



Missoula City-County Air Pollution Control Board  
June 18, 2009

**Board Members Present:** Dr. Garon Smith (Chair), Dr. Sandy Kuntz (Vice Chair), Jean Curtiss, Dr. Alan Gabster, Ross Miller, Renee Mitchell, and Eileen Sansom

**Health Department Staff Present:** Health Administration: Ellen Leahy and Julie Mohr; and Environmental Health: Jim Carlson and Shannon Therriault

**Legal Counsel Present:** Marnie McClain (Chief Civil Deputy County Attorney)

**Others Present:** Matt Arno, John Garberson, Ron Scholl, and Daniel Westberg

**MEETING CALLED TO ORDER**

Dr. Smith called the meeting to order at 1:41 p.m.

**ITEM 1 APPROVE APRIL 23, 2009 AND MAY 21, 2009 MINUTES**

The April 23, 2009 minutes were approved as submitted. The May 21, 2009 minutes were approved with a change to the second bullet in Item 1 to read, "...data that have been collected."

**ITEM 2 ADOPT COST OF LIVING INCREASE FOR AIR POLLUTION CONTROL PROGRAM FEES**

➤ **Attachment A**, "June 11, 2009 Memorandum: Air Quality Fee Increases"

Shannon Therriault requested that the board adopt a cost of living increase of approximately 6% for Air Pollution Control Program fees for paving permits, permits for wood stove installations inside the Air Stagnation Zone, and industrial permits.

- There are applications that are only paid one time. Renewal fees are paid annually.
- The proposed effective date for the new fees is July 1, 2009. The proposal to increase fees was noticed in the same way as was the case for the increase in Environmental Health fees discussed by the Board of Health. Notice was not sent specifically to parties who are involved in paving, who acquire permits related to solid fuel burning devices, or who obtain industrial permits. The information was also available at the health department and via the Internet but not for very long.

In response to questions from Jean Curtiss and Dr. Kuntz, Ms. Therriault said paving-related permits are required only within the Air Stagnation Zone. A paving permit review is required each time a new driveway is created. Not all reviews result in paving being required. The fees cover staff time spent on the reviews. When paving is required, the higher fee is charged in place of—not in addition to—the lower fee because a staff member also has to perform an inspection.

Through a cooperative agreement, the City issues permits within city limits. At present, permits to install solid fuel burning devices apply only to pellet stoves installed inside the Air Stagnation Zone. If the board adopts proposed changes to the Air Pollution Control Program regulations, the

fees could go into effect in a broader area. Ms. Therriault described the purpose of the review and explained the fee is small because there is no site visit by a health department staff member. The building department checks on the actual installation of solid fuel burning devices.

**Public Comments:** No comments were given.

Dr. Kuntz made a motion to accept the Air Quality fee increases as proposed.

**Motion: The motion was unanimously approved to adopt the Air Quality fee increases as proposed.**

**ITEM 3 STAFF UPDATE ON SOURCE IDENTIFICATION TESTING AS PART OF THE NOTICE OF VIOLATION AND ORDER TO TAKE CORRECTIVE ACTION ISSUED TO THE CITY WASTEWATER TREATMENT PLANT AND EKO COMPOST IN DECEMBER 2008**

- **Attachment B**, “Technical Memorandum No. 1: Protocol for Sampling and Analysis Plan for Missoula Odor Characterization Study”

Jim Carlson, Director of Environmental Health, provided an update on the department’s issuance of a joint Notice of Violation and Order to Take Corrective Action to the City of Missoula Wastewater Treatment Plant and Eko Compost in December 2008.

- Since then the parties have been in compliance.
- At an administrative hearing, they did ask for an extension to submit a required plan, which was granted. The study design was submitted on time.
- They have initiated the approved study.
- Some details still need to be worked out pertaining to the complaint hotline for use by people in the affected areas.
- The parties hired an engineering firm that in turn hired an expert on odors from sewage treatment and biosolids processing with regard to ambient sampling, identification, and treatment of the odors.
- Ambient air sampling is underway March through October using equipment known as a “nasal ranger” to cover a specified route.
- The City purchased wind instrumentation so that data on the time and location of odor complaints can be correlated with existing conditions at the time to try to determine the source. It is known that certain odors are generated at the treatment plant and at Eko Compost. There are concerns that the sewer collection system may emit odors during certain times of the year when it is very warm and sewage is moving toward the treatment plant. It may emit odors through drains or venting systems on buildings with city plumbing. **Attachment B** lists equipment at both locations that will be sampled for odors.

Ms. Curtiss asked if both parties are paying for the activities. Mr. Carlson said it was not clear. The City is the primary contractor but Eko Compost is participating and cooperating in the study. Sampling will be performed at both locations. Eileen Sansom said the odor has been better this spring but it depends on the temperature and direction of the wind. Director Leahy said there were two difficulties that had to be addressed: one was to overcome finger pointing. The two parties are working together. Much more scientific data are also now being brought into the picture but without negating the subjective data so there is follow-up when a subjective

complaint is received. The department is attempting to link the objective and subject data together and hopes that whatever is discovered can be fixed or made to work.

**ITEM 4 AIR QUALITY ADVISORY COUNCIL UPDATE**

John Garberson, chair of the council, said the journal report was about the California Air Resource Board's adoption of a rule that says alternative transportation fuels should not have a higher carbon impact than gasoline. That board has determined corn-based ethanol does have a higher adverse carbon impact. The council also learned a tentative proposal has been made to the university to install a wood-fired boiler for heating purposes on campus. It would have a large impact on emissions. Matt Arno and Guy Hanson presented useful comments on proposed changes to the Air Pollution Control Program regulations. Mr. Garberson commended staff members for the storyboards developed for the open house events related to the proposal.

**ITEM 5 TRANSPORTATION POLICY COORDINATING COMMITTEE UPDATE**

Director Leahy reported discussion included an agenda item to consider establishing the board's member on the committee as a voting member. Jim Carlson spoke to the committee but discussion did not favor doing so. No vote was taken. Dr. Smith said not having a vote usually does not matter if he has done his homework.

**ITEM 6 PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

Matt Arno, a local forester, described his company's use of woody biomass. He was glad to see the board supports using resources in a sustainable manner—as demonstrated by their decision on the homeWORD variance. He encouraged the board to address gaps in the existing Air Pollution Control Program regulations in order to allow use of new types of technology that burn wood cleanly. John Garberson commended the County's road department for their work to provide dust abatement.

**ITEM 7 BOARD AND STAFF COMMENTS ON ITEMS NOT ON THE AGENDA**

Marnie McClain said Missy's Way Homeowners Association asked for a dismissal of the lawsuit it initiated against the board regarding the air quality permit issued to T & T Contracting Inc.

**ADJOURNMENT:** Dr. Smith adjourned the meeting at 2:12 p.m.

Respectfully submitted,

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Ellen Leahy  
Health Officer

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Garon Smith  
Chair