DATE:       June 25, 2020

TO:         Benton Clean Air Agency Board

FROM:       Robin Priddy, Control Officer

SUBJECT:    June Board Meeting Plans

I hope this finds you all well.

We will have the June Board on the 25th meeting as we are required to pass our budget by June 28th of each year.

We will have it here at our offices; you can attend in person or attend by Zoom.

The zoom information is included in your packet.

Zoom will also be made available to the public, the public will not be allowed in the meeting.

I’ll be calling each of you on Monday to be certain if you will be attending in person, zooming, or not attending.

Meeting logistics:
  • We have rearranged the board room, so all seats are 6 feet apart.
  • Staff will be limiting attendance to make sure there are not too many people in the room.
  • We will have masks available for you.
  • We won’t be serving refreshments.
  • Vouchers won’t be passed from person to person, you’ll each have your own pen and set of vouchers. We’ll assemble the signatures after the meeting.
  • Zoom meeting information is included if you would prefer to zoom.

If you attend by Zoom:
Once the consent agenda passes please sign the vouchers that are in your packet and we'll put them all together later. We'll make arrangements to come pick them up.

If you need any help sorting out zoom, John will give you a call to make sure you are set up before the meeting.

Thank you for your time and attention. If you would like to contact me the best way is through my email at robin.oriddy@bentoncleanair.org or my cell phone at 509-378-1694.

Thank you and stay well; I'll be talking to you soon and seeing you (one way or the other) on June 25th.

Please stay safe and healthy.

Thank you.

**Benton Clean Air Board Planning for 2020**

<table>
<thead>
<tr>
<th>June</th>
<th><strong>Regular Board Meeting</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• We will hold it with zoom if we can't have it in person; unlikely we can hold it in person</td>
</tr>
<tr>
<td></td>
<td>• The RCW requires us to pass a budget by June 28th.</td>
</tr>
<tr>
<td></td>
<td>• We will contact everyone the second week on June to make sure that you have access to Zoom.</td>
</tr>
</tbody>
</table>

**Agenda Items:**
• Budget Hearing
• Approve 2021 Budget
• Approve 2021 Fees
• Regulation 1 Hearing
• Pass amended Regulation 1
• Variance for City of West Richland Tumbleweed Burning
• Normal Agenda items, vouchers, expenditures, engineering, enforcement

<table>
<thead>
<tr>
<th>July</th>
<th><strong>Regular Board Meeting</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hoping at this point to have it in person; if not we will use Zoom.</td>
</tr>
</tbody>
</table>

**Agenda Items:**
• August Board Meeting Date

<table>
<thead>
<tr>
<th>August</th>
<th><strong>Regular Board Meeting</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>We do not usually schedule an August Board meeting; with all the disruption this year I would like to have this time with the board.</td>
</tr>
<tr>
<td></td>
<td>The meeting will be scheduled for <strong>August 27, 2020 at 5:00 at our offices</strong>.</td>
</tr>
</tbody>
</table>

**Agenda Items:**
• Succession and Transition Planning
To use Zoom:

Click the link and if you don’t have zoom on your computer the computer will download it.

I’ll be sending everyone this link by email on Monday, so it will be “live” and you can just click on it.

You will need the password it is bolded below.

Robin Priddy is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting
https://zoom.us/j/96687757290?pwd=RU82ek1PdxppMFZpbnh83hmQjRdz09

Meeting ID: 966 8775 7290
Password: 804626
One tap mobile
+12532158782,,96687757290#,,,,0#,,804626# US (Tacoma)
+13462487799,,96687757290#,,,,0#,,804626# US (Houston)

Dial by your location
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)

Meeting ID: 966 8775 7290
Password: 804626
Find your local number: https://zoom.us/u/acomb1ai1f
I. CALL TO ORDER

II. ROLL CALL
   Nancy Aldrich, chair
   James Beaver, vice-chair
   Jerry Peltier
   Duane LaPierre
   Paul Parish

III. APPROVAL OF AGENDA

   Fiscal 2021 Budget and Fees

IV. PUBLIC HEARING ACCEPTING COMMENT REGARDING FISCAL 2020 PRELIMINARY BUDGET

V. ADOPTION OF FISCAL YEAR 2021 BUDGET {RCW 70.94.092}
   Resolution 2020-03 A RESOLUTION OF THE BOARD OF DIRECTORS FOR BENTON CLEAN AIR
   AGENCY FOR ADOPTION OF FISCAL YEAR 2021 (July 1, 2020-June 30, 2021) BUDGET AND
   RESERVE FUND BALANCES

VI. ADOPTION OF FISCAL YEAR 2021 FEE SCHEDULE {RCW 70.94.151 AND 152}
   Resolution 2020-04 A RESOLUTION OF THE BOARD OF DIRECTORS FOR BENTON CLEAN AIR
   AGENCY FOR ADOPTION OF CALENDAR YEAR 2021 (January 1, 2021-December 31, 2021) FEE
   SCHEDULE

   Revisions to Regulation 1

VII. PUBLIC HEARING ACCEPTING COMMENT REGARDING REVISIONS TO REGULATION 1

VIII. ADOPTION OF REVISIONS TO REGULATION 1 {RCW 70.94.092}

   Tumbleweed Burning Variance for City of West Richland

Please Silence Cell Phones
**DRAFT AGENDA**  
Benton Clean Air Agency  
Board of Directors Regular Meeting  
Public Hearing and Preliminary Budget for  
Fiscal Year 2021  
June 25, 2020  
5:00 p.m.  

526 South Steptoe Street  
Kennewick, Benton County, Washington

**IX. APPLICATION FOR VARIANCE FOR BURNING TUMBLEWEEDS; West Richland**

**X. APPROVAL OF FEBRUARY 27, 2020 REGULAR BOARD MEETING MINUTES**

**XI. SCHEDULE REGULAR BOARD MEETING FOR AUGUST 27, 2020.**

**XII. CONSENT AGENDA**

All matters listed within the Consent Agenda have been distributed to each Board Member for review and are considered to be routine. The Consent Agenda will be approved in its entirety by one motion with no separate discussion. If separate discussion is desired, items may be removed from the Consent Agenda and placed on the Regular Agenda by request.

<table>
<thead>
<tr>
<th>February-June</th>
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<tbody>
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<td>27-Feb-20</td>
<td>$300.00</td>
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<tr>
<td>B. Ratification of voucher request dated</td>
<td>5-Mar-20</td>
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<tr>
<td>C. Ratification of voucher request dated</td>
<td>12-Mar-20</td>
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<tr>
<td>D. Ratification of voucher request dated</td>
<td>19-Mar-20</td>
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<td>E. Ratification of voucher request dated</td>
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<td>$562.82</td>
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<td>F. Ratification of voucher request dated</td>
<td>9-Apr-20</td>
<td>$1725.02</td>
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<td>G. Ratification of voucher request dated</td>
<td>16-Apr-20</td>
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<td>H. Ratification of voucher request dated</td>
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<td>I. Ratification of voucher request dated</td>
<td>7-May-20</td>
<td>$579.32</td>
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<td>J. Ratification of voucher request dated</td>
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<td>L. Ratification of voucher request dated</td>
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<td>M. Ratification of voucher request dated</td>
<td>4-Jun-20</td>
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<td>N. Ratification of voucher request dated</td>
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<td>O. Ratification of voucher request dated</td>
<td>18-Jun-20</td>
<td>$1,357.02</td>
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**Total Expenditures** $166,922.80

*Please Silence Cell Phones*
DRAFT AGENDA
Benton Clean Air Agency
Board of Directors Regular Meeting
Public Hearing and Preliminary Budget for
Fiscal Year 2021
June 25, 2020
5:00 p.m.

XIII. REPORTS, COMMENTS AND DISCUSSION ITEMS
   A. Expenditures vs. Budget Report
   B. Control Officer Report
   C. Engineering Report
   D. Case Status Report, Complaint Summary and Monitoring Reports

XIV. NON-SCHEDULED ITEMS

XV. PUBLIC COMMENT

XVI. ADJOURNMENT
<table>
<thead>
<tr>
<th>BCAA Code</th>
<th>Budget Line Item</th>
<th>FY 2021</th>
<th>FY 2020</th>
<th>Difference</th>
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<td>1946</td>
<td>AQE 1 (Rodger)</td>
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<td>1947</td>
<td>AQS 3 (Thompson)</td>
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<td>1941</td>
<td>AQS 2 (Lyle)</td>
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<td>1942</td>
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<td>$0</td>
<td>$0</td>
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<tr>
<td></td>
<td>Compensatory/Vac Cashout Time</td>
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<td>Social Security+Medicare</td>
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<td>2103</td>
<td>Health &amp; Life Ins</td>
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<td>Family Leave</td>
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<td>Industrial Insurance</td>
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<td>2107</td>
<td>Unemployment</td>
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<td></td>
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<td>4101</td>
<td>Professional Services</td>
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<td>4103</td>
<td>Legal Services</td>
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<td>Ecology Oversight AOP (Title 5)</td>
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<td>4106</td>
<td>Ecology Oversight Ag</td>
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<td>$0</td>
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<td>4109</td>
<td>IT Support</td>
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<td>Communications</td>
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<td>4201</td>
<td>IT Infrastructure</td>
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<tr>
<td>4202</td>
<td>Landlines</td>
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<tr>
<td>4205</td>
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<td>Postage</td>
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<td>Description</td>
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<td>FY 2022</td>
<td>Difference</td>
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<td>-----------------------------------</td>
<td>-----------</td>
<td>-----------</td>
<td>------------</td>
<td></td>
</tr>
<tr>
<td>Communications</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IT Infrastructure</td>
<td>$5,000</td>
<td>$5,000</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Landlines</td>
<td>$2,800</td>
<td>$2,800</td>
<td>$0</td>
<td></td>
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<tr>
<td>Cellular Phone Service</td>
<td>$4,500</td>
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<td>$0</td>
<td></td>
</tr>
<tr>
<td>Postage</td>
<td>$2,000</td>
<td>$2,000</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Travel &amp; Training</td>
<td>$16,000</td>
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<td>$0</td>
<td></td>
</tr>
<tr>
<td>Advertising and Outreach</td>
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<td>$0</td>
<td></td>
</tr>
<tr>
<td>Legal Advertising</td>
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</tr>
<tr>
<td>Public Outreach</td>
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<tr>
<td>Media Outreach</td>
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</tr>
<tr>
<td>Utilities</td>
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<tr>
<td>Electricity</td>
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<td>Refuse Collection</td>
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<td>$600</td>
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<tr>
<td>Insurance</td>
<td></td>
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</tr>
<tr>
<td>Repairs &amp; Maintenance</td>
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<td>Printing</td>
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<tr>
<td>Dues, Publications</td>
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<td>$800</td>
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<td>Total Contracts/Services</td>
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<tr>
<td>Operating Equipment</td>
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<tr>
<td>Total Capital Equipment</td>
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<tr>
<td>Total Budget</td>
<td>$593,091</td>
<td>$590,113</td>
<td>$2,978</td>
<td></td>
</tr>
<tr>
<td>Total Anticipated Revenue</td>
<td>$643,890</td>
<td>$617,800</td>
<td>$26,810</td>
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Reserve Funds FY 2021

<table>
<thead>
<tr>
<th>Name</th>
<th>Funding Level</th>
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<tbody>
<tr>
<td>Emergency Reserve</td>
<td>$300,000.00</td>
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<tr>
<td>Building Maintenance</td>
<td>$15,000.00</td>
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<tr>
<td>Legal Defense</td>
<td>$20,000.00</td>
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<tr>
<td>Equipment Replacement</td>
<td>$42,000.00</td>
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<tr>
<td>Audit</td>
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## Projected Revenue FY 2021

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<thead>
<tr>
<th>REF No.</th>
<th>REVENUE SOURCE</th>
<th>2021</th>
<th>2020</th>
<th>Change</th>
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<tbody>
<tr>
<td>1</td>
<td>Local Assessments Total</td>
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<td>2</td>
<td>Local Fee Revenues</td>
<td>$183,040</td>
<td>$171,532</td>
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<tr>
<td>3</td>
<td>Asbestos Fees</td>
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<td>$20,000</td>
<td>$1,000</td>
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<td>4</td>
<td>Registration Fees</td>
<td>$121,540</td>
<td>$115,632</td>
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<tr>
<td>5</td>
<td>Special Burn Permits</td>
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<td>$4,400</td>
<td>$2,100</td>
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<td>6</td>
<td>Ag Burn Permits</td>
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<td>NOC Fees</td>
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<td>8</td>
<td>Air Operating Permit (Title V) Fees</td>
<td>$100,694</td>
<td>$103,571</td>
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<td>Penalties</td>
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<td>10</td>
<td>Investment and Misc Revenue</td>
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<td>$5,400</td>
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<td>11</td>
<td><strong>TOTAL LOCAL REVENUES</strong></td>
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<td><strong>$20,181</strong></td>
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<td><strong>State and Federal Grants</strong></td>
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<tr>
<td>13</td>
<td>Federal Core Program Grants</td>
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<td>State Core Program Grants</td>
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<td>PM2.5 Monitoring Funds</td>
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<td>Wood Stove Enf. and Education</td>
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<td>17</td>
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<td>18</td>
<td><strong>Total Anticipated Revenue</strong></td>
<td><strong>$643,890</strong></td>
<td><strong>$617,080</strong></td>
<td><strong>$26,810</strong></td>
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<td>19</td>
<td><strong>Total Anticipated Expenditure</strong></td>
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<td><strong>$590,113</strong></td>
<td><strong>$2,978</strong></td>
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<tr>
<td>Revenue Source</td>
<td>Approximate Revenue</td>
<td>Details, Risk</td>
<td>Future</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>---------------------</td>
<td>--------------------------------------------------</td>
<td>----------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Local Assessment – from the County and Cities</td>
<td>$199,610</td>
<td>Set by Board, last reset in 2008</td>
<td>could be considered for increase if significant shortfall</td>
<td></td>
</tr>
<tr>
<td>Fees</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asbestos</td>
<td>$20,000</td>
<td>Designed to increase gradually, most years</td>
<td>can be incrementally increased</td>
<td></td>
</tr>
<tr>
<td>Registration</td>
<td>$121,000</td>
<td>Decrease in construction or renovation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burn Permits</td>
<td>$20,000</td>
<td>Loss of registered sources</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Notice of Construction Permits</td>
<td>$21,000</td>
<td>Loss of agricultural sources</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air Operating Permit Fees</td>
<td>$100,000</td>
<td>Decrease in activity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Core Grant</td>
<td>$78,000</td>
<td>Currently (FY 2020) same as FY 2019. Risks of forward Federal Funding</td>
<td>May be significantly affected in FFY 21 and onward.</td>
<td></td>
</tr>
<tr>
<td>State Core Grant</td>
<td>$53,000</td>
<td>Affected by the above, in addition to State Budget stresses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM 2.5 Monitoring Grant</td>
<td>$4,500</td>
<td>Federal Grant, affected Federal Budget Actions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wood Stove Grant</td>
<td>$3,900</td>
<td>State Grant, affected by State Budget Actions</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
NOTES:

Expenditures:
- Salaries; no steps or increase at this time; subject to review mid-year
- Supplies; anticipate no significant change
- Communications now includes IT support
- Professional Services; IT Support returned
- Other line items; anticipate no significant change

Revenues:
- Federal and State Core grants may change.
- Possible significant out-year decrease in Federal Core Grant
- Not implementing incremental fee increases for FY 2021
- Covid follow on effects to federal, state, local, and agency revenues remains unknown.
## Benton Clean Air Agency Reserve Funds

<table>
<thead>
<tr>
<th>Reserve Funds</th>
<th>FY 2021</th>
<th>Funding Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>6317-601</td>
<td>Emergency Reserve</td>
<td>$300,000.00</td>
</tr>
<tr>
<td>6317-602</td>
<td>Building Maintenance</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>6317-603</td>
<td>Legal Defense</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>6317-604</td>
<td>Equipment Replacement</td>
<td>$42,000.00</td>
</tr>
<tr>
<td>6317-605</td>
<td>Audit</td>
<td>$28,000.00</td>
</tr>
</tbody>
</table>

1. **Reserve Fund Account** – This account has been established to provide support for the agency in the event of unanticipated expenditure or revenue shortfall. The retained earnings are accrued to this fund when the books are closed at the end of each Fiscal Year. Use of this fund will be approved by the board.

2. **Building Maintenance Fund** - To the extent practical, the agency budgets for routine building maintenance needs each year through current revenues rather than use of funds in reserve accounts. However, the agency maintains a capital equipment reserve account to minimize fluctuations due to large or unanticipated building maintenance expenses.

3. **Legal Defense Fund** – This account has been established to provide support for the agency in the event of protracted legal action or award. Use of this fund will be approved by the board.

4. **Equipment Replacement Reserve Account** - To the extent practical, the agency budgets for routine capital equipment needs each year through current revenues rather than use of funds in reserve accounts. However, the agency maintains a capital equipment reserve account (see Appendix 2) to minimize fluctuations due to large or unanticipated capital purchases.

5. **Audit Reserve Fund** – The agency is audited by the State Auditor’s Office at three or four year intervals. As this audit notification of audit received in time to place it in the operating budget, and the funding need will increase for each year included in the audit cycle, this fund is used to minimize impact on the annual operating budget.
RESOLUTION 2020-03

A RESOLUTION OF THE BOARD OF DIRECTORS
FOR BENTON CLEAN AIR AGENCY FOR
ADOPTION OF FISCAL YEAR 2021 (July 1, 2020-June 30, 2021)
BUDGET AND RESERVE FUND BALANCES

WHEREAS, pursuant to the provisions of RCW 70.94.092 the governing body of each Air Pollution Control Authority shall adopt a budget and fee schedule for the fiscal year beginning July 1st and ending on the following June 30th on or before the fourth Monday in June of each year,

WHEREAS The activated agency budget shall contain adequate funding and provide for staff sufficient to carry out the provisions of all applicable ordinances, resolutions, and local regulations related to the reduction, prevention, and control of air pollution.

NOW THEREFORE, BE IT RESOLVED that the Board of the Benton Clean air Agency hereby establishes the Reserve Fund Balances shown below be established for Fiscal Year 2021:

<table>
<thead>
<tr>
<th>Reserve</th>
<th>$300,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Maintenance</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>Legal Defense</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>Equipment Replacement</td>
<td>$42,000.00</td>
</tr>
<tr>
<td>Audit</td>
<td>$28,000.00</td>
</tr>
</tbody>
</table>

NOW THEREFORE, BE IT RESOLVED, that the Board of the Benton Clean air Agency hereby adopts the budget developed by agency staff for fiscal year 2020. This budget is on file at Benton Clean Air Agency, in the sum of $ 593,091.

APPROVED BY:

Nancy Aldrich, Board Chair

APPROVED AS TO FORM:

Benton Clean Air Agency Legal Counsel
Bronson Brown
# Benton Clean Air Agency Fee Schedule

## Table 1: Registration Fees

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 1</td>
<td>$371</td>
</tr>
<tr>
<td>Class 1 Per Emission Point</td>
<td>$53</td>
</tr>
<tr>
<td>Class 1 Per Ton Criteria Pollutant</td>
<td>$53</td>
</tr>
<tr>
<td>Class 1 Per Ton Toxic Pollutant</td>
<td>$159</td>
</tr>
<tr>
<td>Class 2</td>
<td>$796</td>
</tr>
<tr>
<td>Class 2 Per Emission Point</td>
<td>$53</td>
</tr>
<tr>
<td>Class 2 Per Ton Criteria Pollutant</td>
<td>$53</td>
</tr>
<tr>
<td>Class 2 Per Ton Toxic Pollutant</td>
<td>$159</td>
</tr>
<tr>
<td>Synthetic Minor</td>
<td>$1,592</td>
</tr>
<tr>
<td>Synthetic Minor Per Emission Point</td>
<td>$53</td>
</tr>
<tr>
<td>Synthetic Minor Per Ton Criteria Pollutant</td>
<td>$53</td>
</tr>
<tr>
<td>Synthetic Minor Per Ton Toxic Pollutant</td>
<td>$159</td>
</tr>
</tbody>
</table>

### Gasoline Dispensing Facilities:
- Throughput greater than 400,000 gallons, per gallon: $0.0005
- Minimum fee: $208

## Fees for Application for Notice of Construction (NOC) for Stationary and Portable Sources, and Notice of Intent to Operate (NIO) Relocating Portable Sources

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice of Construction for Stationary and Portable Sources</td>
<td></td>
</tr>
<tr>
<td>Stationary Source</td>
<td>$424</td>
</tr>
<tr>
<td>Portable Source</td>
<td>$531</td>
</tr>
<tr>
<td>Notice of Intent to Operate (NIO) Relocating Portable Sources</td>
<td></td>
</tr>
<tr>
<td>Relocation of Portable Source with Agency Permit</td>
<td>$159</td>
</tr>
<tr>
<td>Inter Jurisdictional Relocation of Portable Sources under WAC 173-400-036</td>
<td>$531</td>
</tr>
</tbody>
</table>

## Table 2: NOC or NIO Engineering Examination and Inspection Fees

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fuel Burning Equipment with or without Air Pollution Equipment (million Btu/hr)</td>
<td></td>
</tr>
<tr>
<td>5 or less</td>
<td>$531</td>
</tr>
<tr>
<td>Greater than 5 to 10</td>
<td>$637</td>
</tr>
<tr>
<td>Greater than 10 to 30</td>
<td>$796</td>
</tr>
<tr>
<td>Greater than 30 to 50</td>
<td>$955</td>
</tr>
<tr>
<td>Greater than 50 to 100</td>
<td>$1,273</td>
</tr>
<tr>
<td>Greater than 100 to 250</td>
<td>$2,653</td>
</tr>
<tr>
<td>Greater than 250 to 500</td>
<td>$4,245</td>
</tr>
<tr>
<td>Greater than 500</td>
<td>$6,367</td>
</tr>
<tr>
<td>Process Equipment, Air Pollution Control Device, and/or</td>
<td></td>
</tr>
<tr>
<td>Uncontrolled Process Discharge (ft³/min)</td>
<td></td>
</tr>
<tr>
<td>50 or less</td>
<td>$637</td>
</tr>
<tr>
<td>Greater than 50 to 5,000</td>
<td>$743</td>
</tr>
<tr>
<td>Greater than 5,000 to 20,000</td>
<td>$849</td>
</tr>
</tbody>
</table>

### Spray Painting (per booth):
- Less than or equal to 10: $637
- Greater than 10 to 50: $1,061
- Greater than 50 to 100: $1,592
- Greater than 100 to 250: $2,653

### Dry Cleaner (per machine):
- Less than or equal to 10: $637
- Greater than 10 to 50: $1,061
- Greater than 50 to 100: $1,592
- Greater than 100 to 250: $2,653

### Coffee Roaster:
- Less than or equal to 10: $637
- Greater than 10 to 50: $1,061
- Greater than 50 to 100: $1,592
- Greater than 100 to 250: $2,653

### Asphalt Plant, Cement Plant:
- Less than or equal to 10: $637
- Greater than 10 to 50: $1,061
- Greater than 50 to 100: $1,592
- Greater than 100 to 250: $2,653

### Rock Crushing Plant (Non-Portable):
- Less than or equal to 10: $637
- Greater than 10 to 50: $1,061
- Greater than 50 to 100: $1,592
- Greater than 100 to 250: $2,653

### Asphalt Plant or Concrete Plant, (Portable):
- Less than or equal to 10: $637
- Greater than 10 to 50: $1,061
- Greater than 50 to 100: $1,592
- Greater than 100 to 250: $2,653

### Particulate matter and fugitive emissions from rock crushing, material transfer and ship loading (Emissions - tons per year):
- Less than or equal to 10: $637
- Greater than 10 to 50: $1,061
- Greater than 50 to 100: $1,592
- Greater than 100 to 250: $2,653
<table>
<thead>
<tr>
<th>Process Equipment, Air Pollution Control Device, and/or Uncontrolled Process Discharge (ft³/min) (cont.)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than 500,000</td>
<td>$4,245</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Refuse Burning Equip (tons/day)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0.5 or less</td>
<td>$743</td>
</tr>
<tr>
<td>Greater than 0.5 to 5</td>
<td>$849</td>
</tr>
<tr>
<td>Greater than 5 to 12</td>
<td>$1,061</td>
</tr>
<tr>
<td>Greater than 12 to 50</td>
<td>$3,184</td>
</tr>
<tr>
<td>Greater than 50 to 250</td>
<td>$6,367</td>
</tr>
<tr>
<td>Greater than 250</td>
<td>$12,734</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Incinerators (pounds/hr)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>100 or less</td>
<td>$318</td>
</tr>
<tr>
<td>Greater than 100 to 200</td>
<td>$637</td>
</tr>
<tr>
<td>Greater than 200 to 500</td>
<td>$1,273</td>
</tr>
<tr>
<td>Greater than 500 to 1000</td>
<td>$2,547</td>
</tr>
<tr>
<td>Greater than 1000</td>
<td>$3,184</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Storage Tanks (gal)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>10,000 or less</td>
<td>$637</td>
</tr>
<tr>
<td>Greater than 10,000 to 40,000</td>
<td>$1,061</td>
</tr>
<tr>
<td>Greater than 40,000 to 100,000</td>
<td>$1,592</td>
</tr>
<tr>
<td>Greater than 100,000</td>
<td>$2,122</td>
</tr>
</tbody>
</table>

### Gasoline Dispensing Facilities

- Stage I: $520
- Stage II: $520
- Stage I and II Combined: $728
- Toxics review for gasoline facility: $1,561
- Removal of Stage II: $0

### Table 3: Additional Fees

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Notices</td>
<td>Actual</td>
</tr>
<tr>
<td>Publishing of Public Notices</td>
<td>Actual</td>
</tr>
<tr>
<td>Public Hearings</td>
<td>Actual</td>
</tr>
<tr>
<td>Air Toxics Screening as per Chapter 173-460 WAC</td>
<td></td>
</tr>
<tr>
<td>Review of source supplied ASIL $300</td>
<td>Actual</td>
</tr>
<tr>
<td>Review of source supplied risk analysis $1000</td>
<td>Actual</td>
</tr>
<tr>
<td>BCAA conducted screening analysis</td>
<td>Actual</td>
</tr>
<tr>
<td>NOC/NIO Application Assistance</td>
<td>Actual</td>
</tr>
<tr>
<td>NOC/NIO Applicability Determination</td>
<td>Actual</td>
</tr>
<tr>
<td>NOC-CEM or Alternate Monitoring Device Installed</td>
<td>Actual</td>
</tr>
<tr>
<td>Variance Request</td>
<td>Actual</td>
</tr>
<tr>
<td>Alternative Opacity Limits Review</td>
<td>Actual</td>
</tr>
<tr>
<td>Inspection of Source that began Construction/Operation with Minor Determination</td>
<td>Actual</td>
</tr>
<tr>
<td>Follow up Inspection after Identified Violations have not been Corrected</td>
<td>Actual</td>
</tr>
<tr>
<td>Synthetic Minor Determination</td>
<td>Actual</td>
</tr>
<tr>
<td>Major Source, Major Modification, or PSD Thresholds</td>
<td>Actual</td>
</tr>
<tr>
<td>Emission Units subject to NSPS or NESHAP (except residential)</td>
<td>Actual</td>
</tr>
<tr>
<td>Construction or Reconstruction of a Major Source of Hazardous Air-Pollutant Emissions</td>
<td>Actual</td>
</tr>
<tr>
<td>Each CEM or Alternate Monitoring Device</td>
<td>Actual</td>
</tr>
<tr>
<td>Each Source Test Required in NOC</td>
<td>Actual</td>
</tr>
<tr>
<td>Activity</td>
<td>Waiting Period</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Demolition/Asbestos Projects at Residential Units</td>
<td></td>
</tr>
<tr>
<td>Demolition</td>
<td>5 Days</td>
</tr>
<tr>
<td>Owner Occupied Single Family Residence Asbestos Project ≤ 10 linear ft. or 248 sq. ft. of friable ACM performed by owner-occupant</td>
<td>Prior Notice</td>
</tr>
<tr>
<td>Asbestos Project involving Only Non-Friable ACM ≥ 10 linear ft. or 248 sq. ft. That Will Remain Non-Friable</td>
<td>Prior Notice</td>
</tr>
<tr>
<td>All Other Residential Asbestos Projects ≥ 10 linear feet or 248 sq. ft</td>
<td>3 Days</td>
</tr>
<tr>
<td>Renovations ≥ 10 linear feet or 248 sq. ft. with No ACM</td>
<td>Prior Notice</td>
</tr>
<tr>
<td>Demolition or Asbestos Project Amendment</td>
<td>Prior Notice</td>
</tr>
<tr>
<td>Emergency Notification Waiver</td>
<td>Prior Notice</td>
</tr>
<tr>
<td>Asbestos Project Using Alternate Work Practices</td>
<td>10 Days</td>
</tr>
</tbody>
</table>

| Demolition/Asbestos Projects at Facilities                               |                |           |
| Demolition                                                              | 10 Days        | $150      |
| Asbestos Project involving Only Non-Friable ACM ≥ 10 linear ft. or 248 sq. ft. That Will Remain Non-Friable | Prior Notice   | $25       |
| Asbestos Project (amount of friable ACM):                                |                |           |
| 10 to 259 ln ft. and/or 48 to 159 ft²                                   | 10 Days        | $150      |
| 260 to 999 ln ft. and/or 160 to 4,999 ft²                               | 10 Days        | $325      |
| 1,000 to 9,999 ln ft. and/or 5,000 to 49,999 ft²                       | 10 Days        | $650      |
| Over 10,000 ln ft. and/or Over 50,000 ft²                               | 10 Days        | $1,800    |
| Renovation ≥ 10 linear feet or 248 sq. ft. with No ACM                  | Prior Notice   | $0        |
| Demolition or Asbestos Project Amendment                                | Prior Notice   | $0        |
| Emergency Notification Waiver                                           | Prior Notice   | Twice the Regular Fee |
| Asbestos Project Using Alternate Work Practices                          | 10 Days        | Twice the Regular Fee |

**Asbestos Containing Waste Material Temporary Storage Permit**

| Activity                              |                |           |
| ACWM Temporary Storage Permit         |                | $75       |
RESOLUTION 2020-04

A RESOLUTION OF THE BOARD OF DIRECTORS
FOR BENTON CLEAN AIR AGENCY FOR
ADOPTION OF CALENDAR YEAR 2021 (January 1, 2021-December 31, 2021)
FEE SCHEDULE

WHEREAS, pursuant to the provisions of RCW 70.94.092 the governing body of each Air Pollution Control Authority shall adopt a budget for the fiscal year beginning July 1st and ending on the following June 30th on or before the fourth Monday in June of each year,

WHEREAS The activated agency budget shall contain adequate funding and provide for staff sufficient to carry out the provisions of all applicable ordinances, resolutions, and local regulations related to the reduction, prevention, and control of air pollution.

WHEREAS, per RCW 70.94.151, for registered sources, and RCW 70.94.152 for Notices of Construction; the department or board may require that such registration or reporting be accompanied by a fee, and may determine the amount of such fee,

WHEREAS an Annual Fee Schedule may be adopted by board resolution under the authority of RCW 42.30. at any time after receiving public comment

NOW THEREFORE, BE IT RESOLVED that the Board of the Benton Clean air Agency hereby establishes the Fee Schedule for Calendar Year 2021. This fee schedule is on file at Benton Clean Air Agency.

APPROVED BY:

Nancy Aldrich, Board Chair

APPROVED AS TO FORM:

Benton Clean Air Agency Legal Counsel
Bronson Brown
Regulation 1

of the
Benton Clean Air Agency

August 17, 2018XX 2020
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ARTICLE 1

Policy, Purpose and Applicability

ADOPTED: 17-Feb-2005
AMENDED: 28-Apr-2017
[Statutory Authority: RCW 70.94.205]

Section 1.01 Name of the Agency
The name of this Air Pollution Control Agency is the Benton Clean Air Agency, referred to as the Agency.

Section 1.02 Policy and Purpose
[Statutory Authority: RCW 70.94.011, RCW 70.94.057, and RCW 70.94.141]

A. The public policy of the Agency under chapter 70.94 RCW is to:
   1. Provide for the systematic control of air pollution from air contaminant sources within Benton County and for the proper development of the county's natural resources.
   2. Secure and maintain such levels of air quality that protect human health and safety, including the most sensitive members of the population;
   3. Secure compliance with the requirements of the Federal Clean Air Act;
   4. Prevent injury to plant and animal life and to property;
   5. Foster the comfort and convenience of its inhabitants;
   6. Promote the economic and social development of Benton County; and
   7. Facilitate the enjoyment of the natural attractions of Benton County.

B. The purpose of Regulation 1 is to establish technically feasible and reasonably attainable standards and to establish rules applicable to the control and/or prevention of the emission of air contaminants.

C. The intent of Regulation 1 is to protect the public welfare, to preserve visibility, to protect scenic, aesthetic, historic, and cultural values, and to prevent air pollution problems that interfere with the enjoyment of life, property, or natural attractions.

D. The Agency intends to implement and enforce the state regulations. Wherever Regulation 1 restates the requirements and purposes of chapter 70.94 RCW, it is the intent of the Agency that Regulation 1 be interpreted in the same manner as the enabling statute.

Section 1.03 Applicability
[Statutory Authority: RCW 70.94.141, RCW 70.94.395, and RCW 70.94.422 RCW]

A. The Agency implements and enforces the Washington Administrative Code State Air Pollution Control rules adopted by Ecology in Title 173 under chapter 70.94 RCW, as in effect now and including all future amendments, except where specific provisions of BCAA Regulation 1 apply.

B. The provisions of this regulation shall apply within Benton County of Washington State.
C. The Agency is authorized to enforce this regulation and may also adopt standards or requirements.

D. The Agency does not have jurisdiction over the following sources:
   1. Specific source categories over which the State assumes jurisdiction.
   2. Automobiles, trucks, aircraft, chemical pulp mills and primary aluminum reduction facilities.
   3. Sources under the jurisdiction of the Energy Facility Site Evaluation Council (EFSEC) through chapter 80.50 RCW.
ARTICLE 2

General Provisions

ADOPTED: 17-Feb-2005
AMENDED: 28-Apr-2017

Section 2.01  Powers and Duties of the Benton Clean Air Agency (BCAA)
[Statutory Authority: RCW 70.94.081, and RCW 70.94.141.]

A. RCW 70.94.081 deems Benton Clean Air Agency a municipal corporation with the following authorities:
   1. Right to perpetual succession;
   2. Adopt and use a seal;
   3. Sue and be sued in the name of the Agency in all courts and in all proceedings;
   4. Receive, account for, and disburse funds;
   5. Employ personnel; and
   6. Acquire or dispose of any interest in real or personal property within or without the Agency in the furtherance of its purposes.

7. The Board will have all the powers and duties of Section 2.02 of this Regulation and of an activated air pollution control authority under RCW 70.94.081 and 70.94.141.

Section 2.02  Requirements for Board of Directors Members
[Statutory Authority: RCW 70.94.100]

A. Public interest.
   1. A majority of the members of the Agency’s Board of Directors (Board) will represent the public interest.
   2. A majority of the members of the Board will not derive a significant portion of their income from persons subject to enforcement orders pursuant to the State and Federal Clean Air Acts.
   3. An elected public official and the Board will be presumed to represent the public interest. In the event that a member derives a significant portion of his/her income from persons subject to enforcement orders, he/she will delegate sole responsibility for administration of any part of the program that involves these persons to an assistant.

B. Disclosure.
   1. Each member of the Board will disclose any potential conflict of interest in any matter prior to any action or consideration before the Board.
   2. The member will remove themselves from participation as a Board member in any action, including voting on the matter.
3. The Board will, if the potential conflict of interest, in the judgment of a majority of the Board, may prevent the member from a fair and objective review of the case, remove the member from participation in the action.

   a. Definition of significant income: For the purposes of this Section, "significant portion of their income" means twenty percent of gross personal income for a calendar year. In the case of a retired person, "significant portion of income" will mean fifty percent of income in the form of pension or retirement benefits from a single source other than Social Security. Income derived from employment with local or state government will not be considered in the determination of "significant portion of income."

Section 2.03 Powers and Duties of the Board of Directors

A. Pursuant to the provisions of chapter 70.94 RCW, the Board will:

   1. Establish procedures and take action required to implement Regulation 1 consistent with federal, state, and local air pollution laws or regulations;

   2. Take action as may be necessary to prevent air pollution including control and measurement of the emission of air contaminant from a source; and

   3. Appoint a Control Officer, in accordance with RCW 70.94.170, competent in the control of air pollution who will, with the Board's advice and approval, enforce the provisions of Regulation 1 and all ordinances, orders, resolutions, or rules and regulations of the Agency pertinent to the control and prevention of air pollution in Benton County.

B. Under RCW 70.94.141, the Board will have the power to:

   1. Adopt, amend, and repeal its own rules and regulations, implementing chapter 70.94 RCW and consistent with it, after consideration at a public hearing held in accordance with chapter 42.30 RCW. Rules and regulations will also be adopted in accordance with the notice and adoption procedures set forth in RCW 34.05.320, those provisions of RCW 34.05.325 that are not in conflict with chapter 42.30 RCW, and with the procedures of RCW 34.05.340, 34.05.355 through 34.05.380, and with chapter 34.08 RCW, except that rules will not be published in the Washington Administrative Code. Judicial review of rules adopted by the Agency will be in accordance with Part V of chapter 34.05 RCW;

   2. Hold hearings relating to any aspect of or matter in the administration of chapter 70.94 RCW not prohibited by the provisions of Chapter 62, Laws of 1970 ex. sess. and in connection therewith issue subpoenas to compel the attendance of witnesses and the production of evidence, administer oaths and take the testimony of any person under oath;

   3. Issue such notices, orders, permits, or determinations as may be necessary to effectuate the purposes of federal, state, or local air pollution laws or regulations and enforce the same by all appropriate administrative and judicial proceedings subject to the rights of appeal as provided in Chapter 62, Laws of 1970 ex. sess.;

   4. Require access to records, books, files and other information specific to the control, recovery or release of air contaminants into the atmosphere;

   5. Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise;

   6. Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution within its jurisdiction;

   7. Encourage voluntary cooperation by persons or affected groups to achieve the purposes of federal, state and local air pollution laws or regulations;
8. Encourage and conduct studies, investigation and research relating to air pollution and its causes, effects, prevention, abatement and control;

9. Collect and disseminate information and conduct educational and training programs relating to air pollution;

10. Advise, consult, cooperate and contract with:
   a. State agencies, departments, and educational institutions;
   b. Other political subdivisions, other states, interstate or interlocal agencies, and the United States government; and
   c. Industries, interested persons or groups.

11. Consult, upon request, with any person proposing to construct, install, or otherwise acquire an air contaminant source or device or system for the control thereof, concerning the efficacy of such device or system, or the air pollution problems which may be related to the source, device or system. Nothing in any such consultation will be construed to relieve any person from compliance with any federal, state, or local law or regulation in force pursuant thereto, or any other provision of law; and

12. Accept, receive, disburse and administer grants or other funds or gifts from any source, including public and private agencies and the United States government for carrying out any of the functions any federal, state, or local law or regulation.

C. Exception to powers of the Agency.
   The Agency may not hold adjudicative proceedings pursuant to the Administrative Procedures Act, chapter 34.05 RCW. Decisions and orders may be appealed to the Pollution Control Hearings Board as provided in WAC 173-400-250.

Section 2.04 Powers and Duties of the Control Officer
[Statutory Authority: RCW 70.94.141, RCW 70.94.170, RCW 70.94.200 RCW]

A. The Control Officer and duly authorized representatives of the Agency will observe and enforce applicable federal, state, and local air pollution laws and regulations and all orders, ordinances, resolutions, or rules and regulations of the Agency pertaining to the control and prevention of air pollution pursuant to the policies set down by the Board.

B. The Control Officer, with the approval of the Board, will have the authority to appoint and remove such staff persons as are necessary to the performance of the duties assigned and to incur necessary expenses within the limitations of the budget.

C. The Control Officer will maintain appropriate records and submit reports as required by the Board, state agencies, and federal agencies.

D. The Control Officer may engage, at the Agency's expense, within the limitation of the budget, qualified individuals or firms to make independent studies and reports as to the nature, extent, quantity or degree of any air contaminants that are or may be discharged from any source within Benton County.

E. As authorized under RCW 70.94.200, for the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, the Control Officer and duly authorized representatives of the Agency will have the power to enter, at reasonable times, upon any private or public property, excepting non-multiple unit private dwellings housing two (2) families or less. No person may refuse entry or access to the Control Officer or duly authorized representatives of the Agency who requests entry for the purpose of inspection and who presents
ARTICLE 3
Industrial Source Regulations

ADOPTED: 11-Dec-2014
AMENDED: 17-Aug-2018XX 2020

[Statutory Authority RCW 70.94.141]

PURPOSE: This Article establishes controls on incinerator operations and Surface Coating operations in Benton County in order to reduce particulate emissions, reduce public exposure to Toxic Air Pollutants as listed in Chapter 173-460 WAC, and to encourage pollution prevention in Benton County.

Section 3.01 Incinerator Burning and Incineration Hours
A. The Agency implements and enforces WAC 173-400-050, in Benton County in addition to Parts B through E of this Section. The more stringent requirement in WAC 173-400-050 or Section 3.01 of this Regulation supersedes the lesser.

B. It shall be unlawful for any person to burn any combustible refuse in any incinerator within the jurisdiction of this Agency except in an approved multiple-chambered incinerator or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control. The Control Officer may require the installation of additional control apparatus on an incinerator of approved design, if he/she finds that it is not effectively controlling air pollution emissions or is the cause of legitimate complaints.

C. It shall be unlawful for any person to cause or allow the operation of an incinerator at any time other than daylight hours, except with the approval of the Control Officer.

D. Approval of the Control Officer for the operation of an incinerator at other than daylight hours may be granted upon the submission of a written request stating:
   1. Full name and address of the applicant;
   2. Location of the incinerator;
   3. A description of the incinerator and its control equipment;
   4. Good cause for issuance of such approval;
   5. The hours, other than daylight hours, during which the applicant seeks to operate the equipment; and
   6. The length of time for which the exception is sought.

E. No one shall install or operate an “Air Curtain Incinerator” or “Wigwam Burner” within the Agency’s jurisdiction.

Section 3.02 General Surface Coating
A. Purpose.
This Section establishes controls on surface coating operations in Benton County in order to:
   1. Reduce particulate emissions from coating overspray;
   2. Reduce public exposure to Toxic Air Pollutants as listed in Chapter 173-460 WAC;
3. Reduce emissions of precursors to the formation of tropospheric ozone and other photochemical oxidants; and
4. Encourage pollution prevention.

B. Applicability.
This Section applies to all surface preparation, surface coating, cleanup, and disposal associated with general surface coating in Benton County, unless specifically exempted.

C. Definitions.
Unless a different meaning is clearly required by context, words and phrases used in this Section have the following meaning:

1. "Airless Spray" means a spraying system that uses hydraulic atomization instead of air atomization. The coating is supplied to the gun under high fluid pressure between 1000 and 3000 psig and the coating is forced through a small orifice.
2. "Air-Assisted Airless Spray" means a spraying system that combines air and airless features. An airless type fluid tip atomizes the paint and shapes the fan pattern at fluid pressures between 300 and 1000 psig. Lower pressure air from 10 to 30 psig combines at the spray cap to adjust the fan shape to eliminate heavy edges (tails).
3. "Automated" means the technique, method, or system of operating or controlling a process by mechanical, electrical, hydraulic, or electronic means independent of human intervention.
5. "Coating" means a material or formulation of materials that is applied to or impregnated into a surface in order to beautify, protect, enhance the function, or otherwise cover the surface.
6. "Container" means the individual receptacle that holds a coating or coating component for storage and distribution.
7. "Dip Coat Application" means application of coatings in which the surface to be coated is immersed in a solution (or dispersion) containing the coating material and withdrawn.
8. "Electrostatic Application" means application of coatings where an electrostatic potential is created between the part to be coated and the paint particles.
9. "Exempt Solvent" means a solvent or solvent component, which is not a volatile organic compound (VOC).
10. "Flow Coat Application" means application of coatings by flowing the coating over the surface to be coated and draining the excess coating to a collection system.
11. "High Volume, Low Pressure (HVLP) or Low Volume, Low Pressure (LVLP) coating system" means equipment used to apply coatings by means of a spray gun which operates between 0.1 and 10.0 pounds per square inch gauge air pressure measured at the nozzle and that exhibits a minimum transfer efficiency of 65%, as applied.
12. "Light Duty Vehicle" means a passenger car, truck, van, or other motor vehicle which has a gross vehicle weight of 8500 pounds or less, or components thereof.
13. "Multi-Coat System" means a coating system where more than one product or coat is sequentially applied to the same surface and generally consists of a pigmented base coat, one or more semi-transparent mid-coats, and a transparent clear coat. The VOC content for a multi-coat system are calculated as follows:
\[ \text{VOC}_{TM} = \frac{\text{VOC}_{BC} + \text{VOC}_{X1} + \text{VOC}_{X2} + \ldots + \text{VOC}_{Xn} + 2 \times \text{VOC}_{CC}}{n + 3} \]

where:

\( \text{VOC}_{TM} \) is the average sum of the VOC content, as applied to the surface, in a multi-coat system; and

\( \text{VOC}_{BC} \) is the VOC content, as applied to the surface, of the base coat; and

\( \text{VOC}_{X} \) is the VOC content, as applied to the surface, of each sequentially applied midcoat; and

\( \text{VOC}_{CC} \) is the VOC content, as applied to the surface, of the clear coat (Two coats are applied); and

\( n \) is the total number of coats applied to the primer coat(s) surface.

14. "Pre-packaged Aerosol Can Application" means application of coatings from cans which are sold by the coating supplier as non-reusable, hand-held pressurized containers. The coating is expelled as a finely divided spray when a valve on the container is depressed.

15. "Primer" means any coating that is applied to a surface to enhance corrosion resistance, protection from the environment, functional fluid resistance, and adhesion of subsequently applied coatings.

16. "Reducer" means any solvent added to a coating which has the effect of reducing the viscosity of the coating or shortening the drying time.

17. "Refinishing" means reapplying coating to a surface to repair, restore, or alter the finish.

18. Roll Coat Application" means manual application of coatings by the use of a paint roller.

19. "Solvent Consumption" means the volume of solvent purchased or otherwise procured, less the volume recycled or disposed. In the absence of records which document the transfer of solvent to an authorized recycler or waste hauler, solvent consumption means the volume of solvent purchased or otherwise procured.

20. "Standard engineering practices" means that accepted, peer reviewed sets of criteria are used in designing equipment (i.e. Uniform Building, Electrical, and Fire Codes, recommendations of the American Conference of Governmental Industrial Hygienists, guidelines of the Department of Labor and Industry, etc.).

21. "Surface Coating" means the application of coating to a surface.

22. "VOC Content" means pounds of VOC per gallon of coating (Lb/Gal) or grams of VOC per liter of coating (G/L), minus water and exempt solvents. The VOC content is calculated as follows:

\[ \text{VOC}_{CT} = \frac{W_{V}}{V_{M} - V_{W} - V_{ES}} \]

where:

\( \text{VOC}_{CT} \) is the VOC content of the coating, as applied to the surface; and

\( W_{V} \) is the weight of VOC per unit volume of coating, as applied to the surface; and

\( V_{M} \) is the unit volume of coating, as applied to the surface; and

\( V_{W} \) is the volume of water per unit volume of coating, as applied to the surface; and

\( V_{ES} \) is the volume of exempt solvents per unit volume of coating, as applied to the surface.
23. “Wash Solvent” means any solution, solvent, suspension, compound, or other material, excluding water that is used to clean spray equipment, spray equipment lines, containers, and any other equipment associated with the application of coatings.

24. “Wipe-Down Agent” means any solution, solvent, suspension, compound, or other material that is applied to a surface exclusively for cleaning the surface or preparing the surface for coating.

D. Prohibitions on emissions.
   1. No person may cause or allow the application of any coating which contains greater than 0.1% by weight of one or more compounds of lead or hexavalent chromium.
   2. Light duty vehicle refinishing - prohibitions on VOC content. Except as provided in Section 3.02.F of this Regulation, no person shall cause or allow the application of any coating or other agent to any light duty vehicle or light duty vehicle component, with a VOC content in excess of the limits listed in 40 CFR 59, Subpart B, Table 1 - EPA National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings.

E. Requirements.
   All persons subject to the requirements of Section 3.02 of this Regulation must comply with all of the following, unless exempted under Section 3.02.F of this Regulation.
   1. Enclosure and Controls.
      Spray application must be conducted in a booth or area which is vented to an operating particulate control system. The particulate control system, including filtration, ducting, and fan must be installed and sized according to standard engineering practices. Acceptable filtration methods may include:
      a. Filter banks supplied with filter media designed for spray booth applications.
      b. Water baths where the inlet air flow to the water bath is submerged.
      c. Water wall systems that form a continuous water curtain through which the particulate flow stream must pass.
      d. Other filtration methods that have received the prior written approval of the Control Officer, which meet the following conditions:
         i. The control system must be equipped with a fan which is capable of capturing all visible overspray;
         ii. Emissions from the booth/area must be vented to the atmosphere through a vertical stack;
         iii. The top of the exhaust stack/vent must be at least 6 feet above the penetration point of the roof, or if the exhaust stack/vent exits horizontally out the side of the building, then the exhaust stack/vent must vent vertically at least 6 feet above the eave of the roof;
         iv. A higher stack/vent may be required if the Agency determines that it is necessary for compliance with WAC 173-400-040;
         v. There must be no flow obstruction (elbows, tees, or stack caps) inside of, or at the top of, the stack that will impede upward vertical flow of the exhausted air; and
         vi. It is the owner/operator’s responsibility to comply with other applicable federal, state, and local regulations for the stack/vent.

2. Visible Emissions.
Visible emissions from the stack may not exceed 10% opacity averaged over any six minute period, as determined by EPA Method 9.

3. Application methods.

Except as provided in Section 3.02.F. of this Regulation, no person may cause or allow the application of any coating or other agent containing VOC unless the coating or agent is applied by one of the following methods:

a. High Volume, Low Pressure coating system;
b. Low Volume, Low Pressure coating system;
c. Wet or Dry electrostatic application;
d. Flow coat application;
e. Dip coat application;
f. Brush coat application;
g. Pre-packaged aerosol can application;
h. Roll coat application;
i. A spraying technique that when tested, using the methodology presented in ASTM Standard D 5327-92, or when test documentation, provided to and approved by the Agency, exhibits that the spraying technique has a transfer efficiency of at least 65%.

j. Alternate application methods that have received the written approval of the Control Officer.

Such alternate methods may be used, provided that the owner or operator makes a written request to use an alternate method and the Control Officer grants approval. These methods include but are not limited to the following application methods and circumstances:

i. Airless and Air-Assisted Airless Spray systems may be used under any of the following circumstances:
   
   (a) when the volatile organic compound (VOC) emissions are determined by the Control Officer to be no more than VOC emissions that would be generated by a spray application with a transfer efficiency of 65%;

   (b) when the spraying operation is automated;

   (c) when spray painting structural steel members where the coating, as formulated by the coating manufacturer, does not require addition of reducers to spray, and is delivered under high pressure (> 1,000 psig for airless, or > 300 psig for air-assisted airless) to the application system; or

   (d) where the Control Officer has determined that the coating cannot be feasibly applied with a method that has a minimum transfer efficiency of 65%.

4. Equipment Cleanup.

Equipment cleanup and any other use of wash solvent must be totally enclosed during washing, rinsing, and draining; or wash solvent, after making contact with the equipment being cleaned, must be immediately drained to a closed sump which is an integral part of the cleaning system.

5. General Clean-up.
a. All unused or partially used containers of coatings, wipe-down agents, wash solvents, reducers, and waste materials containing VOC must be closed, except when in use, when being filled or emptied.

b. Spills must be cleaned up upon discovery and the clean-up materials and collected waste must be stored in closed metal containers.

c. All disposable materials which contain VOCs associated with wipe-down or application of coatings and other agents must be stored in closed metal containers for disposal.

6. Recordkeeping.

All persons subject to Section 3.02 of this Regulation must maintain the following records for the previous 24-month period at the place of business where surface coating is performed:

a. The most current material safety data sheets (MSDS) or other data sheets which clearly indicate the VOC content of the product and of any multi-coat system.

b. Records of purchases and usage, including unused materials returned to the supplier.
   i. Light duty vehicle refinishing. Annual purchases and usage of total primers, total top coats, total clear coats, and total gun cleaner. Usage must be reported “as applied”, i.e. after reducing and catalyzing, if applicable.
   ii. Other surface coating facilities. Annual purchases and usage of individual coatings, coating additives, wipe-down agents, wash solvents, reducers, there materials containing volatile organic compounds or volatile toxic air pollutants.

c. Waste materials disposal records, including volumes of waste solvents and coatings transferred in sealed containers to authorized waste haulers.

F. Exceptions.

Exceptions to Section 3.02 of this Regulation must be made as follows:

1. Noncommercial exemption.

   Nothing in Section 3.02 of this Regulation may apply to surface coating operations conducted solely for personal, noncommercial purposes if, on a facility-wide basis, less than 5 gallons of surface coatings are applied per year.

2. Coating process exemptions.

   Nothing in Section 3.02 of this Regulation applies to the following coating processes:
   a. The application of architectural coatings to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs;
   b. Fiberglass resin application operations;
   c. Gel coating operations;
   d. The application of asphaltic or plastic liners. This includes undercoating, sound deadening coating, and spray on bed lining for trucks;
   e. Spray plasma plating operations; or
   f. Application of coatings to farming equipment.

7. Low usage exemption.

   Nothing in Sections 3.02.E.3 & 4 applies to surface coating operations which, on a facility-wide basis, apply less than 10 gallons per year of surface coatings.

8. Exemption for large objects.
Nothing in Subsection 3.02.E.1. of this Regulation applies to the infrequent outdoor surface coating of large objects where the Control Officer determines that it is impractical to totally enclose the object inside a booth or vented area. The request for this exemption must be made in writing to the Control Officer and the approval must be in writing. Infrequent means outdoor spray surface coating that amounts to 10% or less of the total annual gallons of paint applied at the facility in the previous 12 months. Annual records must be kept of the number of gallons of paint that are sprayed outdoors. In such case, a temporary enclosure (tarp) must be maintained around the object during the surface coating operation, sufficient at all times to prevent overspray from remaining airborne beyond the property line of the facility.

9. Wash solvent exemption.

Nothing in Subsection 3.02.E.4. of this Regulation applies to:

a. the use of wash solvents with composite vapor pressure of organic compounds less than 45 mm Hg at 20°C as determined by ASTM Method D-2306-81; or

b. wash solvent operations if total wash solvent consumption does not exceed 10 gallons per year.

10. Stack exemption.

The stack/vent requirements in Subsection 3.02.E.1. of this Regulation does not apply to surface coating operations where the owner or operator can demonstrate to the satisfaction of the Control Officer that emissions of toxic air pollutants will not exceed the Acceptable Source Impact Levels as defined in WAC 173-460-150 & 160 and emissions will not create a nuisance.

11. Non-spray and aerosol can application exemption.

Nothing in Subsection 3.02.E.1 of this Regulation applies to the application of any coating or other agent from pre-packaged aerosol cans, flow coat, dip coat, brush coat, or roll coat applications.

12. Low VOC content exemption.

Nothing in Subsection 3.02.E.3 of this Regulation applies to the application of coatings where the VOC content does not exceed 2.1 Lb/Gal or 250 G/L.

13. Lead or Hexavalent Chrome exemption.

The prohibition in Subsection 3.02.D.1 of this Regulation does not apply to a surface coating operation where the control officer determines that no practical alternative coating is available.

14. Enclosure and/or particulate control exemption.

The enclosure and/or particulate control requirements of Subsection 3.02.E.1 of this Regulation does not apply to a surface coating operation where the control officer determines that such requirements would be ineffective, or unreasonable in capturing or controlling particulate or volatile organic compounds emissions from the facility.

15. Inside exhaust exemption.

If the Department of Labor & Industries or another agency of jurisdiction determines that the emissions from a surface coating operation to an inside work area are below the threshold where an exhaust system is required and the Fire Department or District of jurisdiction has no objection, then the Control Officer may grant an exemption to Subsection 3.02.E.1 of this Regulation.

G. Compliance with other laws and regulations.
Compliance with Section 3.02 of this Regulation or qualifying for an exemption in Section 3.02.F. of this Regulation does not necessarily mean that the surface coating operation complies with fire protection, waste disposal, or other federal, state, or local applicable laws or regulations.

Section 3.03 General Air Pollution Control for Industrial Sources

A. Air Pollution sources not specifically regulated in this Section are regulated by the current 173-400 WAC General Regulations for Air Pollution Sources and 173-460 WAC Controls for New Sources of Toxic Air Pollutants.

B. In addition to the source-specific requirements in this Section, requirements of Article 9 Source Registration of this Regulation apply.

Section 3.04 Standards for Marijuana Production and Marijuana Processing

A. Purpose.
The production and processing of marijuana emits air contaminants. Section 3.04 establishes standards to minimize air contaminants from stationary sources that produce or process marijuana.

B. Authority.
BCAA implements and enforces WAC 173-400-040 (General standards for maximum emissions) in Benton County in addition to Section 3.04. The provisions of RCW 70.64.141 (Air pollution control authority—Powers and duties of activated authority) are herein incorporated by reference.

C. Applicability.
This section applies to all persons or entities having an active Washington State Liquor and Cannabis Board (LCB) license for marijuana production operations and marijuana processing operations in Benton County.

D. Definitions.
Unless a different meaning is clearly required by context, words and phrases used in this section will have the following meaning:

1. “Control of environmental conditions” means modifying surroundings to facilitate plant growth, may include, but is not limited to; lighting, temperature, relative humidity, and carbon dioxide levels. For implementation of Section 3.04, watering plants and short term covering of plants for a portion of each day as needed for frost protection are not considered control of environmental conditions.

2. “Housing unit” means a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied as separate living quarters, in which the occupants live and eat separately from any other persons in the building, and which have direct access from the outside of the building or through a common hall.

3. “Indoor marijuana production and indoor marijuana processing” means production or processing occurring in a fully enclosed building that is permanently affixed to the ground, has permanent rigid walls, a roof that is permanent and non-retractable, and doors. The building is equipped to maintain control of environmental conditions. Hoop houses, temporary structures, or other similar structures are not considered indoor.

4. “Marijuana” means all parts of the cannabis plant, as defined in Chapter 69.50 RCW as it now exists or as amended.

5. “Processor (process, processing)” means LCB licensed operations that dry, cure, extract, compound, convert, package, and label usable marijuana, marijuana concentrates, and marijuana-infused products.
6. "Produce (production, producing)" means LCB licensed operations that propagate, grow, harvest, and trim marijuana to be processed.

7. "Public Place"- means that portion of any building used by and open to the public. A public place does not include a private residence. A public place also includes a lot, parcel, or plot of land that includes a building or structure thereon that is used by and open to the public.

8. "Responsible person" means any person who owns or controls property on which Section 3.04 is applicable.

E. Marijuana Odor.

With respect to odor, it shall be unlawful for any production or processing facility of marijuana to cause an odor that can be detected beyond the facilities property line. The agency may take enforcement action pursuant to chapter 70.94 RCW, under this section if the Control Officer or a duly authorized representative has documented the following:

1. The odor or can be readily smelled from a public place or the private property of another housing unit;

2. An affidavit from a person making a complaint that demonstrates that they have experienced the odor of marijuana so as to unreasonably interfere with their life and property. (The affidavit should describe or identify, to the extent possible, the location, duration, and offensiveness of the odor experienced by the complainant);

3. The source of the odor.

F. With respect to odor, the agency will determine whether or not a violation of Section 3.04 DE has occurred based on its review of the information obtained during the investigation.

G. When determining whether to take formal enforcement action authorized in Section 3.04 DE, the agency may consider written evidence provided by the person causing the odors which demonstrates to the satisfaction of the agency that all controls and operating practices to prevent or minimize odors to the greatest degree practicable are being employed. If the agency determines that all such efforts are being employed by the person causing the odors and that no additional control measures or alternate operating practices are appropriate, the agency may decline to pursue formal enforcement action.

H. Nothing in this section shall be construed to impair any cause of action or legal remedy of any person, or the public for injury or damages arising from the emission of any air contaminant in such place, manner or concentration as to constitute air pollution or a common law nuisance.

I. Requirements.

All persons or entities subject to the requirements of Section 3.04 must comply with the following:

1. Production and processing must occur indoors, as defined in 3.04(CD), unless the operation is exempt under Section 3.04(MN);

2. Indoor production and processing requirements:
   a. Control equipment and facility design:
      i. Operations must be equipped with air pollution control equipment that is properly sized for the air flow to be controlled. Air pollution control equipment may include, but is not limited to, carbon adsorption within the facility, carbon filtration on facility exhaust points, vertical exhaust stacks. Air pollution control equipment is not required for windows, doors, or other openings, provided these openings are kept closed except as needed for active ingress or egress; or
i. Operations must be designed to prevent exhaust from production and processing operations directly to the outside; or

iii. Both.

b. Operations must meet the requirements of Section 3.04 (DE).

3. Operation and maintenance plan. Air pollution control equipment must be operated and maintained in accordance with the manufacturers recommendations. An operation and maintenance plan for the air pollution control equipment must be available on site. The plan must include written operation instructions and maintenance schedules. Record shall be kept of the dates and description of all maintenance and repair performed on the air pollution control equipment. Record must be kept on site for the previous 24 months and be provided to the agency upon request.

J. Compliance with Other Laws and Regulations. Compliance with Regulation I, Article 3, Section 3.04, does not constitute an exemption from compliance with other Sections of Regulation I, or other laws or regulations.

K. Producers, Processors and Responsible Persons. If there is a violation of Regulation I, Article 3, Section 3.04 (DE), a Notice of Violation may be issued to all producers and processors on the parcel, and all responsible persons.

L. Compliance Schedule. All persons or entities subject to the requirements of Article 3, Section 3.04 must be in compliance with Section 3.04 requirements as follows:

1. New producers and processors or expansion at existing producers and processors, that begin or expand operations after August 17, 2018, must be in full compliance with Section 3.04 requirements before production and/or processing begins.

M. Any new marijuana production or processing facility must notify the agency by completing the proof of notification form found on www.bentoncleanair.org.

N. Exemptions.

1. Existing marijuana producers and processors, in-operation prior to the Section 3.04 effective date August 17, 2018 are exempt from of Section 3.04 (H). This exemption does not exclude them from the requirements of Section 3.04 (DE).

2. Any existing marijuana producer or processor, in-operation prior to the section 3.04 effective date August 17, 2018 found to be in violation of Section 3.04 (DE), may be required to comply with Section 3.04 (H) within 180 days of receipt of the penalty from said violation or as defined by a compliance schedule agreed upon with the Benton Clean Air Agency.
ARTICLE 8
Asbestos

ADOPTED: 17-Feb-2005
AMENDED: 17-Aug-2018XX2020
[Statutory Authority: RCW 70.94.141]

PURPOSE: The Board of Directors of the Benton Clean Air Agency recognizes that airborne asbestos is a serious health hazard. Asbestos fibers released into the air can be inhaled and cause lung cancer, pleural mesothelioma, peritoneal mesothelioma or asbestosis. The Board of Directors has adopted this regulation to control asbestos emissions primarily resulting from asbestos projects, renovation projects, and demolition projects in order to protect the public health.

Section 8.01 Definitions

A. "AHERA Building Inspector" means a person who has successfully completed the training requirements for a building inspector established by United States Environmental Protection Agency (EPA) Asbestos Model Accreditation Plan: Interim Final Rule (40 CFR Part 763, Appendix C to Subpart E) and whose certification is current.

B. "AHERA Project Designer" means a person who has successfully completed the training requirements for an abatement project designer established by EPA Asbestos Model Accreditation Plan: Interim Final Rule (40 CFR Part 763, Appendix C to Subpart E) and whose certification is current.

C. "Asbestos" means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentinite), crocidolite (nibekite), or anthophyllite.

D. "Asbestos-Containing Material" means any material containing more than one percent (1%) asbestos as determined using the method specified in the EPA publication, Method for the Determination of Asbestos in Building Materials, EPA/600/R-93/116, July 1993 or a more effective method as approved by EPA.

E. "Asbestos-Containing Waste Material" means any waste that contains or is contaminated with asbestos-containing material. Asbestos-containing waste material includes asbestos-containing material that has been removed from a structure, disturbed, or deteriorated in a way that it is no longer an integral part of the structure or component, asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material collected for disposal, asbestos-contaminated waste, debris, containers, bags, protective clothing, or high efficiency particulate air (HEPA) filters. Asbestos-containing waste material does not include samples of asbestos-containing material taken for testing or enforcement purposes.

F. "Asbestos Project" means any activity involving the abatement, renovation, demolition, removal, salvage, clean-up or disposal of asbestos-containing material, or any other action or inaction that disturbs or is likely to disturb any asbestos-containing material. It includes the removal and disposal of asbestos-containing material or asbestos-containing waste material. It does not include the application of duct tape, rewetable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released.
G. “Asbestos Survey” means a written report resulting from a thorough inspection performed pursuant to Section 8.02 of this Regulation.

H. “Asphalt Shingles” means asphalt roofing in shingle form, composed of glass felt or felts impregnated and coated on both sides with asphalt, and surfaced on the weather side with mineral granules. Some asphalt shingle styles are commonly referred to as three-tab shingles.

I. “Competent Person” means a person who is capable of identifying asbestos hazards and selecting the appropriate asbestos control strategy, has the authority to take prompt corrective measures to eliminate the hazards, and has been trained and is currently certified in accordance with the standards established by the Washington State Department of Labor and Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction).

J. “Component” means any equipment, pipe, structural member, or other item or material.

K. “Contiguous” means touching or adjoining.

L. “Controlled Area” means an area to which only certified asbestos workers, representatives of the Agency, or other persons authorized by the Washington Industrial Safety and Health Act (WISHA), have access.

M. “Demolition” means wrecking, razing, leveling, dismantling, or intentional burning of a structure, making the structure permanently uninhabitable or unusable in part or whole. It includes any related handling operations. It also includes moving a structure (except a mobile home which remains intact) and wrecking or taking out of any load-supporting structural member.

N. “Disposal Container” means a carton, bag, drum, box, or crate designed for the purpose of safely transporting and disposing of asbestos-containing waste material.

O. “Facility” means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

P. “Homogenous Area” means an area of surfacing material, thermal system insulation material, or a miscellaneous material that is uniform in color or texture. Unless approved otherwise by the Agency, rubble piles, debris piles, ash, soil, and similar materials are not homogeneous areas.

Q. “Friable Asbestos-Containing Material” means asbestos-containing material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of demolition, renovation, or disposal. Each of these descriptions is separate and distinct, meaning the term includes asbestos-containing material that, when dry, can be:

1. Crumbled by hand pressure or by the forces expected to act upon the material in the course of renovation, demolition, or disposal;

2. Pulverized by hand pressure or by the forces expected to act upon the material in the course of renovation, demolition, or disposal; or

3. Reduced to powder by hand pressure or by the forces expected to act upon the material in the course of renovation, demolition, or disposal.
4. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

R. "Leak-Tight Container" means a dust-tight and liquid tight disposal container, at least 6-mil thick, that encloses asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and sealed polyethylene plastic.

S. "Nonfriable Asbestos-Containing Material" means asbestos-containing material that is not friable (e.g., when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure or by the forces expected to act on the material in the course of demolition, renovation, or disposal).

T. "Owner-Occupied, Single-Family Residence" means any non-multiple residential unit that is used by one family who owns the property as their domicile (permanent and primary residence) both prior to and after renovation or demolition, and can demonstrate such to the Agency upon request (e.g. utility bills). This term does not include rental properties, multiple unit buildings (e.g. duplexes and condominiums with two or more units) or multiple-family units, nor does this term include any mixed-use building (e.g. a business being operated out of a residence), structure, or installation that contains a residential unit.

U. "Owner's Agent" means any person who leases, operates, controls, or is responsible for an asbestos project, renovation, demolition, or property subject to Article 8 of this Regulation. It also includes the person(s) submitting a notification pursuant to Section 8.03 of this Regulation and/or performing the asbestos survey.

V. "Person" means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

W. "Renovation" means altering a structure or component in any way, other than demolition, that disturbs materials totaling greater than or equal to 10 linear feet, or greater than or equal to 48 square feet, that was considered a suspect asbestos containing material prior to performing an asbestos survey.

X. "Residential Unit" means any building with four or fewer dwelling units each containing space for uses such as living, sleeping, preparation of food, and eating that is used, occupied, or intended or designed to be occupied by one family as their domicile. This term includes houses, mobile homes, trailers, houseboats, and houses with a "mother-in-law apartment" or "guest room". This term does not include any facility that contains a residential unit.

Y. "Structure" means something built or constructed, in part or in whole. Examples include, but are not limited to, the following in part or in whole: houses, garages, commercial buildings, mobile homes, bridges, "smoke" stacks, pole-buildings, canopies, lean-tos, and foundations. This term does not include normally mobile equipment (e.g., cars, recreational vehicles, boats, etc.).

Z. "Surfacing Material" means material that is sprayed-on, troweled-on, or otherwise applied to surfaces including, but not limited to, acoustical plaster on ceilings, paints, fireproofing material on structural members, or other material on surfaces for decorative purposes.

AA. "Suspect Asbestos-Containing Material" means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material (excluding asphalt shingles), fire barriers, gaskets, flooring material, and cement siding. Suspect asbestos-containing material must be presumed to be asbestos-containing material unless demonstrated otherwise (e.g. as determined using the method specified in the EPA publication, Method for the Determination of Asbestos in Building Materials, EPA/600/R-93/116, July 1993).
AB. "Thermal System Insulation" means material applied to pipes, fittings, boilers, tanks, ducts, or other structural components to prevent heat loss or gain.

AC. "Visible Emissions" means any emissions that are visually detectable without the aid of instruments. The term does not include condensed uncombined water vapor.

AD. "Wallboard System" means joint compound and tape specifically applied to cover nail holes, joints and wall corners. It does not mean "add on materials" such as sprayed on materials, paints, textured ceilings or wall coverings. A wallboard system where joint compound and tape have become an integral system (40 CFR Part 61 FRL4821-7) may be analyzed as a composite sample for determining if it is an asbestos-containing material.

AE. "Waste Generator" means any owner or owner's agent that generates, produces, or is in part or whole, responsible for an activity that results in asbestos-containing waste material.

AF. "Workday" means Monday through Friday 8:00 a.m. to 5:00 p.m. excluding legal holidays observed by the Agency.

**Section 8.02 Asbestos Survey Requirements**

A. Except as provided for in Section 8.02.F of this Regulation, it is unlawful for any person to cause or allow any renovation, demolition, or asbestos project unless the property owner or the owner's agent first obtains an asbestos survey, performed by an AHERA building inspector.

B. Asbestos Survey Procedures.

1. An asbestos survey must consist of a written report resulting from a thorough inspection performed by an AHERA building inspector. The AHERA building inspector must use the procedures in EPA regulations 40 CFR 763.86 or an alternate asbestos survey method pursuant to Section 8.02.F of this Regulation. The inspection, and resulting asbestos survey report, must be performed to determine whether materials, components, or structures to be worked on, renovated, removed, disturbed, impacted, or demolished (including materials on the outside of structures) contain asbestos.

2. Except as provided for in Section 8.02.F of this Regulation, only an AHERA building inspector may determine, by performing an asbestos survey, that a material is not a suspect asbestos-containing material and that a suspect asbestos-containing material does not contain asbestos.

3. All loose vermiculite insulation must be sampled and analyzed according to EPA 500 PLM method with milling (EPA/600/R-93/116, July 1993) or CARB 435 (California Air Resources Board Method 435, June 1991) or must be presumed to be a friable asbestos-containing material.

C. Asbestos Survey Report.

These requirements apply to asbestos surveys, regardless of when they were performed. Except where additional information is required pursuant to EPA regulation 40 CFR 763.85, asbestos surveys must contain, at a minimum, all of the following information:

1. General information.
   a. Date that the inspection was performed;
   b. AHERA Building Inspector signature, certification number, date certification expires, and name and address of entity providing AHERA Building Inspector certification;
   c. Site address(es) / location(s) where the inspection was performed;
   d. Description of the structure(s) / area(s) inspected (e.g. use, approximate age and approximate outside dimensions);
e. The purpose of the inspection (e.g. pre-demolition asbestos survey, renovation of 2nd floor, removal of acoustical ceiling texturing due to water damage, etc.), if known;

f. Detailed description of any limitations of the asbestos survey (e.g., inaccessible areas not inspected, survey limited to renovation area, etc.);

g. Identify and describe locations of all homogeneous areas of suspect asbestos-containing materials, except where limitations of the asbestos survey identified in Section 3.02.C.1.f prevented such identification and include whether each homogeneous material is surfacing material, thermal system insulation, or miscellaneous material;

h. Identify materials presumed to be asbestos-containing material;

i. Exact location where each bulk asbestos sample was taken (e.g., schematic and/or other detailed description sufficient for any person to match the bulk sample results to the material on site);

j. Complete copy of the laboratory report for bulk asbestos samples analyzed, which includes all of the following:
   i. Laboratory name, address and NVLAP certification number;
   ii. Bulk sample numbers;
   iii. Bulk sample descriptions;
   iv. Bulk sample results showing asbestos content; and
   v. Name of the person at the laboratory that performed the analysis.

2. Information Regarding Asbestos-Containing Materials (including those presumed to contain asbestos).
   a. Describe the color of each asbestos-containing material;
   b. Identify the location of each asbestos-containing material within a structure, on a structure, from a structure, or otherwise associated with the project (e.g., schematic and/or other detailed description);
   c. Provide the approximate quantity of each asbestos-containing material (generally in square feet or linear feet; and
   d. Describe the condition of each asbestos-containing material (e.g. good, damaged). If the asbestos-containing material is damaged, describe the general extent and type of damage (e.g., flaking, blistering, crumbling, water damage, fire damage).

D. Asbestos Survey Posting.

Except as provided for in Section 8.02.F of this Regulation, a complete copy of an asbestos survey must be posted by the property owner or the owner's agent in a readily accessible and visible area at all times for inspection by the Agency and all persons at the work site. This applies even when the asbestos survey performed by an AHERA Building Inspector states there are no asbestos-containing materials in the work area. If it is not practical to post the asbestos survey in this manner, it must be made readily available for inspection by the Agency and all persons at the demolition site.

E. Asbestos Survey Retention.

The property owner, owner's agent, and the AHERA building inspector that performed the asbestos survey (when the asbestos survey has been performed by an AHERA building inspector), must retain a complete copy of the asbestos survey for at least 24 months from the date the inspection was performed and provide a copy to the Agency upon request.
F. Exceptions.

1. Owner-Occupied, Single-Family Residence Renovation Performed by the Owner-Occupant.

   For renovation of an owner-occupied, single-family residence performed by the owner-occupant, an asbestos survey is not required. An owner-occupant's assessment for the presence of asbestos-containing material prior to renovation of an owner-occupied, single-family residence is adequate. A written report is not required.

2. Demolition of a Structure 120 sq. ft. or less at a residential unit.

   For demolition of a structure 120 sq. ft. or less at a residential unit, an asbestos survey is not required. A property owner's assessment for the presence of asbestos-containing material prior to demolition is adequate. A written report is not required.

3. Presuming Suspect Asbestos-Containing Materials are Asbestos-Containing Materials.

   It is not required that an AHERA building inspector evaluate (e.g., sample and test) any material presumed to be asbestos-containing material. If material is presumed to be asbestos-containing material, this determination must be posted by the property owner or the owner’s agent in a readily accessible and visible area at the work site for all persons at the work site. The determination must include a description, approximate quantity, and location of presumed asbestos-containing material within a structure, on a structure, from a structure, or otherwise associated with the project. The property owner, owner’s agent, and the person that determined that material would be presumed to be asbestos-containing material, must retain a complete copy of the written determination for at least 24 months from the date it was made and must provide a copy to the Agency upon request. Except for Section 8.02.A through E of this Regulation, all other requirements remain in effect.


   A written alternate asbestos survey method must be prepared and used on occasions when conventional sampling methods required in EPA regulation 40 CFR 763.86 cannot be exclusively performed (all other asbestos survey requirements in Section 8.02 of this Regulation apply). For example, conventional sampling methods may not be possible on fire damaged buildings or portions thereof (e.g., when materials are not intact or homogeneous areas are not identifiable). Conventional sampling methods shall not be used for rubble or debris piles, and ash or soil unless approved otherwise in writing by the Agency. If conventional sampling methods cannot exclusively be used and material is not presumed to be asbestos-containing material, alternate asbestos survey methodology must be used alone or, when possible, in combination with conventional survey methodology. An alternate asbestos survey methodology typically includes random sampling according to a grid pattern (e.g., random composite bulk samples at incremental 1’ depths from 10’ x 10’ squares of a debris pile), but is not limited to such. An illustration of how the principles of such sampling techniques are applied can be found in the EPA publication, Preparation of Soil Sampling Protocols: Sampling Techniques & Strategies, EPA/600/R-92/128, July 1992.

Section 8.03 Notification Requirements

A. General Requirements.

   Except as provided for in Section 8.03.A.7 of this Regulation, it is unlawful for any person to cause or allow any work on a renovation or demolition unless a complete notification, including the required fee and any additional information requested by the Control Officer or his/her authorized representative, has been submitted to the Agency, in accordance with the notification waiting period requirements in Article 10, Section 10.08 of this Regulation. Unless
otherwise approved by the Agency, the notification must be submitted by the property owner or owner’s agent via the Agency’s website, www.bentoncleanair.org. Notifications will not be accepted if the earliest project start date is greater than 365 days from the date of submittal.

1. When the Notification Waiting Period Begins.

The notification waiting period begins on the workday on which a complete notification is received by the Agency and ends after the notification waiting period in Section 10.08 of this Regulation has passed (e.g., a 10-day notification period means work on an asbestos project or demolition can begin on day 11). A notification is considered complete when all information requested on the notification, including the required fee and any additional information requested by the Control Officer or his/her authorized representative, is received by the Agency. The notification waiting period does not begin for incomplete notifications (e.g., unpaid fees, notifications where the asbestos project start date and/or completion date and/or demolition start date is listed as “To Be Determined”, when types and quantities of asbestos are unknown, etc.).

2. Project Duration.

The duration of an asbestos project must be commensurate with the amount of work involved. The duration of the project may take into account applicable scheduling limitations (e.g., asbestos removal that needs to be done in phases, based on scheduling limitations determined by the property owner).

3. Multiple Asbestos Projects or Demolitions.

Notification for multiple structures may be filed by a property owner or owner’s agent on one form if all the following criteria are met:

a. The notification applies only to renovations or demolitions on contiguous real properties having the same owner or real properties with the same owner separated only by a public right-of-way (e.g., alley or roadway).

b. The work will be performed by the same abatement and/or renovation/demolition contractor.

c. The notification includes the specific site address for each structure. Where a specific site address isn’t available for each structure (e.g., at a large commercial (site with multiple structures), provide a detailed description / location for each structure.

d. The notification includes the amount and type of asbestos-containing material associated with each structure and indicates which structures will be demolished.


Notifications are valid for no more than 365 days from the earliest original notification start date. The Agency may revoke a notification for cause (e.g., providing any false material statement, representation, or certification) and may require that a new notification be submitted with the appropriate non-refundable fee as set forth in Section 10.08 of this Regulation prior to work continuing.

5. Notification Posting.

A copy or printout of the notification and all amendments to the notification must be posted by the property owner or the owner’s agent in a readily accessible and visible area at all times for inspection by the Agency and all persons at the asbestos project or demolition site. If it is not practical to post the notification and all amendments to the notification in this manner, the documents must be made readily available for inspection by the Agency and all persons at the demolition site.

The property owner, owner's agent, and the person that filed the notification, must retain a complete copy of all notification records for at least 24 months from the date the notification was filed with the Agency and provide a copy to the Agency upon request.

7. Notification Exceptions.

a. Renovation Performed by Owner-Occupant of an Owner-Occupied, Single Family Residence with No Asbestos.

Notification is not required for renovation of an owner-occupied, single family residence when the work is performed by the owner-occupant and asbestos will not be disturbed.

b. Demolition of Structures at Residential Units With a Projected Roof Area ≤ 120 Square Feet.

Notification is not required for demolition of structures at residential units with a projected roof area less than or equal to 120 square feet, unless asbestos-containing material is present. If asbestos-containing material is present, asbestos project notification requirements apply. All other requirements remain in effect except as provided by Article 8 of this Regulation.

c. Abandoned Asbestos-Containing Material.

The Control Officer may waive part or all of the notification waiting period and project fee, by written authorization, for removal and disposal of abandoned (without the knowledge or consent of the property owner) asbestos-containing materials and for demolition of abandoned structures. All other requirements remain in effect.

d. Emergencies.

The advance notification period may be waived if an asbestos project or demolition must be conducted immediately due to a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden. This term includes operations necessitated by non-routine failures of equipment.

e. State of Emergency.

If a state of emergency is declared by an authorized local, state, or federal governmental official due to a storm, flooding, or other disaster, the Control Officer may temporarily waive part or all of the project fee(s) by written authorization. The written authorization must reference the applicable state of emergency, what fee(s) will be waived, to what extent the fee(s) will be waived, and the effective date(s) of the fee(s) waiver.

B. Amendments.

1. Mandatory Amendments.

An amendment must be submitted to the Agency for any of the following changes in notification, must be submitted in accordance with Section 8.03.A of this Regulation and the advance notification requirements in Section 10.08 of this Regulation, and must be accompanied by the appropriate nonrefundable fee established in Section 10.08 of this Regulation:

a. Project Type.

Changes in the project type (e.g., from asbestos removal only to asbestos removal and demolition).
b. Job Size.

Increases in the job size category, which increase the fee or when the amount of asbestos affected changes by at least 20 percent. For an amendment where the project type or job size category is associated with a higher fee, a fee equal to the difference between the fee associated with the most recently submitted notification and the fee associated with the increased project type or job size category must be submitted. When there is an increase in the job size category which increases the fee, the additional quantities of friable asbestos-containing material must be itemized on the amendment form. If the original notification was filed as an emergency and there is an increase in the job size category which increases the notification fee category, the emergency fee applies to the new fee category.

c. Type of Asbestos.

Changes in the type or new types of asbestos-containing material that will be removed. All types and quantities of asbestos-containing material must be itemized on the amendment form.

d. Start Date.

Changes in the asbestos project start date (i.e. asbestos removal start date or earliest demolition start date). This includes placing a project “on hold” (e.g., an asbestos project is temporarily delayed and a new project date has not been determined). If an asbestos project date is placed “on hold”, an amendment taking it “off hold” must be filed prior to work on the asbestos project resuming. The new asbestos project date must be provided when the project is taken “off hold”.

e. End Date.

Changes in the asbestos project end date greater than two days after the original end date.

Section 8.04 Asbestos Removal Requirements Prior to Renovation or Demolition

A. Removal to Prevent Disturbance.

Except as provided in Section 8.04B of this Regulation, it is unlawful for any person to cause or allow any demolition or renovation that may disturb asbestos-containing material or damage a structure so as to preclude access to asbestos-containing material for future removal, without first removing all asbestos-containing material in accordance with the requirements of this regulation. Asbestos-containing material need not be removed from a component if the component can be removed, stored, or transported for reuse without disturbing or damaging the asbestos.

B. Exceptions.

1. Hazardous Conditions.

Asbestos-containing material need not be removed prior to a demolition or renovation, if the property owner demonstrates to the Control Officer that it is not accessible because of hazardous conditions such as: structures or buildings that are structurally unsound and in danger of imminent collapse, or other conditions that are immediately dangerous to life and health. The property owner must submit the written determination, along with any notification required in Section 8.03, of the hazard by an authorized government official or a licensed structural engineer, and must submit the procedures that will be followed for controlling asbestos emissions during the demolition or renovation and disposal of the asbestos-containing waste material.
2. Leaving Nonfriable Asbestos-Containing Material in Place During Demolition.

Nonfriable asbestos-containing material may be left in place during demolition, if an AHERA Project Designer has evaluated the work area, the type of asbestos-containing materials involved, the projected work practices, and the engineering controls, and demonstrates, via written report, to the Agency that the asbestos-containing material will remain nonfriable during all demolition activities and subsequent disposal of the debris. The written report must include a description of the work area, the type of asbestos-containing materials involved, the projected work practices, and the engineering controls. No asbestos-containing material shall remain in place if the demolition involves burning or other activities that would result in the potential release of asbestos-containing materials to the ambient air.

Section 8.05  Procedures for Asbestos Projects

A. Training Requirements.

It is unlawful for any person to cause or allow any work on an asbestos project unless it is performed by persons trained and certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction) commensurate to the type of work being performed and whose certification is current. This certification requirement does not apply to asbestos projects conducted in an owner-occupied, single-family residence performed by the resident owner of the dwelling.

B. Standard Asbestos Project Work Practices.

Standard asbestos project work practices generally involve manual removal methods used for asbestos-containing material that is intact and readily identifiable. Standard asbestos work practices require removal of asbestos-containing material using all procedures described in Section 8.05.B.1-6 of this Regulation. Except as provided in Sections 8.06, 8.07, and 8.08 of this Regulation, it is unlawful for any person to cause or allow the removal or disturbance of asbestos-containing material unless all the following requirements are met:

1. Controlled Area.

The asbestos project must be conducted and maintained in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area must be restricted to authorized personnel only, including occasions when asbestos abatement is not actively occurring (e.g., when workers are on break or off-site).

2. Negative Pressure Enclosure.

If a negative pressure enclosure is employed it must be equipped with transparent viewing ports, if feasible, and must be maintained in good working order.

3. Wetting Asbestos-Containing Material Prior to and During Removal.

a. Absorbent asbestos-containing materials, such as surfacing material and thermal system insulation, must be saturated with a liquid wetting agent prior to removal. Wetting must continue until all the material is permeated with the wetting agent. Any unsaturated absorbent asbestos-containing material exposed during removal must be immediately saturated with a liquid wetting agent and kept wet until sealed in leak-tight containers.

b. Nonabsorbent asbestos-containing materials, such as cement asbestos board or vinyl asbestos tile, must be continuously coated with a liquid wetting agent on any exposed surface prior to and during removal. Any dry surfaces of nonabsorbent asbestos-
containing material exposed during removal must be immediately coated with a liquid wetting agent and kept wet until sealed in leak-tight containers.

c. Metal components (such as valves, fire doors, and reactor vessels) that have internal asbestos-containing material do not require wetting of the asbestos-containing material if all access points to the asbestos-containing materials are welded shut or the component has mechanical seals, which cannot be removed by hand, that separate the asbestos-containing material from the environment.

4. Handling.
Except for surfacing material being removed inside a negative pressure enclosure, asbestos-containing material that is being removed, has been removed, or may have fallen off components during an asbestos project must be carefully lowered to the ground or the floor, not dropped, thrown, slid, or otherwise damaged.

5. Asbestos-Containing Waste Material.
   a. All absorbent, asbestos-containing waste material must be kept saturated with a liquid wetting agent until sealed in leak-tight containers. All nonabsorbent, asbestos-containing waste material must be kept coated with a liquid wetting agent until sealed in leak-tight containers.
   b. All asbestos-containing waste material resulting from an asbestos project must be sealed in leak-tight containers as soon as possible after removal, but no later than the end of each work shift.
   c. The exterior of each leak-tight container must be free of all asbestos residue and must be permanently labeled with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.
   d. Immediately after sealing, each leak-tight container, or the outer packaged container if the waste is aggregated, must be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be made at the site where the waste was generated and must be readable without opening the container.
   e. Leak-tight containers must not be dropped, thrown, slid, or otherwise damaged.

No visible emissions may result from an asbestos project.

Section 8.06 Alternate Means of Compliance

A. Alternate Asbestos Project Work Practices for Removing Asbestos-Containing Material Prior to Renovation or Demolition.

Unless otherwise approved by the Agency in writing, alternate means of compliance must be used where standard asbestos project work practices in Section 8.05.B of this Regulation cannot be utilized to remove asbestos-containing material (financial considerations aside) prior to renovation or demolition; when asbestos-containing material has been disturbed or is otherwise no longer intact (e.g., when demolition has already occurred or a similar situation exists, typically leaving a pile / area of debris, rubble, ash, or soil); or when mechanical methods are used for removal. Projects performed under this section must be performed under the alternate asbestos project work practice notification category and must comply with all of the following:

1. Qualifications of Person(s) Preparing an Alternate Work Plan (AWP).
An AHERA Project Designer must evaluate the work area, the type and quantity (known or estimated) of asbestos-containing material, the projected work practices, and the engineering controls and develop an AWP that ensures the planned control methods will be as effective as the work practices in Section 8.05.B of this Regulation.

2. AWP Contents.

The AWP must contain all of the following information:

a. Reason(s) why standard work practices cannot be utilized;
b. Date(s) the work area was evaluated by the person(s) that prepared the AWP;
c. Site address(es) / location(s) where the inspection was performed;
d. The purpose of the evaluation (e.g., asbestos removal from an electrical structure or component where standard wet methods cannot be utilized, removal and disposal of a debris pile resulting from a fire-damaged structure, etc.);
e. If an asbestos survey was performed, incorporate it by reference;
f. All procedures that will be followed for controlling asbestos emissions during the asbestos project;
g. Procedures that will be followed for the final inspection of the property to ensure that asbestos-containing material has been removed and disposed of in accordance with applicable regulations;
h. A statement that the AWP will be as effective as the work practices in Section 8.06.B of this Regulation;
i. Signature(s) of the person(s) that prepared the AWP; and
j. Certification(s) and/or license number(s), and date(s) that certification(s) and/or license(s) expire(s), for the person(s) that prepared the AWP.

3. Asbestos Survey.

If an asbestos survey is not performed pursuant to Section 8.02 of this Regulation, it must be presumed that the asbestos project involves friable and nonfriable asbestos-containing material.

4. AWP Procedures.

The AWP must identify in detail all procedures that will be followed for controlling asbestos emissions during the asbestos project (e.g., during asbestos removal, when workers are off-site, etc.). All procedures and requirements in the AWP must be followed. Unless alternate procedures are specified in the AWP by an AHERA Project Designer and a Certified Industrial Hygienist or an AHERA Project Designer and a Licensed Professional Engineer, the AWP must include all of the following requirements in Section 8.06.A.4.a through g of this Regulation:

a. Controlled Area.

The asbestos project must be conducted in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area must be restricted to authorized personnel only. The controlled area must protect persons outside the controlled area from potential exposure to airborne asbestos.

b. Wetting.

All materials and debris must be handled in a wet condition.
i. Absorbent materials must be saturated with a liquid wetting agent prior to removal. Wetting must continue until all the material is permeated with the wetting agent. Any unsaturated surfaces exposed during removal must be wetted immediately.

ii. Nonabsorbent materials must be continuously coated with a liquid wetting agent on any exposed surface prior to and during the removal. They must be wetted after removal, as necessary, to assure they are wet when sealed in leak-tight containers. Any dry surfaces exposed during removal must be wetted immediately.

c. Asbestos-Containing Waste Materials.

i. All asbestos-containing waste material and/or asbestos contaminated waste material must be kept wet and must be sealed in leak-tight containers while still wet, as soon as possible after removal but no later than the end of each work shift.

ii. The exterior of each leak-tight container must be free of all asbestos residue and must be permanently labeled with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.

iii. Immediately after sealing, each leak-tight container must be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be readable without opening the container.

iv. Leak-tight containers must be kept leak-tight.

v. The asbestos-containing waste material must be stored in a controlled area until transported to an approved waste disposal site.

d. Air Monitoring.

Procedures that must be followed for air monitoring at the outside perimeter of the controlled area, both upwind and downwind, to ensure that the asbestos fiber concentrations do not exceed a net difference (between concurrent upwind and downwind monitoring results) of 0.01 fibers per cubic centimeter (f/cc) as determined by the NIOSH Manual of Analytical Methods, Method 7400 (asbestos and other fibers by PCM).

i. The procedures must require that any air sampling cassette(s) that become(s) overloaded with dust be immediately replaced. Work must stop until an AHERA Project Designer has re-evaluated the engineering controls for dust control, revised the AWP as necessary, and the owner or owner’s agent implements all revisions to the AWP.

ii. The Agency must immediately be notified by the owner or owner’s agent if the airborne fiber concentrations exceed a net difference of 0.01 f/cc and work must stop until an AHERA Project Designer has re-evaluated the engineering controls, revised the AWP as necessary, and the owner or owner’s agent implements all revisions to the AWP.

e. Competent Person.

i. A competent person must be present for the duration of the asbestos project (includes demolition) and must observe work activities at the site.

ii. The competent person must stop work at the site to ensure that friable asbestos-containing material found in the debris, which can readily be separated, is removed
from the main waste stream and is placed and maintained in leak-tight containers for disposal.

iii. The competent person must stop work if AWP procedures are not be followed and must ensure that work does not resume until procedures in the AWP are followed.

f. Separation of Materials.

If the project involves separation of clean(ed) materials from debris piles (e.g., rubble, ash, soil, etc.) that contain or are contaminated with asbestos-containing materials, the material separation procedures must be included in the AWP. In addition to these procedures, the following requirements apply:

i. The AWP must identify what materials will be separated from the asbestos-containing material waste stream and must describe the procedures that will be used for separating and cleaning the materials. All materials removed from the asbestos-containing waste material stream must be free of asbestos-containing material.

ii. A competent person must ensure that materials being diverted from the asbestos-containing waste material stream are free of asbestos-containing material.

g. Visible Emissions.

No visible emissions may result from an asbestos project.

5. Record Keeping

a. The AWP must be kept at the work site for the duration of the project and made available to the Agency upon request. The property owner or owner’s agent and AHERA Project Designer that prepared the AWP must retain a complete copy of the AWP for at least 24 months from the date it was prepared and make it available to the Agency upon request.

b. Complete copies of other asbestos-related test plans and reports (e.g., testing soil for asbestos, air monitoring for asbestos, etc.) associated with the project must also be retained by the property owner or owner’s agent for at least 24 months from the date it was performed and made available to the Agency upon request. The person(s) preparing and performing such tests must also retain a complete copy of these records for at least 24 months from the date it was prepared and make it available to the Agency upon request.

Section 8.07 Exception for Hazardous Conditions

When the exception for hazardous conditions is being utilized, all of the following apply:

A. Friable and nonfriable asbestos-containing material need not be removed prior to demolition, if it is not accessible (e.g., asbestos cannot be removed prior to demolition) because of hazardous conditions such as structures or buildings that are structurally unsound, structures or buildings that are in danger of imminent collapse, or other conditions that are immediately dangerous to life and health.

B. An authorized government official or a licensed structural engineer must determine in writing that a hazard exists, which makes removal of asbestos-containing material dangerous to life or health. The determination must be retained for at least 24 months from the date it was prepared and made available to the Agency by the property owner or owner’s agent upon request.

C. An AHERA Project Designer must evaluate the work area, the type and quantity (known or estimated) of asbestos-containing material, the projected work practices, and the engineering
controls and develop an AWP that ensures the planned control methods will be protective of public health. The AWP must contain all of the following information:

1. Date(s) the work area was evaluated by the person(s) that prepared the AWP;
2. Site address(es) / location(s) where the inspection was performed;
3. A copy of the hazardous conditions determination from a government official or licensed structural engineer;
4. If an asbestos survey was performed, include a copy or incorporate it by reference;
5. All procedures that will be followed for controlling asbestos emissions during the asbestos project;
6. A statement that the AWP will be protective of public health;
7. Signature(s) of the person(s) that prepared the AWP; and
8. Certification(s) and/or license number(s), and date(s) that certification(s) and/or license(s) expire(s), for the person(s) that prepared the AWP.

D. AWP Procedures.

The requirements of Section 8.06.A.3-5 of this Regulation and all other applicable requirements, including those specified in the AWP, must be complied with.

Section 8.08 Disposal of Asbestos-Containing Waste Material

A. Disposal Within 10 Days of Removal.

Except as provided in Section 8.08.B of this Regulation, it is unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless it is deposited within 10 calendar days of removal at a waste disposal site authorized to accept such waste.

B. Temporary Storage Site.

A person may establish a temporary storage site for the purpose of collecting and temporarily storing asbestos-containing waste material if it is approved by the Control Officer and all of the following conditions are met:

1. A complete application for Temporary Storage of asbestos containing waste material is submitted to and approved by the Agency.
2. The application must be accompanied by a non-refundable fee as set in the fee schedule.
3. Accumulated asbestos-containing waste material must be kept in a controlled storage area posted with asbestos warning signs and accessible only to authorized persons.
4. All asbestos-containing waste material must be stored in leak-tight containers which are maintained in leak-tight condition.
5. The storage area must be locked except during transfer of asbestos-containing waste material.
6. Storage, transportation, and disposal must not exceed 90 calendar days. An extension may be granted upon written request.
7. Asbestos-Containing Waste Material Temporary Storage Permits approved by the Agency are valid for one calendar year unless a different time frame is specified in the permit.

Section 8.09 Compliance With Other Rules

Other government agencies have adopted rules that may apply to asbestos regulated under these rules including, but not limited to, the U.S Environmental Protection Agency, the U.S. Occupational Safety and Health Administration, and the Washington State Department of Labor and Industries.
Nothing in the Agency's rules must be construed as excusing any person from complying with any other applicable local, state, or federal requirement.
ARTICLE 10

Fees and Charges

ADOPTED: 17-Feb-2005
AMENDED: 17-Aug-2018 XX 2020
[Statutory Authority RCW 70.94.151, RCW 70.94.152]

Section 10.01 Fees and Charges Required

A. Unless otherwise provided, any fee assessed by the Agency must be paid within thirty (30) days of assessment. Failure to pay a fee may result in the commencement of a formal enforcement action.

B. Upon approval by the Board as part of the annual budget process, fees may be increased annually by at least the fiscal growth factor as determined by the Washington State Office of Financial Management.

C. Electronic Payment of Fees. A convenience fee, charged by the fee processor, may be charged to a source for the electronic payment of all or part of the fee at the rates set by the processor.

Section 10.02 Fees Otherwise Provided

All fees and charges provided for in this Article must be in addition to fees otherwise provided for or required to be paid by Regulation 1, provided the Control Officer waives payment of any fee or service charge hereby required if such fee duplicates a fee charged or required to be paid by another Article of this Regulation.

Section 10.03 Fee Exemptions

A. The Control Officer may waive or reduce the registration fee for an operation provided a source presents sufficient demonstration of hardship circumstances.

B. Stationary sources subject to the Operating Permit Regulation, Chapter 173-401 WAC.

Section 10.04 General Administrative Fees

A fifty dollar ($50.00) fee will be assessed for any check written to the Agency returned due to insufficient funds.

Section 10.05 Registered Source Fees

A. The Agency will charge an annual registration fee pursuant to RCW 70.94.151 for services provided in administering the registration program. Fees received under the registration program will not exceed the cost of administering the registration program. The Board will review the registration program on an annual basis.

B. All registrants must pay a fee in accordance with the current Fee Schedule.

C. Fee Payment.
   1. Fee Payment.
      The annual registration fee is due and payable by the date on the invoice, unless otherwise specified in writing to the source by the Agency.
   2. Late Payment of Fees.
A late fee will be charged to a source for late payment of all or part of its annual registration fee at the following rates:

a. Ten percent of the source’s total assessed fee for payment received after the due date for fee payment but up to the first thirty days past the due date for fee payment;

b. Fifteen percent of the source’s total assessed fee for payment received between the thirty-first day and the sixtieth day past the due date for fee payment; and

c. Twenty-five percent of the source’s total assessed fee for payment received between the sixty-first day and the ninetieth day past the due date for fee payment.

3. Failure to Pay Fees.
   
The Agency will charge a penalty to a permit program source under its jurisdiction for failure to pay all or part of its annual registration fee and/or penalties thereon after ninety days past the due date for fee payment in an amount three times the source’s total assessed fee. Failure to pay all or part of an annual registration fee after the ninety first day past the due date may result in enforcement action.

4. Other Penalties.
   
The penalties authorized in Section 10.08.A.5.b and c of this Regulation are additional to and in no way prejudice the Agency’s ability to exercise other civil and criminal remedies, including the authority to revoke a source’s operating permit for failure to pay all or part of its operating permit fee.

5. Facility Closure.
   
Sources that permanently cease operations will be required to pay only a pro rata portion of the annual registration fee for the fiscal year in which they cease operations. The portion of the fee to be paid will be calculated by dividing the number of calendar days that have passed in the relevant calendar year at the time the source ceases operations by the total of 365 calendar days, and multiplying the fraction thus derived by the fee that the source would have paid for the relevant calendar year, had it not ceased operations.

6. Transfer in Ownership.
   
Transfer in ownership of a source will not affect that source’s obligation to pay registration fees. Any liability for fee payment, including payment of late payment and other penalties will survive any transfer in ownership of a source.

Section 10.06 Fees for Application for Notice of Construction (NOC) for Stationary and Portable Sources, and Notice of Intent to Operate (NIO) Relocating Portable Sources

A. NOC Application Filing Fee.
   
An application filing fee will be due and payable at the time of filing the NOC application. The filing fee is non-refundable and is contained in the Fee Schedule.

B. Portable Source NIO Filing Fee.
   
A filing fee will be due and payable at the time of filing the NIO form. The fee is contained in the Fee Schedule. The filing fee is non-refundable. NIO must be received at least 15 days prior to starting operation.

1. Notice of Intent to Operate: The owner or operator of a portable source with a valid permit per WAC173-400-036 must notify the Agency of the intent to relocate and operate within the jurisdiction of the Agency at least 15 days prior to starting operation by submitting a complete Notice of Intent to Operate (NIO). You must receive an Approval to Operate Portable Source from Benton Clean Air Agency prior to starting operation.
C. NOC or NIO Engineering Examination and Inspection Fee.

1. An examination and inspection fee will be charged according to the Fee Schedule. The engineering and inspection fee will be due and payable at the time of filing the NOC or NIO, unless otherwise specified to the applicant by the Agency.

2. Emergency application or expedited review fee will be two (2) times the normal application and review fee.

D. Additional Fees.

Additional fees may be charged according to the Fee Schedule. Fees are cumulative. The additional fees will be due and payable at the time of filing the NOC or NIO, unless otherwise specified to the applicant by the Agency.

1. Fee amounts in the Fee Schedule listed as "Actual" are based upon the Agency’s actual cost to complete a review or task and will be determined using the actual or direct hours expended completing the specific review or task.

2. If an NOC or NIO applicability determination fee is received by the Agency and an NOC or NIO is determined not to be required, the Engineering Examination and Inspection Fee will be the actual time expended at the current engineering charge rate in dollars per hour.

E. Any NOC or NIO application received by the Agency without the accompanying fee will be rejected and returned to sender. Such action will not constitute a determination of completeness or incompleteness as per WAC 173-400-111.

Note: Tables 10-1 and 10-2 have been deleted. The Fee Schedule for the Registration and Notice of Construction Programs is approved by the board per Article 2.8 D.

Section 10.07 State Environmental Policy Act (SEPA) Fees

A. Where review of an Environmental Impact Statement (EIS), Environmental Checklist, or an addendum to, or adoption of, an existing environmental document pursuant to Chapter 197-11 WAC is required, in association with an NOC or a NIO, the applicant will pay a review fee of the greater of:

1. One-hundred fifty dollars ($150.00), due and payable at the time of submittal; or

2. Actual costs to complete the review or task and will be determined using the actual or direct hours expended completing the specific review and the corresponding hourly rate of each staff person directly involved. Actual costs will be billed by the Agency to the owner, operator, or applicant after a threshold determination has been made and/or a preliminary determination has been issued.

B. Additional fees may be charged according to the Fee Schedule. Fees are cumulative. The additional fees will be due and payable at the time of filing, unless otherwise specified to the applicant by the Agency.

Section 10.08 Asbestos Fees and Waiting Periods

A. Any fee required under Table 10-1 for asbestos projects will be due and payable at the time of filing, unless otherwise specified to the applicant by the Agency.

B. Failure to pay all or part of the fee may result in the commencement of a formal enforcement action.

C. The waiting period begins at the time of filing. The notification waiting period begins on the workday on which a complete notification is received.
### Table 10-1: Asbestos Fees

#### Demolition/Asbestos Projects at Residential Units

<table>
<thead>
<tr>
<th>Activity</th>
<th>Waiting Period</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demolition</td>
<td>5-Days</td>
<td>$50</td>
</tr>
<tr>
<td>Owner-Occupied Single-Family Residence Asbestos Project ≥ 10 linear-ft. or ≥ 48 sq.-ft. of friable ACM performed by owner-occupant</td>
<td>Prior Notice</td>
<td>$25</td>
</tr>
<tr>
<td>Asbestos Project Involving Only Non-Friable ACM ≥ 10 linear feet or ≥ 48 sq.-ft. that will remain Non-Friable</td>
<td>Prior Notice</td>
<td>$25</td>
</tr>
<tr>
<td>All Other Residential Asbestos Projects ≥ 10 linear feet or ≥ 48 sq.-ft.</td>
<td>3-Days</td>
<td>$50</td>
</tr>
<tr>
<td>Renovations ≥ 10 linear feet or ≥ 48 sq.-ft with no ACM</td>
<td>Prior Notice</td>
<td>$50</td>
</tr>
<tr>
<td>Demolition or Asbestos Project Amendment</td>
<td>Prior Notice</td>
<td>$50</td>
</tr>
<tr>
<td>Emergency Notification Waiver</td>
<td>Prior Notice</td>
<td>Twice the Regular Fee</td>
</tr>
<tr>
<td>Asbestos Project Using Alternate Work Practices</td>
<td>10-Days</td>
<td>Twice the Regular Fee</td>
</tr>
</tbody>
</table>

#### Demolition/Asbestos Projects at Facilities

<table>
<thead>
<tr>
<th>Activity</th>
<th>Waiting Period</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demolition</td>
<td>10-Days</td>
<td>$150</td>
</tr>
<tr>
<td>Asbestos Project Involving Only Non-Friable ACM ≥ 10 linear feet or ≥ 48 sq.-ft. that will remain Non-Friable</td>
<td>Prior Notice</td>
<td>$25</td>
</tr>
<tr>
<td>Asbestos Project (amount of friable ACM):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 to 259 ln-ft. and/or 49 to 159 sq-ft.</td>
<td>10-Days</td>
<td>$150</td>
</tr>
<tr>
<td>260 to 999 ln-ft. and/or 160 to 4,999 sq-ft.</td>
<td>10-Days</td>
<td>$325</td>
</tr>
<tr>
<td>1,000 to 9,999 ln-ft. and/or 5,000 to 49,999 sq-ft.</td>
<td>10-Days</td>
<td>$650</td>
</tr>
<tr>
<td>Over 10,000 ln-ft. and/or Over 50,000 sq-ft.</td>
<td>10-Days</td>
<td>$1,800</td>
</tr>
<tr>
<td>Renovations ≥ 10 linear feet or ≥ 48 sq.-ft with no ACM</td>
<td>Prior Notice</td>
<td>$50</td>
</tr>
<tr>
<td>Demolition or Asbestos Project Amendment</td>
<td>Prior Notice</td>
<td>$50</td>
</tr>
<tr>
<td>Emergency Notification Waiver</td>
<td>Prior Notice</td>
<td>Twice the Regular Fee</td>
</tr>
<tr>
<td>Asbestos Project Using Alternate Work Practices</td>
<td>10-Days</td>
<td>Twice the Regular Fee</td>
</tr>
</tbody>
</table>

#### Asbestos-Containing Waste Material Temporary Storage Permit

| ACWMA Temporary Storage Permit Application                               |                | $75       |
Section 10.09  Title 5 Air Operating Permit Fees
[Statutory Authority RCW 70.94.161]

All eligible sources under Chapter 173-401 WAC will be subject to the annual fees described in this Section.

A. Permanent annual fee determination and certification.
   1. Fee Determination.
      a. Fee Determination.
         The Agency will develop a fee schedule using the process outlined below, according to which it will collect fees from permit program sources under its jurisdiction. The fees will be sufficient to cover all permit administration costs. The Agency will also collect its jurisdiction's share of Ecology's development and oversight costs. The fee schedule will differentiate as separate line items the Agency and Ecology's fees. Opportunities for public participation will be afforded throughout the fee determination process, as provided in Section 10.08.A.3.a of this Regulation.
      b. Fee Eligible Activities.
         The costs of permit administration and development and oversight activities are fee eligible.
         i. Permit Administration.
            Permit administration costs are those incurred by the Agency in administering and enforcing the operating permit program with respect to sources under its jurisdiction. Eligible permit administration costs are as follows:
            (a) Pre-application assistance and review of an application and proposed compliance plan for a permit, permit revision, or renewal;
            (b) Source inspection, testing, and other data-gathering activities necessary for the development of a permit, permit revision, or renewal;
            (c) Acting on an application for a permit, permit revision, or renewal, including the costs of developing an applicable requirement as part of the processing of a permit, permit revision, or renewal, preparing a draft permit and fact sheet, and preparing a final permit, but excluding the costs of developing BACT, LAER, BART, or RACT requirements for criteria and toxic air pollutants;
            (d) Notifying and soliciting, reviewing and responding to comment from the public and contiguous states and tribes, conducting public hearings regarding the issuance of a draft permit and other costs of providing information to the public regarding operating permits and the permit issuance process;
            (e) Modeling necessary to establish permit limits or to determine compliance with permit limits;
            (f) Reviewing compliance certifications and emissions reports and conducting related compilation and reporting activities;
            (g) Conducting compliance inspections, complaint investigations, and other activities necessary to ensure that a source is complying with permit conditions;
            (h) Administrative enforcement activities and penalty assessment, excluding the costs of proceedings before the pollution control hearings board and all costs of judicial enforcement;
(i) The share attributable to permitted sources of the development and maintenance of emissions inventories;
(j) The share attributable to permitted sources of ambient air quality monitoring and associated recording and reporting activities;
(k) Training for permit administration and enforcement;
(l) Fee determination, assessment, and collection, including the costs of necessary administrative dispute resolution and penalty collection;
(m) Required fiscal audits, periodic performance audits, and reporting activities;
(n) Tracking of time, revenues and expenditures, and accounting activities;
(o) Administering the permit program including the costs of clerical support, supervision, and management;
(p) Provision of assistance to small businesses under the jurisdiction of the permitting authority as required under section 507 of the Federal Clean Air Act; and
(q) Other activities required by operating permit regulations issued by the United States Environmental Protection Agency under the Federal Clean Air Act.

ii. Ecology Development and Oversight.

Development and oversight costs are those incurred by Ecology in developing and administering the state operating permit program and in overseeing the administration of the program by the delegated local authorities. Development and oversight costs are in Chapter 252, Laws of 1993 Section 6.2.b of this Regulation.

c. Workload Analysis.

i. The Agency will conduct an annual workload analysis of the previous years’ work, to projecting resource requirements for the purpose of preparation for permit administration. The workload analysis will include resource requirements for both the direct and indirect costs of the permit administration activities in Section 10.08.A.1.b.i of this Regulation.

ii. Ecology will, for the two-year period corresponding to each biennium, identify the development and oversight activities that it will perform during that biennium. The eligible activities are those referenced in Section 10.08.A.1.b.ii of this Regulation.

d. Budget Development.

The Agency will annually prepare an operating permit program budget. The budget will be based on the resource requirements identified in an annual workload analysis and will take into account the projected fund balance at the start of the calendar year. The Agency will publish a draft budget for the following calendar year on or before May 31 and will provide opportunity for public comment in accordance with Chapter 173-401 WAC Operating Permit Regulation. The Agency will publish a final budget for the following calendar year on or before June 30.

e. Allocation Method.

i. Permit Administration Costs.

The Agency will allocate its permit administration costs and its share of Ecology’s development and oversight costs among the permit program sources for which it acts as permitting authority, according to a three-tiered model based upon:

(a) The number of sources under its jurisdiction;
(b) The complexity of the sources under its jurisdiction, and
(c) The size of the sources under its jurisdiction, as measured by the quantity of each regulated pollutant emitted. The quantity of each regulated pollutant emitted by a source will be determined based on the annual emissions data during the most recent calendar year for which data is available. Each of the three tiers will be equally weighted.

Ecology will allocate its development and oversight costs among all permitting authorities, including the Agency based upon the number of permit program sources under the jurisdiction of each permitting authority. If Ecology determines that it has incurred extraordinary costs in order to oversee a particular permitting authority and that those costs are readily attributable to the particular permitting authority, Ecology may assess to that permitting authority such extraordinary costs.

f. Fee Schedule.
The Agency will issue annually a fee schedule reflecting the permit administration fee and Ecology's development and oversight fee to be paid by each permit program source under its jurisdiction. The fee schedule will be based on the information contained in the final source data statements for each year; the final source data statements will be issued after opportunity for petition and review has been afforded in accordance with Section 10.08.A.4 of this Regulation.

2. Fee Collection - Ecology and Benton Clean Air Agency.
   a. Collection from Sources.
      The Agency, as a delegated local authority, will collect the fees from the permit program sources under its jurisdiction.
      i. Permit Administration Costs. The Agency will collect from permit program sources under its jurisdiction fees sufficient in the aggregate to cover its permit administration costs.
      ii. Ecology Development and Oversight Costs. The Agency will collect from permit program sources under its jurisdiction fees sufficient in the aggregate to cover its share of Ecology's development and oversight costs.

b. Dedicated Account.
   All receipts from fees collected by the Agency, as a delegated local authority, from permit program sources will be deposited in a dedicated account. Expenditures from these dedicated accounts will be used only for the activities described in RCW 70.94.162.

3. Accountability.
   a. Public Participation during Fee Determination Process.
      The Agency will provide for public participation in the fee determination process described under Section 10.09.A.of this Regulation which provision will include but not be limited to the following:
      i. The Agency will provide opportunity for public review of and comment on:
         (a) Each annual workload analysis;
         (b) Each annual budget; and
         (c) Each annual fee schedule
ii. The Agency will submit to Ecology for publication in the Permit Register notice of issuance of its draft annual workload analysis, issuance of its draft annual budget and issuance of its draft annual fee schedule.

iii. The Agency will make available for public inspection and to those requesting opportunity for review copies of its draft:
   (a) Annual workload analysis on or before May 31;
   (b) Annual budget on or before May 31; and
   (c) Annual fee schedule on or before May 31.

iv. The Agency will provide a minimum of thirty (30) days for public comment on the draft annual workload analysis and draft annual budget. Such thirty-day period for comment will run from the date of publication of notice in the Permit Register as provided in this Section.

b. Tracking of Revenues, Time and Expenditures.
   i. Revenues.
      The Agency will track revenues on a source-specific basis.
   ii. Time and Expenditures.
      The Agency will track time and expenditures on the basis of functional categories as follows:
      (a) Application review and permit issuance;
      (b) Permit modification;
      (c) Permit maintenance;
      (d) Compliance and enforcement;
      (e) Business assistance;
      (f) Regulation and guidance development;
      (g) Management and training; and
      (h) Technical support.

iii. Use of Information Obtained from Tracking Revenues, Time and Expenditures.
    The Agency will use the information obtained from tracking revenues, time and expenditures to modify its workload analysis during each calendar year’s review provided for under Section 10.09.A.1.d of this Regulation.

iv. The information obtained from tracking revenues, time, and expenditures will not provide a basis for challenge to the amount of an individual source’s fee.

c. Periodic Fiscal Audits, Reports and Performance Audits.
   A system of regular, periodic fiscal audits, reports and performance audits will be conducted in order to evaluate Ecology’s and the Agency’s operating permit program administration, as follows:
   i. Fiscal Audits.
      The Agency will contract with the State Auditor to perform a standard fiscal audit of its operating permit program every other year.
   ii. Annual Routine Performance Audits.
      The Agency will be subject to annual routine performance audits, except that the routine audit will be incorporated into the extensive performance audit, conducted
pursuant to Section 10.09.A.3.c.v of this Regulation in each year during which an extensive performance is conducted. Ecology will issue guidance regarding the content of the routine performance audits and will conduct the Agency audits.

iii. Annual Random Individual Permit Review.

One permit issued by the Agency will be subject to review in conjunction with the annual routine performance. The permit to be reviewed will be selected at random. Ecology will issue guidance regarding the content of the random individual permit review and will conduct the Agency's review.

iv. Periodic Extensive Performance Audits.

The Agency will be subject to extensive performance audits every five years. In addition, the Agency may be subject to an extensive performance audit more frequently under the conditions of Section 10.09.A.3.c.v of this Regulation. Ecology will issue guidance regarding the content of the extensive performance audits and will conduct the audits of this agency.

v. Finding of Inadequate Administration or Need for Further Evaluation.

If, in the process of conducting a fiscal audit, annual routine audit, or annual random individual permit review, the auditor or Ecology finds that the Agency is inadequately administering the operating permit program or finds that further evaluation is immediately warranted, an extensive performance audit will be conducted, as provided in Section 10.09.A.3.c.iv of this Regulation.

vi. Annual Reports.

The Agency will prepare an annual report evaluating its operating permit program administration. Such report will include any findings of the auditor or Ecology resulting from the relevant fiscal audits, annual routine audits, annual random individual permit reviews or periodic extensive performance audits. The Agency will submit its report to its Board and to Ecology.

4. Administrative Dispute Resolution.

a. Preliminary Statement of Source Data.

The Agency will provide to the permit program sources under their respective jurisdictions a preliminary statement of emissions and other data from that source upon which the Agency intends to base its allocation determination under Section 10.09.A.1.e of this Regulation. Such preliminary statement will be provided to the permit program sources on or before September 30 of each year. Such preliminary statement will indicate the name, address and telephone number of the person or persons to whom the source or other individual may direct inquiries and/or petitions for review under Section 10.08.A. 4.b of this Regulation regarding the accuracy of the data contained therein.


A permit program source or other individual under the jurisdiction of the Agency as a delegated local authority, may petition to review for accuracy the data contained in the preliminary source data statement provided for under Section 10.08.A.4.a of this Regulation. Such petition will be lodged on or before October 31 of each year. Such petition will be in writing, directed to the individual indicated on the statement of source data. Such petition will indicate clearly the data to be reviewed, the specific action that the source or petitioning individual is requesting be taken and may, if the
source or petitioning individual desires, be accompanied by written documentation supporting the request for review. Such petition will, in addition, state the name, address and telephone number of the person or persons to whom the Agency may direct inquiries regarding the request. Upon receipt of such a petition, the Agency, as a delegated local authority, must issue its written response to the petitioner on or before November 30 of each year. Such response will state the conclusions of the review and the reasons therefore, and will contain a new preliminary source data statement, revised to reflect any changes necessitated by the Agency's response.

c. Final Source Data Statement.

The Agency will provide to the permit program sources under its jurisdiction a final statement of emissions and other data from that source upon which the Agency will base its allocation determination under Section 10.08.A.1 of this Regulation along with an invoice reflecting the fee billed to that source on or before January 20th of each year.

5. Fee Payment and Penalties.

a. Fee Payment.

Each permit program source will pay a fee in the amount reflected in the invoice issued under Section 10.09.A.4.c of this Regulation. Fees will be invoiced by January 20 of each year. Such fee will be due on or before February 28th of each year.

b. Late Payment of Fees.

The Agency will charge a penalty to a permit program source under its jurisdiction for late payment of all or part of its operating permit fee at the following rates:

i. Ten percent of the source's total assessed fee for payment received after the due date for fee payment but up to the first thirty days past the due date for fee payment;

ii. Fifteen percent of the source's total assessed fee for payment received between the thirty-first day and the sixty-first day past the due date for fee payment; and

iii. Twenty-five percent of the source's total assessed fee for payment received between the sixty-first day and the ninetieth day past the due date for fee payment.

c. Failure to Pay Fees.

The Agency will charge a penalty to a permit program source under its jurisdiction for failure to pay all or part of its operating permit fee and/or penalties thereon after ninety days past the due date for fee payment in an amount three times the source's total assessed fee.

d. Other Penalties.

The penalties authorized in Section 10.08.A.5.b and c of this Regulation are additional to and in no way prejudice the Agency's ability to exercise other civil and criminal remedies, including the authority to revoke a source's
ERROR: syntaxerror
OFFENDING COMMAND: #
STACK:
Application for Variance for Tumbleweed Disposal
Chapter 173-425 WAC – Outdoor Burning

<table>
<thead>
<tr>
<th>Applicant Information</th>
<th>Variance ID (For Agency Use Only): 2020-02</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company: City of West Richland</td>
<td>Date:</td>
</tr>
<tr>
<td>Contact Name: Roscoe Slade</td>
<td>Phone: 509-967-5434</td>
</tr>
<tr>
<td>Address: 100 Belmont Blvd Suite 102</td>
<td>Fax:</td>
</tr>
<tr>
<td>City: West Richland</td>
<td>State, Zip: WA 99353</td>
</tr>
<tr>
<td>Email: <a href="mailto:roscoe@westrichland.org">roscoe@westrichland.org</a></td>
<td><a href="mailto:ilka@westrichland.org">ilka@westrichland.org</a></td>
</tr>
</tbody>
</table>

Owner Information (if other than Applicant)

| Contact Name: | Phone: |
| Address: | Fax: |
| City: | State, Zip: |
| Email: | |

Time Period: (not greater than a year)
From: March 12, 2020   To: March 12, 2021

Requirements for Granting a Variance:

RCW 70.94.181 (1)
Variances may be issued by either the department or a local board but only after public hearing or due notice, if the department or board finds that:
(a) The emissions occurring or proposed to occur do not endanger public health or safety or the environment; and
(b) Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

General Description of Request:

The City is requesting permission to use a metal fabricated towable device, which will be used to burn/incinerate tumbleweeds in areas which affect the health and welfare of the citizens. Device would be used on the public way. City staff would transport and use the device.

Location of Request: (location of property for operation, and owner of property)

Numerous locations within the City of West Richland during the year, notification of location would be communicated to BCAA prior to each separate use.
Identify the applicable regulation from which the variance is needed: (173-425-050(5) Burning in outdoor containers)

(173-425-050(5) Burning in outdoor containers)

Identify the exceptional circumstances that preclude strict conformity with the regulation identified. Explain how strict conformity would cause undue hardship.

The amount of tumbleweeds produced and collected in these areas have overwhelmed residents, as well as produced access issues to various streets and walk ways within the City. This option allows a relatively cost effective means to dispose of the vegetation.

Explain why there are not any current, practicable means of preventing the situation to be addressed with this variance?

Due to the vegetation type (tumbleweeds) coming from properties outside of the city, as well as from properties not owned by individual or city property owners, there is not a current or possible way to keep them from collecting on land within the City of West Richland on either the public way or onto individual properties. The City of West Richland or individual property owners do not control the movement nor the growth of this vegetation and there is no means known at this time to accomplish that. It creates not only an unmanageable nuisance but also affects fire loading in and around homes and access issues to the public way.

How would this variance benefit public health or safety?

Reducing the vegetative load surrounding homes reduces the fire load and potential impact to the homes during fires, which occur regularly in that area. It also increases accessibility in and around the homes to the residents, and following wind events the use of the device will assist in opening up areas of the public way affected by the load of tumbleweeds.

How would pollutant emissions be affected as a by this variance? (Increase, decrease, change)

No anticipated increase in pollution as burning of the tumbleweeds are currently allowed.

Fire Safety: Describe provisions made for fire safety.

Unit would have shovel, and fire extinguisher mounted on trailer, spark arrestor designed into unit. Stand-off barrier to keep persons away from sides. Use would be by trained personnel, and at site, water hose, if available would be present.
**Operation Plan:** Describe general plan for operations; time of day; crews; locations; number of days, etc.

The unit would be deployed after an identified wind event, or when amount of vegetation is noted present. Notification by the city through either public works department. Staff assigned would deploy to area, and inform on duty Battalion Chief of the fire department. Use would be during daylight hours, not during Red Flag warning days, nor other extreme fire weather conditions, and upon approval of BCAA burn day. Presumed days would be during weekdays, but some week-ends with coordination of citizens if necessary.

**Technical Specifications:** (include drawing/sketch, materials, dimensions, photographs, etc.)

The device is a road safe trailer mounted metal box with overhead spark type arrestor, fuel/ignition is by propane torch.

**Equipment Identification:** Include some method for specifically identifying the piece(s) of equipment intended for coverage under this variance. (photo, plate number, ID number)

Unit will be licensed, identifying information to be provided to BCAA when it is.

**General Conditions of Permit for Variance:**

- Fire safety plan is in place.
- The equipment is to be operated by the variance applicant or designated representative.
- The Benton Clean Air Agency Burn Line must be checked to assure there are no restrictions on tumbleweed burning (fire safety, wind, or other).
- The operation must be conducted on land controlled by the permit holder.
- Benton Clean Air Agency must be notified each day before the operation begins, and when it is done. Notification must include general location and timing.
- Operation must be completed by one hour before sunset.
- A copy of this document must be kept on hand.
**Responsible Official Certification:**

I certify that the above is true and correct to the best of my knowledge.

<table>
<thead>
<tr>
<th>Roscoe C Slade III, P.E.</th>
<th>March 12, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Date</td>
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<tr>
<td>Public Works Director</td>
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</tbody>
</table>

**For Agency Only Use Beyond This Point**

**Specific Conditions of Permit for Variance:**

No additional conditions recommended.

**BCAA Staff Recommendation:**

BCAA staff support this variance.

**This application for variance is:**  
Approved [ ]  
Denied [ ]

<table>
<thead>
<tr>
<th>Benton Clean Air Agency Board Chair</th>
<th>Date</th>
</tr>
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</table>

Printed Name
DRAFT MINUTES
Benton Clean Air Agency
Board of Directors Regular Meeting
February 27, 2020
5:00 p.m.
526 South Steptoe Street
Kennewick, Benton County, Washington

CALL TO ORDER

Board Chair Nancy Aldrich called the Regular Board Meeting to Order at 5:00 p.m. in the Board Room of Benton Clean Air Agency (BCAA) located at 526 South Steptoe Street in Kennewick, Benton County, Washington.

ROLL CALL
Nancy Aldrich - present
James Beaver - present
Jerry Peltier - present
Duane LaPierre - present
Paul Parish - excused

STAFF MEMBERS PRESENT
Robin Priddy, Director
Rob Rodger, Air Quality Engineer
Tyler Thompson, Air Quality Specialist
John Lyle, Air Quality Specialist
Bronson Brown, Legal Counsel

APPROVAL OF AGENDA

❖ Mr. Jerry Peltier moved to approve the agenda. Commissioner James Beaver seconded, and the motion carried.

ELECTION OF 2020 OFFICERS

❖ Commissioner James Beaver moved to keep the current officers in place. Mr. Duane LaPierre seconded, and the motion carried.

APPROVAL OF January 23rd, 2019 REGULAR BOARD MEETING MINUTES

❖ Commissioner James Beaver moved to approve Board Meeting Minutes. Mr. Jerry Peltier seconded, and the motion carried.

CONSENT AGENDA

All matters listed within the Consent Agenda have been distributed to each Board Member for review and are considered to be routine. The Consent Agenda will be approved in its entirety by one motion with no separate discussion. If separate discussion is desired, items may be removed from the Consent Agenda and placed on the Regular Agenda by request.
January-February

A. Ratification of voucher request dated January 30, 2020 $1,218.18
B. Ratification of voucher request dated February 13, 2020 $42,275.80
C. Ratification of voucher request dated February 20, 2020 $2,904.68
Total Expenditures $46,398.66

Mr. Jerry Peltier moved to approve the Consent Agenda. Commissioner James Beaver seconded, and the motion carried.

APPLICATION FOR VARIANCE FOR BURNING TUMBLEWEEDS; KENNEWICK
The Board was presented an Application for Variance from Benton Clean Air Agency Regulation 1 for burning tumbleweeds. Staff recommends approval of the variance.

Mr. Jerry Peltier moved to approve the Variance. Commissioner James Beaver seconded, and the motion carried.

DRAFT CHANGES TO REGULATION 1
The Board was presented a draft of changes to Benton Clean Air Agency Regulation 1. The hearing is scheduled at the March Board Meeting.

REPORTS, COMMENTS AND DISCUSSION ITEMS
Control Officer Report – Ms. Priddy discussed: Directed Mr. Lyle to present a situation with Agricultural Burning, on the back side of Badger Mountain, impacting an elementary school; A workshop in April for a succession plan when Ms. Priddy goes part time; Ms. Priddy will present impacts to ozone in the region if the Snake River Dams are breached, at a press conference on Monday, March 2nd, 2020, after the EIS is released tomorrow by the Corps of Engineers.
Engineering Report – Mr. Rodger presented the Engineering Report. Permits, Ongoing Source Inspections. Autobody, and gas-stations. All of the source registration billings are out.
Case Status Report, Complaint Summary and Monitoring Reports – Mr. Ly'e and Mr. Thompson presented these reports.

NON-SCHEDULED ITEMS -There were no additional items.
PUBLIC COMMENT – There were no public comments.
ADJOURNMENT – The meeting was adjourned at 5:31 p.m.

Approved by:

Nancy Aldrich –Chair
Benton Clean Air Agency
Vouchers –

These are the vouchers to be approved at the June 25th Board meeting.

If you attend by zoom please sign these once they are approved and we’ll make arrangements to come get them.

Thank you!

Robin
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</table>

As the duly appointed Board for this Agency, we have reviewed the claims listed above and approve expenditures by our signatures below this ______ day of __________ 2020.

BOARD OF DIRECTORS:

Nancy Aldrich

James Beaver

Paul Parish

Jerry Peltier

Duane LaPierre

PLEASE NOTE: It is the AGENCY'S responsibility to maintain adequate, original, records to substantiate these claims.
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As the duly appointed Board for this Agency, we have reviewed the claims listed above and approve expenditures by our signatures below this ______ day of ________, 2020.

**BOARD OF DIRECTORS:**

Nancy Aldrich

James Beaver

Paul Parish

Jerry Peltier

Duane LaPierre

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</table>

As the duly appointed Board for this Agency, we have reviewed the claims listed above and approve expenditures by our signatures below this day of ______, 2020.

BOARD OF DIRECTORS:

Nancy Aldrich

James Beaver

Paul Parish

Jerry Peltier

Duane LaPierre

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Total: $1,232.94

As the duly appointed Board for this Agency, we have reviewed the claims listed above and approve expenditures by our signatures below this ______ day of _________, 2020.

**BOARD OF DIRECTORS:**

Nancy Aldrich  
James Beaver  
Paul Parish  
Jerry Peltier  
Duane LaPierre

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As the duly appointed Board for this Agency, we have reviewed the claims listed above and approve expenditures by our signatures below this _____ day of __________, 2020.

**BOARD OF DIRECTORS:**

---

Nancy Aldrich  
James Beaver  
Paul Parish  
Jerry Peltier  
Duane LaPierre


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<tr>
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<td>709710</td>
<td>Oxarc Inc.</td>
<td>Fire Extinguisher Service</td>
<td>5/7/2020</td>
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<td>930133</td>
<td>US Bank</td>
<td>Payment of Credit Cards</td>
<td></td>
<td>$1,915.08</td>
<td>206318</td>
</tr>
</tbody>
</table>

As the duly appointed Board for this Agency, we have reviewed the claims listed above and approve expenditures by our signatures below this day of 2020.

BOARD OF DIRECTORS:

Nancy Aldrich

James Beaver

Paul Parish

Jerry Peltier

Duane LaPierre

PLEASE NOTE: It is the AGENT's responsibility to maintain adequate, original, records to substantiate these claims.
<table>
<thead>
<tr>
<th>VENDOR CODE</th>
<th>VENDOR NAME</th>
<th>DESCRIPTION</th>
<th>BARS CODE</th>
<th>BCAA CODE</th>
<th>STATEMENT DATE</th>
<th>AMOUNT</th>
<th>VOUCHER #</th>
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</thead>
<tbody>
<tr>
<td>598207</td>
<td>Lyle, John</td>
<td>Cell Phone Reimbursement</td>
<td>4200</td>
<td>4205</td>
<td>4/30/2020</td>
<td>$75.00</td>
<td>206252</td>
</tr>
<tr>
<td>746612</td>
<td>Priddy, Robin</td>
<td>Cell Phone Reimbursement</td>
<td>4200</td>
<td>4205</td>
<td>4/30/2020</td>
<td>$75.00</td>
<td>206251</td>
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<tr>
<td>782668</td>
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<td>Cell Phone Reimbursement</td>
<td>4200</td>
<td>4205</td>
<td>4/30/2020</td>
<td>$75.00</td>
<td>206252</td>
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<tr>
<td>911568</td>
<td>Thompson, Tyler</td>
<td>Cell Phone Reimbursement</td>
<td>4200</td>
<td>4205</td>
<td>4/30/2020</td>
<td>$75.00</td>
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<td>Legal Advertisement</td>
<td>4636584</td>
<td>4636591</td>
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<td></td>
<td></td>
<td>$579.32</td>
<td></td>
</tr>
</tbody>
</table>

As the duly appointed Board for this Agency, we have reviewed the claims listed above and approve expenditures by our signatures below this [_____ day of __________, 2020.]

**BOARD OF DIRECTORS:**

Nancy Aldrich

James Beaver

Paul Parish

Jerry Peltier

Duane LaPierre

**PLEASE NOTE:** It is the AGENCY'S responsibility to maintain adequate, original, records to substantiate these claims.
Benton Clean Air Agency  
VOUCHER PAYMENT REQUEST  

<table>
<thead>
<tr>
<th>VENDOR CODE</th>
<th>VENDOR NAME</th>
<th>DESCRIPTION</th>
<th>BARS CODE</th>
<th>BCAA CODE</th>
<th>STATEMENT DATE</th>
<th>AMOUNT</th>
<th>VOUCHER #</th>
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</thead>
<tbody>
<tr>
<td>476859</td>
<td>Intermountain Cleaning Service</td>
<td>Janitorial Services</td>
<td>97585, 97630, 97704</td>
<td>4801</td>
<td>4801</td>
<td>4/8/2020</td>
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<td>930133</td>
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<td>Attached</td>
<td>4/9/2020</td>
<td>$1,792.33</td>
<td>2058/3</td>
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</tbody>
</table>

TOTAL $2,321.33

As the duly appointed Board for this Agency, we have reviewed the claims listed above and approve expenditures by our signatures below this ______ day of __________, 2020.

BOARD OF DIRECTORS:

Nancy Aldrich

James Beaver

Paul Parish

Jerry Peltier

Duane LaPierre

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<table>
<thead>
<tr>
<th>VENDOR CODE</th>
<th>VENDOR NAME</th>
<th>DESCRIPTION</th>
<th>BARS CODE</th>
<th>BCAA Code</th>
<th>STATEMENT DATE</th>
<th>AMOUNT</th>
<th>VOUCHER #</th>
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<tbody>
<tr>
<td>187907</td>
<td>Brutzman's</td>
<td>Office Supplies</td>
<td>815429</td>
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<td>Attached</td>
<td>4/7/2020</td>
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<td>276195</td>
<td>Desert Green Lawn &amp; Tree Care</td>
<td>Lawn Maintenance</td>
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<td>$38,716.39</td>
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</table>

As the duly appointed Board for this Agency, we have reviewed the claims listed above and approve expenditures by our signatures below this day of 2020.

BOARD OF DIRECTORS:

Rob Rodger, BCAA

Nancy Aldrich

James Beaver

Paul Parish

Jerry Peltier

Duane LaPierre

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<table>
<thead>
<tr>
<th>VENDOR CODE</th>
<th>VENDOR NAME</th>
<th>DESCRIPTION</th>
<th>BARS CODE</th>
<th>BCAA Code</th>
<th>STATEMENT DATE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>142318</td>
<td>Bell Brown &amp; Rio</td>
<td>Legal Services</td>
<td>1208</td>
<td>4100</td>
<td>4/2/2020</td>
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<td>238803</td>
<td>Connell Oil Inc.</td>
<td>Vehicle Fuel</td>
<td>CL44991</td>
<td>4807</td>
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<td>750314</td>
<td>Quality Business Systems Inc.</td>
<td>Printing Fees</td>
<td>IN2298038</td>
<td>3106</td>
<td>4/1/2020</td>
<td>$138.30</td>
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</table>

**TOTAL** $1,725.02

As the duly appointed Board for this Agency, we have reviewed the claims listed above and approve expenditures by our signatures below this______ day of __________, 2020.

**BOARD OF DIRECTORS:**

Nancy Aldrich

James Beaver

Jerry Peltier

Paul Parish

Duane LaPierre

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<table>
<thead>
<tr>
<th>VENDOR CODE</th>
<th>VENDOR NAME</th>
<th>DESCRIPTION</th>
<th>BARS CODE</th>
<th>BCAA CODE</th>
<th>STATEMENT DATE</th>
<th>AMOUNT</th>
<th>VOUCHER #</th>
</tr>
</thead>
<tbody>
<tr>
<td>103732</td>
<td>Advanced Protection Services, Inc.</td>
<td>Facility Maintenance</td>
<td>R120672</td>
<td>4801</td>
<td>3/20/2020</td>
<td>488.2</td>
<td>205365</td>
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<tr>
<td>476859</td>
<td>Intermountain Cleaning Service</td>
<td>Janitorial Services</td>
<td>97323</td>
<td>4801</td>
<td>3/15/2020</td>
<td>214.00</td>
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<td>598207</td>
<td>Lyle, John</td>
<td>Cell Phone Reimbursement</td>
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<td>4205</td>
<td>3/30/2020</td>
<td>75.00</td>
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</tr>
<tr>
<td>746612</td>
<td>Priddy, Robin</td>
<td>Cell Phone Reimbursement</td>
<td>4200</td>
<td>4205</td>
<td>3/30/2020</td>
<td>75.00</td>
<td>205368</td>
</tr>
<tr>
<td>782669</td>
<td>Rodger, Rob</td>
<td>Cell Phone Reimbursement</td>
<td>4200</td>
<td>4205</td>
<td>3/30/2020</td>
<td>75.00</td>
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<tr>
<td>911568</td>
<td>Thompson, Tyler</td>
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<td></td>
<td>562.82</td>
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</tr>
</tbody>
</table>

As the duly appointed Board for this Agency, we have reviewed the claims listed above and approve expenditures by our signatures below this ______ day of _________, 2020.

**BOARD OF DIRECTORS:**

Nancy Aldrich

James Beaver

Jerry Peltier

Paul Parish

Duane LaPierre

PLEASE NOTE: It is the AGENCY'S responsibility to maintain adequate, original, records to substantiate these claims.
### VOUCHER PAYMENT REQUEST

**Benton Clean Air Agency**  
**VOUCHER PAYMENT REQUEST**  
**Warrants Dated yr. 2020:**  
**March 19, 2020**  

<table>
<thead>
<tr>
<th>VENDOR CODE</th>
<th>VENDOR NAME</th>
<th>DESCRIPTION</th>
<th>BARS CODE</th>
<th>BCAA CODE</th>
<th>STATEMENT DATE</th>
<th>AMOUNT</th>
<th>VOUCHER #</th>
</tr>
</thead>
<tbody>
<tr>
<td>142318</td>
<td>Bell Brown &amp; Rio</td>
<td>Legal Services</td>
<td>1193</td>
<td>4100</td>
<td>3/5/2020</td>
<td>$1,500.00</td>
<td>204471</td>
</tr>
<tr>
<td>226804</td>
<td>Benton Clean Air Agency Payroll</td>
<td>Payroll Reimbursement</td>
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<td>Attached</td>
<td>3/9/2020</td>
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<tr>
<td>276206</td>
<td>Desert Springs Bottled Water</td>
<td>Water Delivery Service</td>
<td>432718</td>
<td>4801</td>
<td>2/29/2020</td>
<td>$14.12</td>
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<tr>
<td>857505</td>
<td>Smoke School, Inc.</td>
<td>Training</td>
<td>4259</td>
<td>4301</td>
<td>3/9/2020</td>
<td>$400.00</td>
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<td>922682</td>
<td>Tri City Herald</td>
<td>Legal Advertisement</td>
<td>1857395</td>
<td>4401</td>
<td>3/1/2020</td>
<td>$54.38</td>
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<td>930133</td>
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</table>

**TOTAL** $40,263.77

As the duly appointed Board for this Agency, we have reviewed the claims listed above and approve expenditures by our signatures below this day of _________, 2019.

**BOARD OF DIRECTORS:**

Nancy Aldrich  
James Beaver  
Jerry Peltier  
Paul Parish  
Duane LaPierre
<table>
<thead>
<tr>
<th>VENDOR CODE</th>
<th>VENDOR NAME</th>
<th>DESCRIPTION</th>
<th>BARS CODE</th>
<th>BCAA Code</th>
<th>STATEMENT DATE</th>
<th>AMOUNT</th>
<th>VOUCHER #</th>
</tr>
</thead>
<tbody>
<tr>
<td>103732</td>
<td>Advanced Protection Services, Inc.</td>
<td>Facility Maintenance</td>
<td>R120153</td>
<td>4801</td>
<td>4801</td>
<td>2/28/2020</td>
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<tr>
<td>238803</td>
<td>Connell Oil Inc.</td>
<td>Vehicle Fuel</td>
<td>CL41247</td>
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<td>4807</td>
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<td>272047</td>
<td>De Lage Landen</td>
<td>Copier &amp; Printer Rental and Usage</td>
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<td>3105</td>
<td>3106</td>
<td>3/7/2020</td>
<td>$381.57</td>
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<td>4801</td>
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<td>$284.97</td>
</tr>
</tbody>
</table>

**TOTAL**: $806.81

As the duly appointed Board for this Agency, we have reviewed the claims listed above and approve expenditures by our signatures below this day of 2019.

**BOARD OF DIRECTORS:**

Rob Rodger, BCAA

Nancy Aldrich

James Beaver

Paul Parish

Jerry Peltier

Duane LaPierre

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<table>
<thead>
<tr>
<th>VENDOR</th>
<th>VENDOR NAME</th>
<th>DESCRIPTION</th>
<th>BARS CODE</th>
<th>BCAA CODE</th>
<th>STATEMENT DATE</th>
<th>AMOUNT</th>
<th>VOUCHER #</th>
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</thead>
<tbody>
<tr>
<td>147881</td>
<td>Benton-Franklin Fair &amp; Rodeo</td>
<td>Outreach event</td>
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<td>4403</td>
<td>2/26/2020</td>
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<td></td>
<td>$740.00</td>
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</tr>
</tbody>
</table>

As the duly appointed Board for this Agency, we have reviewed the claims listed above and approve expenditures by our signatures below this ___ day of ___ 2019.

**BOARD OF DIRECTORS:**

Nancy Aldrich

James Beaver

Paul Parish

Jerry Peltier

Duane LaPierre

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<th>STATEMENT DATE</th>
<th>AMOUNT</th>
<th>VOUCHER #</th>
</tr>
</thead>
<tbody>
<tr>
<td>598207</td>
<td>Lyle, John</td>
<td>Cell Phone Reimbursement</td>
<td>4200</td>
<td>4205</td>
<td>2/24/2020</td>
<td>$75.00</td>
<td>203649</td>
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<td>746612</td>
<td>Priddy, Robin</td>
<td>Cell Phone Reimbursement</td>
<td>4200</td>
<td>4205</td>
<td>2/24/2020</td>
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<td>203650</td>
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<td>Rodger, Rob</td>
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<td>4200</td>
<td>4205</td>
<td>2/24/2020</td>
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<td>911568</td>
<td>Thompson, Tyler</td>
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<td>4205</td>
<td>2/24/2020</td>
<td>$75.00</td>
<td>203652</td>
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<td></td>
<td><strong>$300.00</strong></td>
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</tr>
</tbody>
</table>

As the duly appointed Board for this Agency, we have reviewed the claims listed above and approve expenditures by our signatures below this ______ day of ________, 2019.

**BOARD OF DIRECTORS:**

Nancy Aldrich

James Beaver

Jerry Peltier

Paul Parish

Duane LaPierre

*PLEASE NOTE: It is the AGENCY'S responsibility to maintain adequate, original, records to substantiate these claims.*
<table>
<thead>
<tr>
<th>Income</th>
<th>Jul 19 - May 20</th>
<th>Budget</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core/Base Grant</td>
<td>92,797</td>
<td>125,953</td>
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<tr>
<td>Engr - Air Operating Permit</td>
<td>103,455</td>
<td>103,571</td>
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<tr>
<td>Engr - Notice of Constrn. (NOC)</td>
<td>12,994</td>
<td>19,000</td>
<td>68</td>
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<td>Fees - Registration</td>
<td>111,495</td>
<td>115,632</td>
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<tr>
<td>Fees - Asbestos Notifications</td>
<td>15,273</td>
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<tr>
<td>Fees - Burn Permits</td>
<td>22,619</td>
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<td>Investment Income</td>
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<tr>
<td>Local Assessments</td>
<td>152,156</td>
<td>195,460</td>
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<td>Misc (Non) Revenue</td>
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<td>7</td>
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<td>PM 2.5 Monitoring Grant</td>
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<tr>
<td>Woodstove Monitoring Grant</td>
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<td>83</td>
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<tr>
<td>Penalties</td>
<td>5,800</td>
<td>10,000</td>
<td>58</td>
</tr>
<tr>
<td><strong>Total Income (Through March)</strong></td>
<td><strong>531,857</strong></td>
<td><strong>617,080</strong></td>
<td><strong>86</strong></td>
</tr>
<tr>
<td>Est Income (April and May)</td>
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<td></td>
</tr>
<tr>
<td><strong>Provisional Total through May 2020</strong></td>
<td><strong>621,816</strong></td>
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<td></td>
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</table>

<table>
<thead>
<tr>
<th>Expense</th>
<th>Jul 19 - May 20</th>
<th>Budget</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000 - Salaries &amp; Wages</td>
<td>225,294</td>
<td>296,388</td>
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<td>2100 - Benefits</td>
<td>110,236</td>
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<td>3100 - Operating Supplies</td>
<td>6,444</td>
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<td>64</td>
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<td>4100 - Professional Services</td>
<td>23,616</td>
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<td>4200 - Communications</td>
<td>10,264</td>
<td>14,300</td>
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<td>4301 - Travel and Training</td>
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<td>4403 - Outreach and Advertising</td>
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<td>4600 - Insurance</td>
<td>9,536</td>
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<td>4700 - Utilities</td>
<td>1,609</td>
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<td>4800 - Repairs &amp; Maintenance</td>
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<td>4901 - Dues</td>
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<td>6500 - Refunds</td>
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<td>6400 - Capital Expenditures</td>
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<td><strong>Total Expense (through March)</strong></td>
<td><strong>423,813</strong></td>
<td><strong>590,113</strong></td>
<td><strong>71.8</strong></td>
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<td>Est Expenditures (April and May)</td>
<td><strong>85,650</strong></td>
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<td></td>
</tr>
<tr>
<td><strong>Provisional Total Expenditures through May 2020</strong></td>
<td><strong>509,463</strong></td>
<td><strong>590,113</strong></td>
<td><strong>86.3</strong></td>
</tr>
</tbody>
</table>
## Benton Clean Air Agency

**ENGINEERING REPORT for May 2020**

<table>
<thead>
<tr>
<th>Applicant</th>
<th>MOB/ Relocate Requests</th>
<th>NOC, NIO, RO Applications</th>
<th>Orders of Approval</th>
</tr>
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<tbody>
<tr>
<td>Permafix (Incomplete) Permafix (Mod) - 2</td>
<td>3</td>
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<tr>
<td>Agrium</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>American Rock Prod</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Columbia Crest</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Kenn Auto Body (Inc), Resilient Coffee(Inc), ATI</td>
<td></td>
<td>3</td>
<td></td>
</tr>
</tbody>
</table>

### Permitting Data Monthly TOTAL

| 2020 | 1 | 5 | 8 |

### Compliance

- **Source Inspections - GDF**: Ongoing - Tyler
- **Source Inspections – Surface coating facilities**: Ongoing - Tyler
- **Compliance assistance**: Perma-fix
- **Training**: SIMON, EAGL

### Notes

- Autobody MACT – compliance assistance: Ongoing
- Gas Station MACT – compliance assistance: Ongoing

---

**NOC** – Notice of Construction Application. This application is required by WAC 173-400-110 for new sources and sources that modify their facility or air pollution control equipment. Once submitted, the BCAA has 30 days to determine if the application is complete. If the application is not complete, the clock resets until the application is complete. Once the application is determined to be complete, the BCAA has 60 days to issue an Order of Approval or Order of Denial. All facilities using the NOC process must install Best Available Control Technologies (BACT).

**NIO** – Notice of Intent to Operate Application. An application is required (WAC 173-400-035) for portable and temporary sources that operate for less than one year. The BCAA has 30 days to issue or deny a permit.

**MOD** – Permit Modification. This indicates that the BCAA is requiring, or the source requests, that modifications be made to an existing Title V, Order, or other permit. There are no time clocks that guide these activities, but generally, the BCAA processes permit modifications within the 90-day timeframe.

**COMP** – Compliance Assurance and Assistance. A significant activity of the engineering program is to assure regulatory compliance of BCAA’s Title 5 sources to the EPA. Synthetic Minor and other sources also receive compliance reviews, to assure regulatory compliance of records, reporting, and facility operation.

*Completions of compliance work.

**RO** – Title 5 permits must be renewed every 5 years. The renewal process includes updating emission and control equipment information, updating regulatory applicability and compliance.
<table>
<thead>
<tr>
<th>ORDER</th>
<th>CONSENT</th>
<th>PENDING PENALTY</th>
<th>TOTAL PENALTY</th>
<th>FIRE DEPT. PENALTY</th>
<th>DEBT PENDING</th>
<th>DEBT TOTAL</th>
<th>Date</th>
<th>District</th>
<th>SHEET 880220</th>
<th>Asbestos</th>
<th>Operator</th>
<th>OWNER</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>$1,000.00</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
<td>4/15/20</td>
<td>2/28/20</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<td>$400.00</td>
<td>$600.00</td>
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<td>20-003</td>
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<td></td>
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<td>$600.00</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
<td>4/24/20</td>
<td>20-005</td>
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<td></td>
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<td>20-005</td>
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</table>

*Reflects status as of June 09, 2020*
May 01, 2020 to May 31, 2020
Complaints Summary

Complaints by City (59 complaints)

Complaints by Type (59 complaints)

Actions Taken (60)
## Monthly Monitoring Report

### Continuous Data (Unofficial Data) – May 2020
Station – (BCAA) S. Steptoe St.

### Ozone

#### Highest 8-hour Average

<table>
<thead>
<tr>
<th>Day</th>
<th>$O_3$ in ppb</th>
<th>Overall AQI</th>
<th>Day</th>
<th>$O_3$ in ppb</th>
<th>Overall AQI</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>N/A</td>
<td>N/A</td>
<td>16</td>
<td>38.0</td>
<td>Good</td>
</tr>
<tr>
<td>2</td>
<td>N/A</td>
<td>N/A</td>
<td>17</td>
<td>33.3</td>
<td>Good</td>
</tr>
<tr>
<td>3</td>
<td>N/A</td>
<td>N/A</td>
<td>18</td>
<td>36.5</td>
<td>Good</td>
</tr>
<tr>
<td>4</td>
<td>N/A</td>
<td>N/A</td>
<td>19</td>
<td>34.3</td>
<td>Good</td>
</tr>
<tr>
<td>5</td>
<td>N/A</td>
<td>N/A</td>
<td>20</td>
<td>27.3</td>
<td>Good</td>
</tr>
<tr>
<td>6</td>
<td>N/A</td>
<td>N/A</td>
<td>21</td>
<td>37.9</td>
<td>Good</td>
</tr>
<tr>
<td>7</td>
<td>46.5</td>
<td>Good</td>
<td>22</td>
<td>34.9</td>
<td>Good</td>
</tr>
<tr>
<td>8</td>
<td>41.5</td>
<td>Good</td>
<td>23</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>9</td>
<td>44.9</td>
<td>Good</td>
<td>24</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>10</td>
<td>41.1</td>
<td>Good</td>
<td>25</td>
<td>30.6</td>
<td>Good</td>
</tr>
<tr>
<td>11</td>
<td>41.9</td>
<td>Good</td>
<td>26</td>
<td>41.3</td>
<td>Good</td>
</tr>
<tr>
<td>12</td>
<td>39.9</td>
<td>Good</td>
<td>27</td>
<td>53.4</td>
<td>Good</td>
</tr>
<tr>
<td>13</td>
<td>42.4</td>
<td>Good</td>
<td>28</td>
<td>57.1</td>
<td>Moderate</td>
</tr>
<tr>
<td>14</td>
<td>45.5</td>
<td>Good</td>
<td>29</td>
<td>60.8</td>
<td>Moderate</td>
</tr>
<tr>
<td>15</td>
<td>45.6</td>
<td>Good</td>
<td>30</td>
<td>32.4</td>
<td>Good</td>
</tr>
<tr>
<td>16</td>
<td>38.0</td>
<td>Good</td>
<td>31</td>
<td>38.4</td>
<td>Good</td>
</tr>
</tbody>
</table>

$O_3$ EPA Standard: 70 ppm 8-hour average

### Air Quality Index Categories

- **Good**
- **Moderate**
- **Unhealthy/Sensitive**
- **Unhealthy/Allergies**
- **Very Unhealthy**
- **Hazardous**
# Monthly Monitoring Report

**Continuous Data (Unofficial Data) – May 2020**
**Station – Kennewick**

<table>
<thead>
<tr>
<th>Day</th>
<th>BM PM$_{10}$ Conc $\mu g/m^3$</th>
<th>NephPM$_{2.5}$ Conc $\mu g/m^3$</th>
<th>Overall AQI</th>
<th>Day</th>
<th>BM PM$_{10}$ Conc $\mu g/m^3$</th>
<th>NephPM$_{2.5}$ Conc $\mu g/m^3$</th>
<th>Overall AQI</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>14.2</td>
<td>4</td>
<td>Good</td>
<td>16</td>
<td>11</td>
<td>3.6</td>
<td>Good</td>
</tr>
<tr>
<td>2</td>
<td>50.2</td>
<td>4.4</td>
<td>Good</td>
<td>17</td>
<td>4.6</td>
<td>2.8</td>
<td>Good</td>
</tr>
<tr>
<td>3</td>
<td>7.7</td>
<td>2</td>
<td>Good</td>
<td>18</td>
<td>6</td>
<td>3.6</td>
<td>Good</td>
</tr>
<tr>
<td>4</td>
<td>14.8</td>
<td>3.7</td>
<td>Good</td>
<td>19</td>
<td>4.6</td>
<td>2.9</td>
<td>Good</td>
</tr>
<tr>
<td>5</td>
<td>26</td>
<td>4.7</td>
<td>Good</td>
<td>20</td>
<td>12.9</td>
<td>2.6</td>
<td>Good</td>
</tr>
<tr>
<td>6</td>
<td>28.9</td>
<td>2.7</td>
<td>Good</td>
<td>21</td>
<td>17.7</td>
<td>1.6</td>
<td>Good</td>
</tr>
<tr>
<td>7</td>
<td>9.5</td>
<td>3</td>
<td>Good</td>
<td>22</td>
<td>7</td>
<td>1.8</td>
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</tr>
<tr>
<td>8</td>
<td>25.2</td>
<td>3.5</td>
<td>Good</td>
<td>23</td>
<td>6</td>
<td>2.4</td>
<td>Good</td>
</tr>
<tr>
<td>9</td>
<td>9.7</td>
<td>3.5</td>
<td>Good</td>
<td>24</td>
<td>7.6</td>
<td>3.4</td>
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</tr>
<tr>
<td>10</td>
<td>16.9</td>
<td>3.5</td>
<td>Good</td>
<td>25</td>
<td>9.1</td>
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<tr>
<td>11</td>
<td>40.7</td>
<td>4.6</td>
<td>Good</td>
<td>26</td>
<td>7.5</td>
<td>2.1</td>
<td>Good</td>
</tr>
<tr>
<td>12</td>
<td>40.1</td>
<td>2.8</td>
<td>Good</td>
<td>27</td>
<td>15.2</td>
<td>3.9</td>
<td>Good</td>
</tr>
<tr>
<td>13</td>
<td>12.4</td>
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<td>Good</td>
</tr>
<tr>
<td>14</td>
<td>12.8</td>
<td>2.2</td>
<td>Good</td>
<td>29</td>
<td>33.1</td>
<td>6.3</td>
<td>Good</td>
</tr>
<tr>
<td>15</td>
<td>6.6</td>
<td>2.3</td>
<td>Good</td>
<td>30</td>
<td>43.8</td>
<td>5.6</td>
<td>Good</td>
</tr>
<tr>
<td>31</td>
<td></td>
<td></td>
<td></td>
<td>31</td>
<td>17.2</td>
<td>2.4</td>
<td>Good</td>
</tr>
</tbody>
</table>

PM$_{10}$ standard: 150 $\mu g/m^3$ (24-hr), 50 $\mu g/m^3$ (annual)  
PM$_{2.5}$ standard: 35 $\mu g/m^3$ (24-hr), 15 $\mu g/m^3$ (annual)

Air Quality Index Categories
- **Good**
- **Moderate**
- **Unhealthy/Sensitive**
- **Unhealthy/All**
- **Very Unhealthy**
- **Hazardous**

Note: PM$_{2.5}$ AQI is no longer used in WA. Washington State Dept. of Ecology has developed the WAQA (Washington Air Quality Advisor).

WAQA is very similar to the Environmental Protection Agency’s (EPA)’s national information tool, the Air Quality Index (AQI). Both use color-coded categories to show when air quality is good, moderate or unhealthy. The difference is that WAQA shows the health effects of PM$_{2.5}$ at lower levels than the AQI does. In other words, WAQA shows that air quality is unhealthy earlier – when there is less PM$_{2.5}$ in the air.