcome from EPA. We want to do a detailed evaluation of the effectiveness of the Airmetrics Enterprise to help monitor air quality, and what can we do to make sure that that's a viable enterprise now and into the future.

Keating said he would welcome revisiting this with that kind of a crosswalk thinking. If others object or disagree vehemently, please let him know. But he thinks it would be a welcome addition to see where those dots are connected to the overarching mission of the agency.

Pishioneri said he agrees with Matt Keating. At the city level we asked staff, you got to have a request before us. How does it tie to our councilor goals, and we want to know where it ties in at.

And, and he thinks that's very valid and also helpful for the people that are generating this type of goal that they have.

Saxion said he would be interested if it's feasible to some of the goals where maybe progress hasn't been achieved or not achieved as rapidly to identify what the impediments are to accomplishing some of those goals, whether it's staff resources, or the higher masters EPA and DEQ that LRAPA has to report to. What may be preventing rapid progress on things. That would be helpful for us to better understand these type of things. And also for budgeting in the future, if there are staff resources or alignments or things like that, that would help to achieve not only your goals, but also the agency. **Holston** said she really appreciated what Howard Saxion just said. And also, just to include in that is, where can we as a Board help you to achieve those goals? And where do you see us taking on things that would assist you or are we hindering in any way.

Parisi added that Merlyn had a general goal that talked about financial stability and operating the organization within financial metrics. It is a very broad goal, but she thinks is very helpful. And she is channeling a little bit of Mike fleck, who has, on numerous occasions brought up the issues of Airmetrics viable. And then also Title V running at a deficit. She suggests that there be something around finance and because the finances of the organization have, over time improved so much. But back in the day there were discussions about dissolving the organization because the partners couldn't bring money to the table, the state money was being cut. And she knows we're in a very different place. But thinks that is such a core piece of the Director's responsibility. And it does require partnerships. It's measuring two things, community confidence and partnership. The other thing she doesn't see on there that she's curious about, is just general continuous improvement, which she thinks you have embedded in a lot of your goals. But the backlog of permitting has been an issue for a number of years, and she knows you are trying to figure out ways to catch up. Great to hear that the inspections got caught up, but she thinks the backlog maybe it's not a big deal to the permanented agencies, they don't necessarily care. But if it is a confidence or people feel like they're paying for a permit, and fees keep going up, but the timeliness of the renewal is not improving, isn't there a disconnect, and she feels like that's also another place of customer service and confidence that we would want to be able to address.

Dietrich said I hear you loud and clear. He will try to incorporate and improve the document. But some of these things that you have brought up he has already been having internal discussions with staff trying to find better ways to do what already we are already doing. And permitting backlog is certainly one of those.

Parisi said she was not asking you to have 100 goals the shorter the better. Measurable, clear, and concise. To the extent that you can elevate some things, continuously improve, inspections, and the complaint process. She thinks there's ways that you could elevate some of that.

Pishioneri added some emphasize please no dossier, no manuscripts. We like the brevity and an executive summary version.

11. LRAPA BENEFITS REVIEW:

Mary Bridget Smith, LRAPA attorney wanted to address a potential conflict of interest issue on this item before you get into the substance of it. Employee benefits, one of the things that staff is going to be talking to you about is potentially moving over to PERS. And that's a particular issue for your Executive Director, Steve Dietrich, because he was a PERS employee. And if the board were to decide to go to PERS he would have the opportunity to participate like any other employee, and that creates a potential conflict of interest. As a public official employee, he's required to give written notice to the Board, which he did this week to Board Chair Pishioneri regarding the conflict, and then to ask the Board to dispose of the conflict. And the way we checked in with the Oregon Government Ethics Commission for some informal advice, and they suggested that the Board move to allow him to participate on the project, but not make any recommendations to the Board. This is ultimately a Board decision. But to avoid making any recommendations and he can continue to work with Julie Lindsey on the project, answer any questions, gather information, She advises him to not make a formal recommendation. And then, depending on your situation, just participate like any other employee. So we wanted to get that kind of procedural stuff out of the way before you got into a substantive discussion.

Keating asked what was the alternative, Steve Dietrich recusing himself entirely from the process? **Mary Bridget Smith** said he could since it's only a potential conflict of interest. He doesn't have to recuse himself and Julie Lindsey could take the lead, or what we're recommending is that he just not make any formal recommendations to the Board about this decision. He could advise you with information, present information to the Board, but not make a recommendation either way. **Keating** asked if Julie Lindsey is in a position where she wouldn't have any perceived conflicts. **Mary Bridget Smith** said that is correct. And she should have brought that up earlier. Julie Lindsey already participated in PERS retiree, she could not re-engage in PERS. She is in a different position than Steve Dietrich.

Mary Bridget Smith said the proposed motion would be I move that the Executive Director Steve Dietrich dispose of his conflict of interest by not making any formal recommendations to the Board about whether LRAPA should switch to PERS. But he can continue to work on the project and gather information, a recommendation to the Board can occur at a subsequent Board meeting and will be in the form of a resolution to be considered.

Keating said he will be voting against the motion. He thinks it's cleaner if the duties and responsibilities were passed to Julie Lindsey, as referenced, or alluded to. And he encourages colleagues to do the same. He appreciates the thought behind the motion, and the transparency. But just seems cleaner to have someone be point on the work entirely, who doesn't have a real or perceived conflict.

Pishioneri said he had a little background on that, because that was raised during our conversations, because of the size of the agency. If it was a much larger agency that is probably foreseeable. But he thinks because of the size of project and the number of staff available to do that it would be difficult for it to move forward without the help that's available. **Mary Bridget Smith** said that's brings up a good point. It's completely within the Board's discretion how you ask Steve Dietrich to dispose of the conflict. And one option is to recuse. That's why we did reach out to the Oregon Government Ethics Commission and get a little more information. And

their recommendation was no formal recommendations on the part of Steve Dietrich, but he could do other work. And taking into account that LRAPA is a small agency.

Parisi asked about the recommendations, what does that mean? **Mary Bridget Smith** said that would mean for example, let's say you say to Steve and Julie, move forward, investigate, and they bring back information. Maybe he gives you a written memo or at a meeting, he says I recommend LRAPA switch to PERS, he needs to avoid that. But what he could do is gather the information that would explain the pros and cons, here's what the money looks like, that kind of thing would be fine, but nothing could be "I recommend you do". **Parisi** said she would feel more comfortable with the motion if we struck the word formal.

MOTION: Holston MOVED to approve Executive Director Steve Dietrich dispose of his conflict of interest by not making any recommendations to the Board about whether LRAPA should switch to PERS. But he can continue to work on the project and gather information, a recommendation to the Board can occur at a subsequent Board meeting and will be in the form of a resolution to be considered - Saxion SECONDED THE MOTION. VOTE ON MOTION: 5 in favor, 1 opposed (Keating)

Dietrich said this kind of helped him wade through the minefield, so to speak. So now he thinks we're on solid ground. A little bit of a primer on what we are about to ask permission to do, and a little bit of information that we've been able to pick up. One of LRAPA goals you saw earlier, was to begin review and update our internal policies, procedures, and benefits. And because this is one of the agency goals to be completed in the next six months, Julie Lindsey and I have started to work on it internally. But we didn't want to get too far ahead before we involve the board and their guidance. This coincides with budget planning. And there is the existing 401k plan administered by Voya. The restatement period is open right now. They don't open very often to restatement which allows you to make changes in the plan as well. So as we look at the possibilities of going into Oregon's Public Employee Retirement System, or PERS, we may have to do a couple of different things. One is the resolution for PERS, but also there may be another resolution that may have to come from the Board to change the current 401k plan to make both of them work, either in concert or phase one out language. And now's the time to be able to do the restatement period for Voya because it doesn't come open very often. And the next time would be six years or so from now. So this is good timing.

Dietrich also said he thinks the recruitment process failed the first time because COVID-19 really had an impact on people moving around to different jobs. The unemployment benefits supported people longer than what is customarily. Relocation issues for people coming from out of state or other parts of Oregon, and then overall salary. And one of the things that also was at play was employee benefits, which is what we are talking about here today with retirement. Since LRAPA was not part of the state of Oregon PERS, the universe of potential candidates is smaller than it should be. Especially when it comes to trying to find that specialized knowledge, skills, and abilities necessary in air quality work that we do here at LRAPA. He knows not everyone's comfortable with change, especially when it affects employee pay and benefits. But to be able to fill vacancies with staff having the desire, knowledge, skills, and abilities and be effective as an employer to potential candidates, LRAPA needs to do everything they can, to at least offer the same level of benefits to attract and retain a competent workforce.

Holston said she had a lot of questions. But in general, as we begin to look at this, she would want to know what the current retirement plan is. And does it apply to all 19 employees. Are you proposing that all LRAPA be offered the PERS. She would want to know those things and have the chance to really look at it. And are we the only agency in the state of Oregon that is a filter between counties and DEQ is that not correct? She doesn't think we have another one like us, we're pretty unique. So we don't have any other comparisons to look at. She wants to know, what is the benefit other than the hiring?

Pishioneri said this is just for a feel for the board to say okay, let's check this out. He didn't want to get buried in the weeds too much there at this point, there's a lot to discuss. And there's a lot of things that staff, Julie Lindsey and Steve Dietrich will need to bring forward to the board for us to even consider doing this. So this is just a test in the waters to see where the Board is at. To see if the Board feels worth staff time to move forward and thoroughly check this out, investigate this, and bring back some information to the board. And he agrees there's a ton of questions.

Keating said in addition to hiring, he wants to home in on retention. If there's a way to quantitatively illustrate that. Agencies that are connected with the public employee retirement system have a better job of retaining their employees. That'd be great qualitatively, you referenced it. But you know if we can quantitatively give a good a snapshot of hiring, not just hiring but also retaining employees in the long run, it may be a net benefit. He suspects it is for the agency to embrace moving our employees toward PERS rather than lose those employees and have to retrain and retool a whole new workforce.

Lindsey said her background with the Fire Department they became the trainers, then folks moved on. LRAPA has long standing employees. However, we all have to move on after a while. And so we are facing retirements soon in the next two to five years. So we're expecting this turnover. And has done a lot of studies on PERS. She would like to get the questions that folks may have. And have the ability to compare what is and could be and she knows that there's a lot of tier one PERS concerns. But we are looking really at probably, maybe rarely tier two, probably tier three folks that we would be attracting, and she will try to get some numbers on the cost of retention recruitments double recruitment and training. Those are normal numbers she used to have in her previous position as part of the cost of getting employees. But what one of the biggest things would be if we're going to do the study is what are the questions that we could research that you guys would be interested in hearing.

Pishioneri said perhaps the questions can be forward by via email to Travis and he can capture the list from Board and provide that to Julie and Steve. He knows we are under a time crunch so that may be helpful with some efficiencies behind the project. But at this point, he just needs a head nod from the Board.

Holston said she was okay with some general information. But she is not convinced this is a direction we should go. **Pishioneri** said he wasn't either but wanted to be able to look at it and be very objective.

Knudsen mentioned that Debby Wineinger is the board secretary. And a lot of times when things come to him, he just ends up passing along to Debby. So if you send it to him, please cc

Debby or send it to Debby and cc him on it. Because as board secretary, she organizes all of those things, and keeps tabs on them.

Parisi said before folks start sending a bunch of questions, she is worried about it being a huge time suck when there may be some other priorities for the organization. It would be helpful to have a work plan that we can take a look at, and then supplement with questions. It might be more efficient if you have a workflow of a timeline here's how we plan to evaluate and here's the questions we're asking and how we're going to do the comparison. And then we can take a look at that offline. And that just might make things move faster. Sounds like there's a window of time to do this. Now's the time she totally gets that, and she is comfortable with taking advantage of the opportunity that's in front of us. She just wants to be efficient with it.

Dietrich said that's exactly what we need to hear, there are a lot of things we can put in motion but if we didn't want to do that right away to be presumptuous and get too ahead of the Board if they had a lot of questions so we're trying to respect that as much as possible, but there is a time window here that we are trying to deal with especially if there's no Board meeting in December.

Pishioneri said that is a good suggestion. Julie and Steve you have marching orders.

12. OLD BUSINESS: None

13. NEW BUSINESS:

Pishioneri shared a chart ([View chart here](#)) that fire and life safety put together at his request for the city of Springfield. It might be helpful if Eugene could put something together in regard to their city residents. So it's clear to them what they can and cannot do. And even Lane County, outside municipalities, limits city limits or UGB's if they had something like this. **Keating** asked where this lives. **Pishioneri** said it lives in his computer and also now on Travis's computer. And because he just forwarded it to him it's been placed on a fire and life safety website. The Springfield city website will probably have this prominently posted as well or at least the link.

Keating said proceeding the next fire season which would be fire burn season starting March 1st, would you welcome and encourage representation from Eugene/Springfield fire to participate in a LRAPA discussion or work session. Get our shared agencies all on the same page.

Knudsen said he appreciated this, and the flow charts are a really good approach. And he definitely recognizes from LRAPA perspective we get a lot of calls and questions on this very topic. We are starting the process of a full website redesign to improve information. But ahead of that longer term, goalpost he thinks more immediately creating a similar flowchart for LRAPA website that describes all of the different rules throughout the county, because we are very familiar with all those rules. He will put this on his to do list.

Keating said for newer members or those watching at home. He has been a consistent advocate for examining the impacts that gas leaf blowers have on the health of our community members. Both those who use gas leaf blowers, and the community around them. A variety of constituents in South Eugene have expressed similar concerns and he is interested to read our neighbor south of us, there's a statewide effort encouraging the air quality agency in the state of California to

adopt rules that prohibit engine exhaust and evaporative emissions from small off road engines in a manner that is cost effective and technologically feasible. Those include but aren't limited to gas powered lawnmowers, gas powered chainsaws, gas powered leaf blowers, and gas powered golf carts. Because our mission is to protect and enhance air quality through a combination of regulatory and non-regulatory action. He requests a future agenda item to be a study and or discussion on adopting rules or regulations or at the very least recommendations around incenting or encouraging the use of electric leaf blowers and electric lawnmowers. And following a similar trajectory or strategy that we're seeing play out in the state of California. Gas powered leaf blowers in particular, the usage in one hour correlate to the same amount of air pollution that a typical car would drive in 1,000 miles. He is most concerned about hydrocarbons, nitrogen oxides, components of smog plus carbon monoxide and particulate matter.

Parisi thanked Matt Keating for bringing this up. She noticed that Portland General Electric, as a utility, had an electric appliance day where they were promoting the use of electric lawnmowers and leaf blowers. She thinks there's a gap in information for the public about the availability of these tools, and the cost effectiveness and the quietness. And before we went into a regulatory perspective, she would be really curious about interest of all of the agency partners that includes the cities and LRAPA. The entities that are working on some of our livability issues and pull together an educational campaign around this. She feels there's a lot of opportunity for education in this area. She would be interested in exploring this. And she is not committing EWEB, but she would certainly bring it to her communications team to be a partner in this. As a person with an electric lawnmower, you'd never go back.

Dietrich said Jim Daniels replied on chat that the Citizen Advisory Committee might be a good place to start this kind of information gathering and study. Also, whatever comes out of it, if we have to consider regulating more of these types of activities, our current rules don't really capture or give us that authority. So there'd be some extra work, they would have to happen from a rural perspective that we would have to follow unless each locality was able to pass an ordinance.

Knee said she just wanted to express that she is completely on board with this project. **Pishioneri** said it's not elevated to a project, just a concept. And he thinks that Steve Dietrich hinted that this falls within each entities ruling and regulatory authority. He doesn't think LRAPA currently has that type of authority. It has to be given to all the different entities. And he doesn't think it can be just a few, it has to be all.

Holston said you're exactly right. And this would not be something that she would support as coming from LRAPA. But what she would support, which is what Jeannine Parisi said, this is an opportunity to educate, because there are many folks that don't realize the impact of these. And it would be a very hard sell in your rural communities. But what wouldn't be a hard sell is an education piece that talks about alternatives. She has chainsaws and a log splitters, all of which are gas engines. She doesn't have a leaf blower, but there are some in the area that do, and she knows in a rural community, having LRAPA try to push that kind of regulation would fall on deaf ears and loud voices. She does like the education piece because that's where we begin.

Saxion said he has read a lot of the same articles that that Matt Keating has. And in California the state legislature passed legislation directing the California Air or Air Resources Board to look

at phasing out those kinds of engines. So that's something that's being done statewide and not by each individual air quality management district in California. He didn't think this was something LRAPA could regulate on its own. Somebody could go to Eugene and buy a leaf blower and Albany or somewhere. Any regulatory action, it seems to him would have to come at the state level from DEQ. He would definitely support an education initiative on this because. The statistics that Matt Keating cited are true. The small engines, especially the two cycle engines are terrible. And besides the noise and things, He read that Makita is planning to phase out all manufacturer of small engines for the lawn equipment they make in the next year or two. So there's definitely a trend toward electrification just like there is for automobiles. But he would like to see at the most, LRAPA partnering with EWEB and others to educate the public. So he thinks the public probably doesn't have the information about how bad these small engines are. Even the new ones that meet current regulations are not really all that great.

Keating said it seems to him that the Citizen Advisory Committee is going to be the perfect entity to launch a robust conversation. He looks forward to participating in the conversation. And learning as much as possible in launching potential education prior to any regulatory conversation, maybe even a recommendation to our agency partners to either take it or leave it.

Pishioneri noted we have a new Board citizen representative that's been approved by council, Terry Fitzpatrick. He will be joining us at the November 17th meeting.

The meeting adjourned at 2:26 p.m.

NOTE: November 17, 2021, meeting will be held via Zoom – details to follow

Respectfully submitted,

Debby Wineinger
Recording Secretary