

*YAKIMA REGIONAL  
CLEAN AIR AGENCY*

**ADMINISTRATIVE CODE  
PART B**

**SECTIONS 1 THROUGH 11**



## TABLE OF CONTENTS

<b>SECTION 1: <i>(Revised 11/10/11)</i></b>	<b><i>Page #</i></b>
<b>Administrative Code and Organizational Structure</b>	
<b><i>1.1 Introduction</i></b>	
1.1.1 Agency Vision	1-1
1.1.2 Agency Mission	
<b><i>1.2 Purpose and Limitation</i></b>	
1.2.1 The Purpose of this Administrative Code	1-1
1.2.2 When Policy is Not Available	
<b><i>1.3 Applicability and Acknowledgement</i></b>	1-2
<b><i>1.4 Organizational Structure</i></b>	1-2
Current Organizational Chart	1-6
<b><i>Appendix to YRCAA Administrative Code Part B, Section 1</i></b>	A-1
<b>SECTION 2: <i>(adopted 06/14/07 Adopted Revision 07/08/10)</i></b>	
<b>Administrative Procedures</b>	
<b><i>2.1 Front Office Reception Area</i></b>	2-1
2.1.1 Front Office Administrative Assistant (FOAA)	
2.1.2 Visitors	
2.1.3 Messages	
2.1.4 Mail	
2.1.5 Front Office and Division and Program Interaction	
<b><i>2.2 Fiscal Processes</i></b>	2-2
2.2.1 Handling Monies	
2.2.2 Invoices	
2.2.3 Purchasing Office Supplies and Equipment	
<b><i>2.3 FOAA Scheduling</i></b>	2-4
2.3.1 Conference Room	
2.3.2 Checking In and Out with FOAA	
2.3.3 Office Opening and Closing	
<b><i>2.4 Administrative Briefings</i></b>	2-5
2.4.1 Staff Briefings	
2.4.2 Leadership Team Briefings	
<b><i>2.5 Communication</i></b>	2-5
2.5.1 Outgoing Correspondence	
2.5.2 Internal Communication	
2.5.3 External Communication	
2.5.4 Non-English Speaking Clients	
<b><i>2.6 Forms</i></b>	2-8
<b><i>2.7 Public Records (Replaced 04/12/12 with Administrative Code Part C Section 1)</i></b>	2-8

	<i>Page #</i>
<b>2.8 Board Meeting Procedures</b>	2-8
2.8.1 Schedule and Notice of Board Meetings	
2.8.2 Preparation for Board Meetings	
2.8.3 Day of Board Meeting	

**SECTION 3: (adopted 07/08/10)**  
**Agency Equipment**

<b>3.1 Agency Vehicles</b>	3-1
3.1.1 Vehicle Assignments	
3.1.2 Availability	
3.1.3 Routine Maintenance	
3.1.4 Non-Routine Maintenance	
3.1.5 Requirements for Drivers	
3.1.6 Safety Equipment	
3.1.7 Non-Agency Passengers	
3.1.8 Use of Privately Owned Vehicles (POV)	
3.1.9 Vehicle Incidents/Accidents	
3.1.10 Disciplinary Action	

<b>3.2 Electronic Equipment and Systems (Technology Resources)</b>	3-5
3.2.1 No Expectation of Privacy	
3.2.2 Ownership	
3.2.3 Confidentiality	
3.2.4 Telephones and Cell Phones	
3.2.5 Computers and System	
3.2.6 Email and Internet	
3.2.7 Acceptable Uses	
3.2.8 Prohibited Uses	
3.2.9 Social Media	
3.2.10 Violations	

<b>3.3 Miscellaneous Equipment</b>	3-8
3.3.1 Non-Routine Maintenance	
3.3.2 Routine Maintenance	
3.3.3 Procedural Requirements	

**SECTION 4:**  
**Health Safety and Emergency (Reserved)**

**SECTION 5: (adopted by Board 06/14/07)**  
**Compliance Assurance**

<b>5.1 Purpose of Compliance Evaluations</b>	5-1
5.1.1 Educate and Assist Sources	
5.1.2 Determine Compliance	
5.1.3 Sources Not in Compliance	
5.1.4 Respond to Complaints	
<b>5.2 Planning</b>	5-1
5.2.1 Evaluating	
5.2.2 Defining Objectives	

	<i>Page#</i>
5.2.3 Prioritizing	
5.2.4 Establishing Criteria	
5.2.5 Estimating Resources	
<b>5.3 Standard Procedures</b>	5-1
<b>5.4 Employee Responsibilities</b>	5-2
5.4.1 Legal Responsibilities	
5.4.2 Procedural Requirements	
5.4.3 Training	
5.4.4 Safety Responsibilities	
5.4.5 Professional and Ethical Responsibilities	
<b>5.5 Compliance Monitoring Strategy</b>	5-4
5.5.1 Compliance Monitoring Plan	
5.5.2 Stationary Sources	
5.5.3 Compliance Evaluation Teams	
5.5.4 Asbestos Projects	
5.5.5 Gasoline Vapor Sources	
<b>5.6 Complaint Response</b>	5-6
5.6.1 Receipt and Entry	
5.6.2 Invalid Complaints	
5.6.3 Response Levels	
5.6.4 Tracking	
<b>5.7 Site Inspections</b>	5-8
5.7.1 Pre-Inspection Preparation	
5.7.2 Inspection Plan	
5.7.3 Notification	
5.7.4 Off-Premises Observation	
5.7.5 Entry	
5.7.6 Pre-Compliance Evaluation Conference	
5.7.7 Post-Inspection Conference	
<b>5.8 Evidence</b>	5-13
5.8.1 Evidence Collection	
5.8.2 Testimonial	
5.8.3 Direct	
5.8.4 Documentary	
5.8.5 Demonstrative	
<b>5.9 Compliance Evaluation Reports</b>	5-20
5.9.1 Preparation	
5.9.2 Field Notes	
5.9.3 Timely Reporting	
5.9.4 Registration File Update	
<b>5.10 Notices of Violation</b>	5-21
5.10.1 Conditions for Issuance	
5.10.2 Timing	
5.10.3 Completing the Notice of Violation	
5.10.4 Data Entry	
5.10.5 Follow-up Inspections	

	<b>Page#</b>
<b>5.11 Enforcement</b>	5-23
5.11.1 Civil Penalties	
5.11.2 Injunctive Relief	
5.11.3 Criminal Penalties	
<b>5.12 Asbestos</b>	5-25
5.12.1 Arrival at the Site	
5.12.2 Gather Information	
5.12.3 Inspection Procedures	
5.12.4 Inspection Reports	
5.12.5 Exit Interview	
5.12.6 Follow-Up	
<b>5.13 Gasoline Stations</b>	5-28
5.13.1 Applicability	
5.13.2 Arrival at the Site	
5.13.3 Inspection Procedures	
5.13.4 Reporting	
5.13.5 Follow-Up	
<b>5.14 Woodsmoke</b>	5-30
5.14.1 Applicability	
5.14.2 Inspection Procedures	
5.14.3 Follow-Up	
 <b><u>Appendices</u></b>	
<b>Appendix 5A Respiratory Protection Program</b>	5-32
<b>Appendix 5B Asbestos Compliance Evaluation Guidelines</b>	5-33
<b>Appendix 5C Asbestos Bulk Sampling Guidelines</b>	5-34
<b>Appendix 5D Procedures for Accidental Exposure to Asbestos</b>	5-35
<b>Appendix 5E Enforcement Policy</b>	5-37
 <b>SECTION 6:</b>	
<b>    Permitting (adopted 10/11/07)</b>	
<b>6.0 Introduction</b>	6-1
<b>6.1 New Source Review</b>	6-1
6.1.2 NSR Application	
6.1.3 Procedure for Issuing an OA	
6.1.4 Determination	
6.1.5 Recourse	
6.1.6 Expedited Permit Process	
6.1.7 Compliance With an OA	
<b>6.2 Air Operating Permits</b>	6-3
6.2.1 Applicability	
6.2.2 Requirements	
6.2.3 Permit Application	

	<i>Page#</i>
6.2.4 Permit Content	
6.2.5 Permit Issuance, Renewal and Modification	
6.2.6 Permit Fees	
<b>6.3 Area Source Registration</b>	6-5
6.3.1 Applicability	
6.3.2 Exemptions	
6.3.3 Requirements	
<b>6.4 Burn Permits</b>	6-7
6.4.1 General Provisions for all Outdoor Burning	
6.4.2 Provisions for Residential Outdoor Burning	
6.4.3 Storm and Flood Debris Burning	
6.4.4 Fire Fighting Training Fires	
6.4.5 Aircraft Crash Rescue Fire Training	
6.4.6 Agricultural Burning Permits	
6.4.7 Burning Consistent with RCW 70.94.743(1)(d)(i)	
6.4.8 Land Clearing – Special Use	
6.4.9 General Rule Permits	
6.4.10 Permit Duration	
6.4.11 Permit Application Process	
6.4.12 Permit Fees	
<b>6.5 Notification of Demolition and Renovation</b>	6-13
6.5.1 Purpose and Applicability	
6.5.2 NODR Processing	
6.5.3 NODR Fees	
6.5.4 Amendments to NODR	
6.5.5 Emergency Notification	
6.5.6 Survey Requirements and Records	
6.5.7 Additional Information	
<b>6.6 Dust Control Plans</b>	6-15
6.6.1 Purpose	
6.6.2 Construction Dust	
6.6.3 Dust from Cattle Feeding Operations	
<b>SECTION 7:</b>	
<b>Total Quality Management – (adopted 05/10/06)</b>	
<b>7.1 Introduction</b>	7-1
<b>7.2 Purpose</b>	7-1
<b>7.3 Overview</b>	7-1
<b>7.4 Changes</b>	7-2
<b>7.5 What is Quality?</b>	7-3
<b>7.6 Who is the Customer?</b>	7-3
<b>7.7 Defining Quality</b>	7-3

	<b>Page#</b>
<b>7.8 Total Quality is Customer Driven</b>	7-4
<b>7.9 Meeting or Exceeding Expectations</b>	7-5
<b>7.10 Quality is a Moving Target</b>	7-6
<b>7.11 Traditional Thinking</b>	7-6
<b>7.12 Total Quality Thinking</b>	7-6
<b>7.13 Quality is Meeting or Exceeding Expectations – Consistently</b>	7-7
<b>7.14 100% Goal</b>	7-8
<b>7.15 What about Errors and Mistakes?</b>	7-8
<b>7.16 Why is the 100% Goal Important?</b>	7-9
<b>7.17 The Policy in a “Nutshell”</b>	7-10

## **SECTION 8:**

### **Planning Process – (8.1 to 8.6 adopted 06/14/06) (adopted 10/11/07)**

<b>8.1 Preface</b>	8-1
<b>8.2 The Policy</b>	8-1
8.2.1 Preliminary Planning	
8.2.2 Planning Stage	
8.2.3 Public Review	
8.2.4 Public Hearing	
8.2.5 Implementation	
<b>8.3 Policy Products</b>	8-3
<b>8.4 Public Notices</b>	8-3
<b>8.5 Information Distribution</b>	8-4
<b>8.6 Policy Flow Chart</b>	8-5
<b>8.7 Rule Development and Adoption</b>	8-6
8.7.1 General Procedures	
8.7.2 Specific Procedures	
8.7.3 Concise Explanatory Statement	
8.7.4 Expedited Rule Making	
8.7.5 Emergency Rules and Amendments	
8.7.6 Order Adopting a Rule - Board Resolution	
8.7.7 Filing with Code Reviser – Effective Date	
8.7.8 Post Adoption Notice	

## **SECTION 9:**

### **Personnel Policies and Procedures (Revised 11/10/11)**

<b>9.1 Introduction and Purpose</b>	9-1
-------------------------------------	-----



	<b>Page#</b>
<b>9.2 Employment Relationship</b>	9-1
9.2.1 Employment at Will	
9.2.2 Equal Opportunity Employer	
<b>9.3 Commencing Employment</b>	9-2
9.3.1 Background Checks	
9.3.2 Immigration Compliance	
9.3.3 Introductory Period	
9.3.4 Employment Status	
<b>9.4 Compensation and Payroll Policies</b>	9-3
9.4.1 Compensation	
9.4.2 Working Hours and Schedule	
9.4.3 Payroll Administration	
9.4.4 Overtime	
9.4.5 Compensatory Time	
9.4.6 Time Accounting	
9.4.7 Special Programs	
<b>9.5 Personnel</b>	9-6
9.5.1 Grievance/Dispute Resolution	
9.5.2 Harassment	
9.5.3 No Retaliation	
9.5.4 Employees with Disabilities	
9.5.5 AIDS/HIV	
9.5.6 Employment of Relatives	
9.5.7 Prohibited Conduct	
9.5.8 Conduct & Employment Outside of Work	
9.5.9 Career Opportunities	
9.5.10 Attendance	
9.5.11 Inclement Weather	
9.5.12 Appearance	
9.5.13 Non Solicitation	
9.5.14 Political Activity	
9.5.15 Job Position and Classification	
9.5.16 Performance Evaluations	
9.5.17 Rehire of Former Employees	
9.5.18 Personnel Records	
9.5.19 Reporting Improper Governmental Action	
9.5.20 Code of Ethics	
<b>9.6 Agency Facilities and Property</b>	9-18
9.6.1 Drug Free Workplace	
9.6.2 Substance Abuse	
9.6.3 Smoke Free Workplace	
9.6.4 Violence in the Workplace	
9.6.5 Domestic Violence in the Workplace	
9.6.6 Safety (See Section 4 for details – to be completed)	
9.6.7 First Aid	
9.6.8 Use of Equipment (See Subsection 3)	
9.6.9 Agency Owned Vehicles (See Subsection 3.1 for details)	
9.6.10 Use of Technology Resources (See Subsection 3.2 for details)	
<b>9.7 Benefits</b>	9-22
9.7.1 Holidays	

- 9.7.2 Vacation Leave
- 9.7.3 Sick Leave
- 9.7.4 Family Care Act
- 9.7.5 Gifts of Annual or Sick Leave
- 9.7.6 Personal Holidays
- 9.7.7 Recording Leave
- 9.7.8 Health Insurance
- 9.7.9 Deferred Compensation
- 9.7.10 Retirement Benefits
- 9.7.11 Education and Training
- 9.7.12 Tuition Reimbursement
- 9.7.13 Leaves of Absence

<b>9.8 Termination and Separation</b>	9-34
9.8.1 Voluntary Termination	
9.8.2 Retirement	
9.8.3 Rehire of Former Employees	
9.8.4 References	
9.8.5 COBRA	

**SECTION 10: (Revised 08/11/11)**  
**Budgeting, Accounting and Reporting**

<b>10.1 Purpose</b>	10-1
<b>10.2 Budget</b>	10-1
10.2.1 Development	
10.2.2 Adoption	
10.2.3 Contingency	
<b>10.3 Measurement Focus</b>	10-2
<b>10.4 Basis of Accounting</b>	10-2
<b>10.5 Revenue and Expenditure Accounts</b>	10-2
<b>10.6 Internal Controls</b>	10-2
<b>10.7 Records and Reports</b>	10-2
<b>10.8 Treasurer and Controller</b>	10-2
<b>10.9 Capital Fixed Assets</b>	10-2
10.9.1 Purpose	
10.9.2 Capitalization	
10.9.3 Non-Capitalized Items	
10.9.4 Inventory Numbering	
10.9.5 Annual Physical Inventory	
10.9.6 Equipment Classification	
<b>10.10 Audit and Payment of Claims against YRCAA</b>	10-4
10.10.1 Presentation, Audit and Approval	
10.10.2 Payment	

	<i>Page #</i>
<b><i>10.11 Requisition, Purchasing and Contracting Procedures</i></b>	10-5
10.11.1 General Responsibilities	
10.11.2 Expenditure Control	
10.11.3 Petty Cash	
10.11.4 Change Fund	
10.11.5 Authorization	
10.11.6 Purchase Orders and Requisition of Supplies	
10.11.7 Vendor Selection	
10.11.8 Bidding Procedures	
10.11.9 Instruction to Bidders	
<b><i>10.12 Professional Service Provider Selection Procedure</i></b>	10-8
10.12.1 Form and Content for RFP	
<b><i>10.13 Sole Source or Proprietary Procurements</i></b>	10-9
10.13.1 Criteria	
10.13.2 Procedure	10-9
<b><i>10.14 Debts Owed to YRCAA</i></b>	10-14
10.14.1 Notification to Debtor	
10.14.2 Claims against Municipal Corporations and Political Subdivisions	
10.14.3 Accounting	
10.14.4 Payment Schedules	
10.14.5 Criteria for Evaluating Debts Owed to YRCAA	
10.14.6 Interest Rate for Debts Owed to YRCAA	
10.14.7 Late Fees	
<b><i>10.15 Cash Reserves</i></b>	10-15
10.15.1 Operating Costs	
10.15.2 Capital Replacement	
10.15.3 Accounting and Reporting	
<b><i>10.16 Credit Card Use (adopted 01/08/09)</i></b>	10-16
10.16.1 Purpose	
10.16.2 Issuance	
10.16.3 Authorization and Control	
10.16.4 Credit Limits	
10.16.5 Payment and Reconciliation	
10.16.6 Disallowed Charges	
<b><i>10.17. Business Expense Reimbursement</i></b>	10-18
10.17.1 Agency Responsibilities	
10.17.2 Employee Responsibilities	
10.17.3 Types of Costs Eligible for Reimbursement	
10.17.4 Types of Costs Not Eligible for Reimbursement	
10.17.5 Authorization, Claims, Approval and Reimbursement	
10.17.6 Reimbursement Rates	

**SECTION 11: (adopted 06/12/08)**  
**Classifications and Positions**

<b><i>11.1 Purpose</i></b>	11-1
----------------------------	------

**11.2 Classifications**

**Page #**

11-1

- 11.2.1 Division Supervisor
- 11.2.2 Engineering Specialist
- 11.2.3 Air Quality Specialist
- 11.2.4 Administrative Assistant
- 11.2.5 Administrative Specialist

**11.3 Positions**

11-4

- 11.3.1 Supervisor Positions
- 11.3.2 AQS Positions
- 11.3.3. ES Positions
- 11.3.4. AS Positions
- 11.3.5. Administrative Assistants



## **SECTION 1: Administrative Code and Organizational Structure**

### **1.1 Introduction**

This Administrative Code contains policies, procedures and guidelines which support the pursuit of the Agency vision and mission. No part of this code should be construed as a promise of specific action in a specific situation. Our policies and procedures are subject to change and exception without prior notice at our discretion. The following statements describe our vision and mission:

1.1.1 Agency Vision: “All those who reside in, visit or neighbor Yakima County enjoy continuously improved air quality.”

Our vision is realized by establishing and maintaining collaborative partnerships with those we serve by providing:

- Exceptional internal and external customer service;
- Simple and effective permitting;
- Fair but firm compliance assurance; and
- Easy access to expert guidance and information.

1.1.2 Agency Mission: “Restore and maintain air quality which conforms to applicable air quality standards, with minimal community disruption.”

Our mission is accomplished by dedicated staff conducting effective work programs which directly or indirectly result in improved air quality.

### **1.2 Purpose and Limitation**

The purpose for Section 1 is to provide an understanding of the intended use of this and subsequent sections of Administrative Code Part B and to describe the organizational structure for carrying out the work programs of the Agency.

1.2.1 The purpose of this Administrative Code is realized by:

- a. Preventing the occurrence of situations which could otherwise be interpreted as an abuse of public funds, authority, or resources;
- b. Assuring Agency activities and functions are appropriate and legal;
- c. Minimizing Agency liability in foreseeable issues and activities;
- d. Ensuring consistency in action; and
- e. Providing organizational and operational structure to the activities of the Agency.

1.2.2 It is not possible to prepare policy which can fully address all circumstances. When policy is not available and when action is in doubt, staff must:

- a. Use Common Sense  
Act within your job description and address all issues with reasonable and prudent action(s) considering all circumstances;

- b. Communicate  
Make every effort to assure that your supervisor and management are fully apprised, in writing, of all potentially significant issues. When in doubt, discuss the issue with your supervisor. In addition, be certain you possess the authority to take the action contemplated;
- c. Document  
Provide the Director, or your Division Supervisor, with written documentation of action so as to allow for a reasonable verification of the appropriateness of the action; and
- d. Minimize Liability  
Be sensitive to minimizing Agency liability. Applying common sense, increased communication and documentation will substantially minimize Agency liability.

### **1.3 Applicability and Acknowledgement**

1.3.1 The policies and procedures in this Code apply to all employees. They supersede and replace any and all previous policies and procedures including any existing or prior oral or written agreements or representations on the subjects covered. No Agency employee, except for the Executive Director, has authority to grant exceptions to these policies. Further, all amendments must be reviewed and approved by the Board of Directors.

1.3.2 A copy of these policies and procedures will be provided to each employee for reference. The Human Resource Manager will maintain a list of all persons receiving this Administrative Code Part B and will distribute changes and/or amendments as they are developed and approved.

1.3.3 Employees are required to read and understand these policies and to sign the acknowledgments found in the Appendix to this section. Questions about any of these policies or procedures should be addressed to the Executive Director or Human Resource Manager.

### **1.4 Organizational Structure**

Agency work programs are organized in order to define employee supervisory echelons by maintaining three distinct divisions carrying out specific work programs.

1.4.1 The structure provides for clear and effective supervisory and management responsibility.

1.4.2 The structure promotes Total Quality Management by consolidating related programs through coordinated assignment of program management and staff responsibilities.

1.4.3 Summary of Programs  
Work programs are carried out in three areas of operation, as supported by specific

funding sources.

a. Base Operations

Base Operations work programs are funded by fees, supplemental income and base grants and include the following programs carried out by each division:

i. Executive Division Programs

1) Administrative Programs

- a) PM<sub>2.5</sub> Emissions Reduction Program
- b) Information Technology Program
- c) Front Office Administration
- d) Grant Management
- e) Program Development
- f) Administrative Code Management
- g) Human Resource Management
- h) Fleet Management
- i) Asset Management
- j) Insurance Program
- k) Legal Program
- l) File System Management
- m) Public Records Disclosure
- n) Legislative Program
- o) Board of Directors
- p) Stakeholder Liaison
- q) Staff Training Program
- r) Safety Program
- s) Wellness Program
- t) Continuous Improvement Program

2) Education / Outreach Programs

- a) PM<sub>2.5</sub> / Wood Stove Education
- b) Program Development
- c) Interagency Liaison
- d) Website Maintenance
- e) Outreach Materials Development and Distribution
- f) Small Business Assistance
- g) Media Relations Program
- h) Public Presentations and Workshops Program

3) Fiscal Programs

- a) Budget Development and Accountability
- b) Accounts Payable / Receivable
- c) Payroll
- d) Retirement Program

ii. Engineering and Planning Division Programs



- 1) Permitting
  - a) Air Operating Permit Program
  - b) Registration Program
  - c) New Source Review Program
  - d) Compliance Permits
  - e) Burn Permit Program
  - f) Daily Burn Status Program
  - g) Burn Allocation Program
  - h) Selected Grant Implementation
  
- 2) Planning
  - a) SIP Planning Program
  - b) SEPA Program
  - c) Rule Development Program
  - d) Interagency Coordination
  - e) Emission Inventory Program
  - f) Air Quality Modeling
  - g) Air Monitoring Data Analysis
  
- 3) Small Business Assistance
  - a) Compliance Assistance
  - b) Technical Assistance
  - c) Program Development
  
- iii. Compliance and Air Monitoring Division Programs
  - 1) Compliance Assurance
    - a) PM<sub>2.5</sub> Emissions Reduction Program
    - b) Area Source Inspection Program
    - c) Air Operating Permit Source Inspection Program
    - d) Complaint Response Program
    - e) Enforcement Program
    - f) Asbestos Program
    - g) Dust Mitigation Program
    - h) Outdoor Burning Program
    - i) Agricultural Burning Program
    - j) Pollution Control Hearings Board Liaison
    - k) Upset / Breakdown Program
    - l) Selected Grant Programs Implementation
  
  - 2) Air Monitoring
    - a) PM<sub>2.5</sub> Federal Reference Monitor Program
    - b) PM<sub>2.5</sub> Nephelometer Monitor Program
    - c) PM<sub>2.5</sub> Speciation Monitor Program
    - d) PM<sub>10</sub> Federal Reference Monitor Program

- 3) Small Business Assistance
  - a) Compliance Assistance
  - b) Technical Assistance
  - c) Program Development
  
- b. Grant Operations
  - Grant Operations work is funded by special grants and currently includes the following grant programs:
    - i. Executive Division Programs
      - 1) Wood Stove Education Grant Program
      - 2) Wood Stove Change-Out Grant Program
  
    - ii. Engineering and Planning Division Programs
      - Grant Programs as Available
  
    - iii. Compliance and Air Monitoring Division Programs
      - PM<sub>2.5</sub> Monitoring Grant Program
  
- c. Enterprise Operations
  - Enterprise Operations are self-funded and are managed by the Executive Division. The work currently includes only the Northwest Opacity Certification Program, but may include other enterprise work deemed feasible in the future.

*This page is intended as a placeholder for the current Organizational Chart.*

**Appendix to YRCAA Administrative Code, Part B, Section 1**

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**Code of Ethics Agreement**

My signature below confirms that I have received a copy of the Code of Ethics of YRCAA and that I have read it in its entirety and any questions I had have been answered to my satisfaction. By signing this Agreement I am stating that I understand and will abide by the Code of Ethics of YRCAA. My signature also confirms that I am not now engaged in any outside employment nor hold a position (as director, officer, partner, etc.) with any business regulated by YRCAA, or am not otherwise engaged in any activity that could represent a conflict of interest or be contrary to the Code of Ethics of YRCAA, except as follows:

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Signature

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Date

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**Policies and Procedures Acknowledgment**

YRCAA has provided me with a copy of Administrative Code Part B for my use while in their employ. I understand that YRCAA does not utilize employment contracts and that the policies do not constitute nor imply an employment contract.

I understand that my employment with YRCAA is at will, meaning that I am free to leave for any reason, at any time, with or without notice and that YRCAA may terminate my employment with or without notice. My signature confirms that I understand the Administrative Code provided to me solely for the purpose of assisting me in understanding my employer's policies and that these policies supersede and replace any and all previous personnel policies. I understand that my employer may change, withdraw or add personnel policies at any time. I understand that no employee of YRCAA, other than the Executive Director or Chairman of the Board of Directors, has the authority to grant exceptions to these policies.

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Signature

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Date

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Printed Name

## **SECTION 2: Administrative Procedures**

The purpose of this section is to set forth standard administrative procedures which, when implemented consistently, will best serve our public and minimize risk to the agency.

### **2.1 Front Office Reception Area**

The front office reception area is significant to how the public perceives the agency and to how we effectively meet or exceed customer expectations. It is important that a professional and friendly atmosphere be thoroughly maintained at all times. This applies to both the physical appearance of the area and to the activities conducted in the area.

#### **2.1.1 Front Office Administrative Assistant (FOAA)**

##### **a. Routine Duties**

A staff member is required to be present in the receptionist area at all times. Backup coverage is located in the adjacent office area. Subsection 11.3.5 contains a full description of duties and assignments of the FOAA.

##### **b. Telephone coverage in the front reception area shall be maintained at all times during the working hours and all calls are to be promptly answered. The FOAA is provided with the Personnel Responsibility Extensions that summarizes duties of each staff member. Calls should be routed to appropriate staff, or messages taken in their absence.**

##### **c. Staff has been assigned for primary and back-up coverage. When the primary Administrative Assistant is not available, coverage responsibility is assigned to the backup Administrative Assistant. Other receptionist assignments will be made as necessary. The Office Manager shall resolve any conflicts concerning priorities and may reassign duties as needed.**

#### **2.1.2 Visitors**

The FOAA, or back-up Administrative Assistant, has the responsibility to ensure visitors are promptly welcomed, and routed to the correct staff member if applicable. The following procedures allow for consistency:

##### **a. Accommodating Visitors**

All visitors are to be promptly acknowledged and made to feel welcome.

##### **b. Visitors Sign-In**

Visitors meeting with staff must sign in on the "Visitors Sign-In" sheet before leaving the Receptionist Area. This will ensure the visitor is accounted for at all times.

##### **c. Routing Visitors to Staff**

When the FOAA cannot fully meet a visitor's expectations, the FOAA must notify the appropriate staff member that a visitor wants to meet with him/her. Staff will meet the visitor at the Reception Area and escort them to the appropriate meeting place.

### 2.1.3 Messages

The FOAA shall take complete telephone messages when the staff called is not available, or ask the caller if they prefer voice mail. Written messages must include time (including a.m. or p.m.), date (including year), to whom the call is directed, caller name and company represented, phone number, message and person taking the call.

### 2.1.4 Mail

The following protocol will be followed for incoming and outgoing mail:

#### a. Incoming Mail

All incoming mail, faxes, hand delivered at the counter, or received through the postal service or other supplier, will be date stamped with the correct date with the YRCAA Received Mail stamp and logged in the "Monthly Mail Log". The mail, fax or package will be given to the staff member to whom the item is addressed

#### b. Outgoing Mail

The FOAA or Division Administrative Assistant will process outgoing mail. All outgoing mail is to be logged on the "Outgoing Mail Log" and processed in the following manner:

- i. Mail that does not require special handling will be processed through the postal meter and appropriate postage applied;
- ii. Certified mail requires the card and receipt to be typed with the YRCAA name and address stamped on the front of the Card, the name of the staff member to whom the card should be returned and appropriate postage applied;
- iii. International mail requires special postage. Refer to the postage meter manual for instructions; and
- iv. All mail must be deposited in a mailbox or picked up by the postman daily.

### 2.1.5 Front Office Division and Program Interaction.

The FOAA duties which are outlined in his/her Duty Statement include interaction and coordination with each division of the Agency. In order for this interaction to be effective, there must be open communication and understanding of expectations and limitations. Any request for non-routine assistance from the FOAA should first be approved by the Executive Director or Office Manager.

## **2.2 Fiscal Processes**

All transactions involving the receipt and deposit of money must be conducted in a manner that demonstrates the highest level of ethics in order to most effectively meet or exceed customer expectations and uphold the public trust. Following are procedures which will assure accountability and minimize risk.

- #### 2.2.1
- Following are step-by-step processes for handling monies received by YRCAA. All transactions (the receiving of checks, cash, or money orders) must be processed by an

Administrative Assistant, the Fiscal Programs Manager or the Office Manager.

a. Receipting Transactions

The following procedures must be followed when writing receipts for transactions:

- i. Write a receipt and enter the transaction on the “Combined YRCAA Deposit Slip”, with check/cash number and amount, receipt number and initials of staff member entering the transaction;
- ii. If an error is made while writing information on the receipt void it, leave it in the receipt book, and complete a new receipt;
- iii. When receiving payment for a Notice of Penalty or Settlement Agreement, make copies of the Notice of Penalty or Settlement Agreement, receipt, and check and route to the Compliance Division Supervisor. Make an additional copy of the paid Notice of Penalty or Settlement Agreement and route to the Fiscal Programs Manager;
- iv. Make a copies of paid YRCAA invoices, mark paid, and give to the Fiscal Programs Manager and Division Supervisor’s designee from which the invoice was originated; and
- v. If the amount of money received is incorrect, enter it in the “Monthly Mail Log” as returned, notify the sender, void the check, return it to the sender, and make arrangements with the sender to remit payment in the correct amount.

b. Depositing Money from Transactions

All monies received must be deposited with the Yakima County Treasurer. Each transaction must be recorded on the Combined YRCAA Deposit Slip (deposit slip) under the correct account number (GL Code). All deposits are conducted each work day using the following procedures:

- i. Verify that each transaction is entered under the correct GL Code;
- ii. Enter the number of checks being deposited, and if any cash back is needed from the Yakima County Treasurer for a transaction;
- iii. Highlight and print each transaction and total deposit information, and make two additional copies of the Deposit Slip;
- iv. Obtain verification from a second staff member that for each transaction the correct amount is deposited under the correct GL Code and the number and amounts of checks and cash are the same amounts entered on the deposit slip;
- v. Make three copies of the deposit slip and hand deliver the deposit to the Yakima County Treasurer;
- vi. Give two copies of the deposit slip to Treasurer clerk, and retain one for verification prior to leaving the Treasurer counter;
- vii. Verify that the clerk has deposited the correct amounts under the correct GL Codes;
- viii. Cause the clerk to correct any errors before leaving the Treasurer counter;
- ix. Upon returning to our office, make copies of deposit slip and Treasurer’s Receipt for each GL Code deposited to, and attach as follows:
  - A. Attach the yellow copy of YRCAA receipt(s) to the front of each

- Treasurer's Receipt for each GL Code;
- B. Attach one copy of deposit slip to the Treasurer's Receipt and yellow YRCAA receipt(s); and
- C. Route all copies to the Fiscal Programs Manager.

### 2.2.2 Invoices

An invoice is defined as a document which itemizes and assigns or assesses a fee or other cost legally owed by a person to YRCAA. Each invoice must be entered into the accounting system as an account receivable.

Each invoice generated must be copied or electronically transmitted to the Fiscal Programs Manager, unless generated by the Fiscal Programs Manager. When invoices are paid, a copy of the invoice marked paid must be routed to the Fiscal Programs Manager and the Division Supervisor, or designee who issued the invoice.

### 2.2.3 Purchasing Office Supplies and Equipment

All general YRCAA purchases, use of petty cash and handling money shall be made in accordance with the following guidelines and as adopted by the Board of Directors and set forth in Subsection 10.11 of Section 10, Budgeting, Accounting and Reporting.

- a. Ordering Office Supplies  
All orders for office supplies through a local vendor must be accompanied by a requisition form and must be documented on the Requisition Log.
- b. Checking in Supplies  
When office supplies are received staff will verify all items on the packing receipt/invoice were received in good order and will stow items in the office supply cabinet, unless the item is special ordered for a staff member.

## 2.3 FOAA Scheduling

The FOAA has the responsibility of maintaining the conference room schedule, directing callers and public to correct staff and ensuring the office is open and ready for the public.

### 2.3.1 Conference Room

The Conference Room is reserved for briefings involving staff, and meetings which cannot be accommodated in a Manager or Division Supervisor office. The Conference Room Schedule will be maintained by the FOAA. To schedule a non-routine meeting notify the FOAA so it can be verified that the Conference Room is available.

### 2.3.2 Checking In and Out with FOAA

When a staff member will not be at the office or leaves the office they must notify the FOAA and state an approximate time of return.

### 2.3.3 Office Opening and Closing

To ensure the office is open and ready to accommodate customers and the office is



securely closed in the evening, staff will observe the following procedures:

- a. Opening Procedures
  - a. Unlock the front door to remain unlocked during business hours;
  - b. Make sure all lights are on;
  - c. Check burn day status at 9:30 a.m. (Assigned to Planner);
  - d. Check voice-mail messages for after-hour calls, complaints, etc.;
  - e. Turn on copier and printer and check if paper is needed;
  - f. Turn on the “public information display” lights; and
  - g. Get deposit bag from locked file cabinet.
- b. Closing Procedures
  - a. Lock deposit bag in file cabinet;
  - b. Check bathrooms and lunchroom verifying that lights are out and coffee maker is off;
  - c. Turn off copier and printer;
  - d. Turn off the “public information display” lights; and
  - e. Lock office doors and turn off office lights.

## 2.4 Administrative Briefings

Weekly administrative briefings with staff will provide a forum for staff and management to exchange regular feedback for continuous improvement. Staff is advised to take full advantage of these times to seek and provide guidance toward our 100% goal to meet or exceed all customer expectations. Administrative briefings shall be conducted as follows:

### 2.4.1 Staff Briefings

Staff meetings shall be held according to the following schedule:

Meeting	Attendance	Location	Day	Time
Weekly Staff Briefing	All Staff	Conference Room	Tuesday, unless the Monday is a holiday, then it is held on Wednesday.	9:30 to 11:00 am

### 2.4.2 Leadership Team Briefings

Leadership Team Briefings are held the first and third Mondays of each month:

Meeting	Attendance	Location	Day	Time
1 <sup>st</sup> and 3 <sup>rd</sup> Mondays	Division Supervisors and Program Managers	Conference Room	Monday, unless the Monday is a holiday, then it is held on Tuesday.	9:30 to 11:00 am

## 2.5 Communication

Written and verbal communication is vital to how we effectively meet or exceed the expectations of our external and internal customers. All communication should meet the criteria of clarity, credibility, accuracy, precision, relevance, depth, breadth and significance. Agency staff should never communicate personal opinion or demonstrate any personal criticism of others, regardless

of the mode of communication. This section provides guidance for both internal and external communications.

### 2.5.1 Outgoing Correspondence

General correspondence may be written on the black and white letterhead in the computer form files. Formal correspondence from the Executive Director should be done on the colored letterhead. Use corresponding envelopes with letterhead being used.

#### a. Letter Format

Maintain consistency as much as possible with outgoing correspondence. The following format will be used, unless otherwise specified:

- i. Be written in Times New Roman Font, 12 point pitch;
  - ii. Use “left” justification;
  - iii. Be single spaced with double space between paragraphs;
  - iv. Specify the month, day and year of anticipated mailing;
  - v. Include the name, title and mailing address of the recipient;
  - vi. Identify the subject of the correspondence;
  - vii. Include an appropriate salutation, including the appropriate courtesy title abbreviation (Mr., Mrs., Ms.);
  - viii. Itemize enclosures and attachments;
  - ix. Include “cc” when applicable; and
  - x. Have signature flush left, using  
Sincerely,  
Your signature  
Your name  
Your title
- b. For correspondence which requires the Director’s signature, be sure to follow and implement his/her guidance for format and style.
- c. If you are unsure who should sign a correspondence, discuss it with your immediate supervisor.

### 2.5.2 Internal Communication

The means by which we communicate internally will be determined by the subject matter and communication style of the staff communicating. The following are methods for internal communication.

#### a. Internal Memorandum

The use of memorandum is an informal document that is formatted to reflect the date, to whom it is being sent, from whom it is being sent and the subject matter. The memorandum should be saved in the appropriate computer program folder.

#### b. Intranet Email

The intranet email system is a tool provided to allow for communicating in a less formal format. It has the capability of attaching files or adding links which provides additional information to coworkers. Intranet emails should be saved in a folder in your sent box.

#### c. Outlook Calendars

Utilizing the outlook calendar allows other staff to know if you are scheduled for meetings, or if you want to invite other staff to a certain meeting. This tool, if utilized properly, can be beneficial for staff in planning events and meetings.

d. Meetings

When an issue requires open discussion among affected staff, a meeting can be most effective to gain full understanding and consensus. Meetings should be facilitated to focus only on the subject issue and to minimize the duration of the meeting.

### 2.5.3 External Communication

All external communication should be professional and in the best interest of the agency and the public we serve.

a. Public Contact

i. Personal Contact

All significant contact by phone, office visit, or field contact shall be documented by a written summary.

ii. Complaints

Complaints concerning violations will be forwarded to the Complaint Program Manager. All other complaints will be directed to a Division Supervisor or Executive Director.

iii. Requests for Personnel Information

Requests for personnel information will be directed to the Human Resource Manager or the Executive Director depending on circumstances.

b. Public Information

It is our public duty to cooperate with all media and to keep our citizens informed by providing accurate, consistent, and complete information. To meet this responsibility, we must coordinate the release of all information to the press, radio, TV and the agency website. This coordination will occur through the Executive Office.

Information releases to the press, radio, TV, or any other agency of mass media must be approved by the Director. The Public Information Officer is the primary contact for all media releases, interviews, etc. All non-routine press releases and media contact are conducted by the Public Information Officer by use of one or both of the methods listed below.

i. News Media

Public notices which are required to be published via local print media will be published in the Yakima Herald Republic and Sunnyside's Daily Sun Newspaper. Media releases to the press, radio, TV, or other mass media will be coordinated with the Director, Public Information Officer and any Division Supervisor that may be involved.

ii. Website

The agency website will be utilized for public notices and burn ban notifications. The website is monitored and updated as needed to

assure accurate and current information.

iii. Listserves

Email lists will be used to advise interested persons of information specific to their interests. Persons may request to be placed on email lists via the agency website or by any means of request.

2.5.4 Non-English Speaking Clients

When agency communication necessitates multi-lingual abilities, interpreters and/or translators will be utilized to maximize customer service to Non-English speaking clients. When it is in the best interest of the public or the agency, such services will be utilized.

**2.6 Forms**

Official agency forms must communicate clearly and concisely the information provided or requested. Prior to initiating a new agency form, the following criteria must be met:

2.6.1 There is no similar form already in existence which could be modified;

2.6.2 The new form must replace one or more existing forms; and

2.6.3 If the above criteria are met, the procedure below will be followed:

- a. Discuss the need for a new form with your Division Supervisor;
- b. Submit a copy of the proposed form with an explanation of the need for it to the Director for review and approval;
- c. If the Director approves the form, place it in the appropriate computer file directory; and
- d. Advise the entire staff to assure awareness of the existence and availability of the form.

**2.7 Public Records – Replaced 04/12/12 with Administrative Code Part C – Section 1**

**2.8 Board Meeting Procedures**

Board Meetings are held monthly to: conduct routine business; adopt, amend and repeal its own rules and regulations; implement the clean air act; appoint a control officer; and address personnel issues. Staff may bring proposals for Board consideration to ensure public health and meet federal and state guidelines.

Board Meetings are a means of keeping the Board and community updated on activities conducted by the agency. Actions requiring Board approval such as warrants for accounts payable, payroll, and administration or proposal of grants for the purpose of carrying out the Clean Air Act.

2.8.1 Schedule and Notice of Board Meetings

Annually the Board Secretary presents to the Board Members a schedule for the coming year. Board Meetings are held the second Thursday of each month.

All Board Meetings are open to the public. The Secretary of the Board of Directors will prepare a Public Notice announcing the date, location and time of the Board Meeting and items to be addressed. The YRCAA website is used to publish both the Public Notice and Agenda for the upcoming Board Meeting. Notices will be published at least 24-hours prior to the scheduled Board Meeting.

There are occasions when the Board Meeting date must be changed, or when a special meeting is called. Whenever this happens the following steps will be taken:

- a. If the Board Meeting date is a permanent change: a resolution will be prepared giving the new updated information; a copy of the signed resolution will be sent to the Secretary of State; a copy will be retained in YRCAA permanent files with notification to affected individuals; and a public notice will be prepared announcing the new date, time and location;
- b. When a Special Board Meeting is scheduled, at least 24-hours prior to the meeting, notice of such meeting will be served on our website and the two largest newspapers in the County; and
- c. Executive Sessions are noticed with the regular Board Agenda and Public Notice. These sessions are held for Board, Director and Board Attorney to discuss specific issues. Executive Sessions will be conducted in accordance with RCW 42.30.110.

#### 2.8.2 Preparation for Board Meetings

Information packets are prepared for mailing one week prior to the Board Meeting to ensure the Board Members are aware of items to be covered during the upcoming Board Meeting.

The Executive Director and Board Secretary will ensure that all documents are ready and prepared for Board Members. Documents which support the following will be included in Board Packets:

- a. Consent Agenda items;
- b. Director's Report;
- c. Action Items to be approved by Minute Actions or Resolutions; and
- d. Division Supervisors' and Program Managers' Reports.

#### 2.8.3 Day of Board Meeting

The Clerk of the Board will call Board Members the morning of the Board Meeting to determine who will attend to determine a quorum and report that information to the Director.

The Clerk of the Board will assure the following:

- i. Equipment needed for presentations such as; adapter plug and extension cord, screen, laptop computer, etc., if needed;
- ii. CD(s) and an extra CD is available at the meeting should the meeting run longer than normal;
- iii. Extra copies of Board Materials;

- iv. Sign-in sheet and extra copies of Board material for the public;
- v. Fiscal Vouchers and Payroll Authorization (originals in Clerk of Board's folder);
- vi. Writing pens and note pad;
- vii. The microphone system is ready;
- viii. Board Members have materials not included in their Board Packet;
- ix. Name plates for Board Members and appropriate staff members;
- x. Preparations for the meeting begin at least 15 minutes prior to the meeting start; and
- xi. The meeting room is neat and clean following Board Meetings.

### SECTION 3: Agency Equipment

This Section establishes policy for the proper use and maintenance of all Agency equipment. For purposes of this section equipment means vehicles, machines, equipment (both office and field) and systems inherent to such equipment.

#### 3.1 Agency Vehicles

This subsection defines minimum standards for using and maintaining vehicles in a clean, safe, legal and workable condition. Employees must be physically fit to operate an Agency vehicle and must possess a current Washington State driver license.

##### 3.1.1 Vehicle Assignments

Vehicles are assigned to certain staff to assure routine and as-needed care and maintenance. Vehicle assignments are listed below:

<u>VEHICLE</u>	<u>LICENSE</u>	<u>*MILEAGE</u>	<u>ASSIGNED STAFF</u>
2006 KIA Sportage	46599D	38,346	Dustin / Mark
2008 Ford Focus	87576C:	15,631	Ron / Dave
2005 Ford Taurus	80500C:	27,830	Mark / Dave
1990 Dodge Van	62316C:	148,718	Ron / Dustin

\* Mileage for each vehicle as of May, 2010.

##### 3.1.2 Availability

Agency vehicles are available for use when required to conduct Agency business. Typical examples of vehicle use are inspections, complaint investigations, and travel to meetings and training.

- a. Primary availability of each vehicle is to assigned staff;
- b. Vehicles may only be available for use by other than assigned staff when coordinated with assigned staff, a Division Supervisor or the Director;
- c. When an assigned staff anticipates being absent from the office for six consecutive days or more, arrangements must be made to assign an alternate staff; and
- d. A vehicle will be “grounded” and not available for use when repair or maintenance is needed to return the vehicle to safe and legal condition.

##### 3.1.3 Routine Maintenance

Assigned staff is responsible for ensuring the following are completed for his/her assigned vehicle:

- a. Oil and filter changes every 3,000 miles, or as needed;
- b. Windshield wiper replacement annually, or as necessary;
- c. Monthly safety checks:
  - i. Tire pressure at 32 - 36 psi;
  - ii. Brake check;

- iii. Radiator fluid levels;
- iv. Brake and power steering fluid level;
- v. Alignment;
- vi. Tire tread (no less than 1/4");
- vii. Useable spare tire and jacks; and
- viii. Ensure safety equipment is in the vehicle.
- d. Record the activity in the Vehicle Maintenance Log kept with each vehicle.

#### 3.1.4 Non-Routine Maintenance

Prior authorization by the Director's Office is required for non-routine repair or maintenance which cost exceeds one hundred dollars.

#### 3.1.5 Requirements for Drivers

Each driver is required to comply with and/or assure the following:

- a. Sign the vehicle out and in on Vehicle Log with driver's name and date;
- b. Prior to use, inspect the vehicle to assure safe and legal condition;
- c. Leave vehicle clean, inside and out ready for the next use;
- d. Refuel vehicle, if less than 3/4 tank prior to return; and
- e. Return vehicle to a secure location.
- f. Maintain Vehicle Log book;
- g. No smoking is allowed in any Agency vehicle at any time;
- h. Maintain a current, valid driver's license and comply with any restrictions on their driver's license;
- i. Report any driving infractions, personal or incurred during use;
- j. Successfully complete a safe driving program within one year of employment, or within the schedule of training provided by our liability insurance;
- k. Comply with all traffic laws at all times;
- l. Use of seat belts and shoulder harnesses is mandatory for driver and passengers;
- m. Passengers in a vehicle must be an employee of Agency, or have prior authorization; and
- n. Use of cell phones while operating an Agency vehicle is strictly prohibited. Hand free and voice activated sets may be used only when absolutely necessary.

#### 3.1.6 Safety Equipment

Staff assigned to each vehicle is responsible to ensure the following safety equipment is in each vehicle:

- a. Six flares;
- b. Two cones;
- c. First aid kit;
- d. Fire extinguisher;
- e. Fire extinguisher re-certified once a year;
- f. Tire gauge in each glove box; and
- g. Accident Procedures Pamphlet in each glove box.



### 3.1.7 Non-Agency Passengers

Prior authorization from the Director is required for carrying any passenger not employed by the Agency. This practice is discouraged so as to not incur unforeseen liability to the Agency.

### 3.1.8 Use of Privately Owned Vehicles (POV)

The following policy is established for use of POVs to minimize the liability exposure to the Agency and its employees:

a. Agency Insurance Coverage

The Agency is covered by its current insurance policy for any liability claims attributable from the use of either Agency owned or POVs. No coverage, however, extends to the owner of a POV. Agency insurance is excess of the staff's private insurance. Accordingly, whenever a vehicle is used on behalf of the Agency, adequate limits of liability coverage, as set forth below, must be certified to the Agency;

b. Prior Approval

Prior approval by the Director is required in order to use any POV for Agency business. In requesting prior approval of a POV, the driver(s) must be specifically designated and must provide the following information:

- i. Driver name and address;
- ii. Names of other persons who will be transported;
- iii. Relationship, if any, to persons being transported; and
- iv. Driver license number and birth date.

c. Vehicle Condition

The driver of an authorized POV must certify that the vehicle is safe and legal. However, the Director may revoke authorization, based upon an inspection finding that the vehicle appears unsafe or not legal. Considerations that determine the condition of the vehicle include, but are not limited to the following:

- i. Current vehicle license;
- ii. Working safety belts, front and back;
- iii. Standard safety features functional (e.g., horn, wipers, brakes, lights, tires, etc.); and
- iv. Driver certification that the vehicle is safe and legal.

d. Insurance Requirements

Employees who use an authorized POV must satisfy the following insurance requirements:

- i. A certificate of insurance for Bodily Injury and Property Damage Liability of Combined Single Limits coverage with a carrier acceptable to the Agency, including uninsured motorist insurance at amounts no less than required by State law;
- ii. The certificate shall also provide that such insurance shall be deemed the primary insurance in the event of any claim against the Agency; and
- iii. Prior to use, the certificate shall be on file with the Agency, shall remain in

force during the period of use, and shall indicate a 30-day notice of cancellation or material change in the Agency's interest under such policy.

The Fiscal Programs Manager shall maintain a current list of employees who comply with the insurance requirements provided herein.

### 3.1.9 Vehicle Incidents/Accidents

The driver of any Agency vehicle, or POV, where such vehicle is engaged in an authorized Agency function shall, when involved in any vehicle incident or accident, promptly comply with the following:

- a. Immediately notify the Director and Division Supervisor of the incident. In the absence of the Director and Division Supervisor, the Fiscal Services Program Manager or Administrative Officer shall be notified and will promptly notify the Director;
- b. Complete a traffic accident report form within one business day of the incident and submit it to the Fiscal Services Program Manager with copy to the Director. This report shall at a minimum include the following:
  - i. Detailed description of what happened, including names and addresses of witnesses;
  - ii. Description of any vehicle and property damage resulting;
  - iii. Sketch of incident showing names of highways, points of compass and direction of vehicle(s) involved;
  - iv. Names and addresses of vehicle passengers and any injured person;
  - v. Drivers license and vehicle license of other vehicles involved; and
  - vi. A copy of associated police report when available.

The Office Manager will process the necessary insurance claims through the Office of the Director.

- c. Do not make any statement about the accident to anyone except the police or the Agency representatives identified in this Administrative Code. Do not sign anything except as required by law.
- d. Advise the other vehicle driver(s) that further inquiry on the matter should be directed to the Executive Director.

### 3.1.10 Disciplinary Action

Driver disciplinary action, up to and including termination, may be taken as follows:

- a. When a driver is convicted of one or more moving violations;
- b. When a driver is convicted of driving while intoxicated or under the influence (immediate termination);
- c. When a driver is found in violation of this policy; and
- d. Driver discipline will be conducted in coordination with other Agency policies such as disciplinary, health and safety, and substance abuse policies.

### **3.2 Electronic Equipment and Systems (Technology Resources)**

Technology resources shall be used solely to reduce costs and increase productivity. The Agency provides technology resources such as: computers and systems; telephones; cell phones, fax machines; printers and copiers; projectors; and digital devices to assist and facilitate Agency services to the public in a manner consistent with Agency's goals and values. The Agency expects its employees to use their best judgment when using Technology Resources and to consider whether a given use is in the Agency's and the public's best interests. De minimis, incidental personal use of Agency's Technology Resources is permitted if it conforms to the requirements of this policy.

#### **3.2.1 No Expectation of Privacy**

By using Technology Resources, employees understand and agree that they have no expectation of any privacy or confidentiality in any information they create, store, or transmit using these resources. This includes, but is not limited to information in:

- a. Computer Files;
- b. Computer Servers;
- c. Emails and Internet usage;
- d. Telephones;
- e. Cell Phones;
- f. Voicemail; and
- g. Text and Picture Messages.

This section also applies to all information created, stored or transmitted during an employee's incidental personal use. Equipment may be periodically checked to verify that equipment is being used for official use only.

#### **3.2.2 Ownership**

All software, programs, applications, templates, data, files, and web pages residing on Agency computer systems or storage media or developed on Agency computer systems are the property of Agency. The Agency can access, copy, modify, destroy, and delete this property.

#### **3.2.3 Confidentiality**

Confidential and sensitive information may not be removed from the workplace or disclosed without authorization, unless required by law.

#### **3.2.4 Telephones and Cell Phones**

Telephones and cell phones provided by the Agency are for official use only. This subsection outlines acceptable use of such equipment.

- a. Personal business shall not be conducted on Agency telephones, except toll free calls may be made under unusual circumstances. If an emergency dictates the need for toll or long distance calls, arrangements should be promptly made with the Office Manager to pay for such calls;
- b. As a general rule, toll and long distance calls shall be made only if necessary and

- where written correspondence is not timely or is inappropriate; and
- c. Agency cell phones shall only be used by employees when they are away from the office and need to make contact on Agency business.

### 3.2.5 Computers and System

Use of the computer system is not private, and should not be considered as an employee's personal property. It will be periodically checked to verify that the equipment is being used for official use only. All passwords shall be given to the Information Technology Program Manager and to the Office Manager. All passwords shall be kept in a locked file drawer.

- a. Computers and Network users must be aware of the following:
  - i. To prevent computer viruses from being transmitted through the computer system, downloading of any unauthorized software is strictly prohibited. Only software authorized by the System Administrator (SA) may be installed or downloaded. Employees should contact the SA if they have any questions; and
  - ii. Employees can use encryption software supplied to them by the SA for purposes of safeguarding sensitive or confidential business information. Employees who use encryption on files stored on an Agency computer must provide their Supervisor with a sealed hard copy record (to be retained in a secure location) of all of the passwords and/or encryption keys necessary to access the files.
- b. Laptop Computers Users:

Laptop computers may be used for business when needed for performing computer work away from the desk or in conjunction with the desktop computer. The following are criteria for Laptop Computers use:

  - i. Prior authorization by the Division Supervisor is required to use a laptop computer; and
  - ii. An employee using a laptop may not store it at a location other than the office.

### 3.2.6 Email and Internet

Agency emails and internet access is not private, and should not be considered as an employee's personal property. Staff should be aware that incoming and outgoing emails may be considered Public Records.

Electronic documents have metadata, "data about data". This data does not go away when deleted. If an email is part of research or information about a document being produced or commented on by the Agency, it is a public record and must be retained. Policy concerning electronic public records is contained in Section 2 of this code and detailed information is contained in the Public Records Handbook.

### 3.2.7 Acceptable Uses

Technology Resources are to be used for Agency business. Incidental, de minimus personal use may be permitted where, in the judgment of the employee's Division Supervisor, or Program Manager, such use does not interfere with the employee's or Division's productivity.

Generally speaking, incidental, de minimus personal use means:

- a. Occasional and of short duration;
- b. Done on an employee's personal time, such as a lunch break;
- c. Does not interfere with job responsibilities;
- d. Does not result in any expense to the Agency;
- e. Does not solicit or promote commercial ventures;
- f. Does not utilize excessive network resources; and
- g. Does not constitute a prohibited use, discussed below.

Employees should be mindful that personal messages and data on the Agency's system are not private and may be subject to public disclosure.

### 3.2.8 Prohibited Uses

Use of Technology Resources to engage in any communication that violates federal, state, or local laws or regulations, or any Agency policy, is strictly prohibited at all times. In addition, the following uses of Agency's Technology Resources are prohibited at all times, unless engaged in as part of official Agency business (such as compliance investigation) or required by law (such as a public disclosure request).

The following are prohibited activities:

- a. Personal commercial use;
- b. Accessing, receiving or sending pornographic, sexually explicit, or obscene materials;
- c. Use in connection with any type of prohibited harassment or discrimination, including the transmission of offensive messages derogatory toward any individual or group because of their sex, race, religion, sexual orientation, national origin, age, disability or other protected status;
- d. Gambling;
- e. Use for recreational purposes including online games;
- f. Use that impacts the performance of the Agency's network, such as viewing streaming video and sending bulk mail;
- g. Infringing on the trademark, copyright, or patent rights of others, or violating software licensing agreements;
- h. Use for political purposes, including partisan campaigning;
- i. Deliberately propagating any virus, malware, spyware, or other code or file designed to disable or otherwise harm any network or system;
- j. Disclosing confidential information, including medical or other highly personal information about other employees;
- k. Using abusive, profane, defamatory, threatening, racist, sexist, or otherwise discourteous language in public or private messages;
- l. Unless such access is required in the course of the performance of legitimate and necessary, connecting to the Agency network or any Technology Resource using someone else's security identification login unless authorized by that person;
- m. Any personal use, even if incidental, that results in an expense to the Agency; or
- n. Use that violates any other Agency policies, rules, or workplace expectations.

Any questions about whether a use is permitted or not should be directed to a Division Supervisor or the IT Manager.

### 3.2.9 Social Media

Social media is the use of blogs, wikis, social networks, virtual worlds, or any other kind of online social interaction. Agency rules and policies apply to social media conduct, including policies regarding statements to the media, anti-discrimination and harassment, prohibitions on releasing confidential information, and this Section.

Off-duty, personal use of social media by employees is not prohibited. However, Agency rules and policies apply to social media conduct to the same extent as other off-duty conduct.

The following additional rules apply to employees' use of social media:

- a. Social media content that relates to Agency business may be considered a public record subject to retention and disclosure under the Public Records Act. For that reason, employees are prohibited from using personal social media to conduct Agency business;
- b. Employees are prohibited from using their Agency email address, the Agency's official logo, or the Agency's name for personal online communication or activities. Employees may not identify themselves in any manner that suggests or implies they are speaking as a representative for Agency;
- c. Employees should not recommend or discuss any current or former Agency employees on professional networking sites such as LinkedIn without approval from the Human Resource Manager or Director; and
- d. Employees may not post, upload, or create any social media content at work or using employer equipment that is known to be false, misleading, or fraudulent.

### 3.2.10 Violations

Employees who violate this policy may be subject to disciplinary action, up to and including termination.

## **3.3 Miscellaneous Equipment**

Projectors, digital cameras, recording equipment, or other equipment may be used for official Agency business only. Assignment of such equipment, and/or prior authorization by a Division Supervisor or Director is required.

## **SECTION 4: Health and Safety**

The Yakima Regional Clean Air Agency is committed to providing a safe and healthful work environment, free from aggressive acts and violent behavior. However, excellent safety and health conditions do not occur by chance. They are the result of diligent work and careful attention to all Agency safety and health policies by everyone.

Safety and health demands cooperation on everyone's part. Thus, it is vital that communication be kept open at all times between management and employees. Supervisors and management at all levels must address safety and health concerns and take corrective action when warranted. Any employee who notices any of the following must notify their supervisor immediately:

- Actual or potentially unsafe or unhealthy conditions or actions;
- Actual or potential aggressive or violent behavior; or
- Actual or potential need for additional training.

Employees are expected to know and abide by the appropriate safety procedures for their area or job. Supervisors must instill a positive attitude and safety awareness in their employees through personal adherence, personal contact and training. It is the duty of all employees to perform their work with maximum regard for their and others' safety.

Our safety and health policies are based on past experience and current standards, and are an integral part of the Agency's policies. This means that compliance with the policies is a condition of employment and must be taken seriously. Failure to comply is sufficient grounds for disciplinary action or for termination of employment.

Safety and health are a top priority in this agency and every bit as important as productivity and quality. In fact, they go hand in hand. Of course the best reason to observe these policies is because it's in your own best interest to do so. Conscientiously following them can help all employees stay safe, healthy, and able to work, play, and enjoy life to its fullest.

## **Section 5: Compliance Assurance**

It is the policy of the Yakima Regional Clean Air Authority (YRCAA) to secure and maintain such levels of air quality as will protect human health and safety. In keeping with this policy, and to foster individual responsibility and regulatory accountability, the YRCAA conducts compliance evaluations.

### **5.1 Purpose of Compliance Evaluations**

The single purpose of compliance evaluations is to assure compliance. The following are objectives pursuant to the purpose of compliance assurance:

- 5.1.1 Educate and assist sources in understanding and complying with YRCAA, State and Federal air quality regulations, orders, policies and permits;
- 5.1.2 Determine compliance with applicable YRCAA, State and Federal air quality regulations, policies and permits;
- 5.1.3 For sources not in compliance, identify and collect all evidence necessary to initiate corrective or enforcement actions to assure compliance; and
- 5.1.4 Respond to complaints of violations of YRCAA, State and Federal air quality regulations, policies, orders and permits.

Detecting, documenting and reporting violations are important duties of YRCAA employees. Through these actions they educate the regulated community about air quality regulations and provide uniform enforcement of the air pollution control laws.

### **5.2 Planning**

Prior to the beginning of each fiscal year Compliance Division staff will participate in a planning process which includes:

- 5.2.1 Evaluating the effectiveness of the last year=s compliance assurance effort;
- 5.2.2 Defining objectives and initiatives;
- 5.2.3 Prioritizing and scheduling sources for compliance evaluation;
- 5.2.4 Establishing criteria for substituting compliance evaluations of low or medium priority sources for high priority sources; and
- 5.2.5 Estimating resources required to accomplish the plan.

### **5.3 Standard Procedures**

YRCAA compliance staff are trained in the administrative and legal procedures common to compliance evaluations to ensure complete, up-to-date, technically and legally sound compliance evaluations. The standard procedures are designed to assist in gathering factual, authentic and relevant data that can be used in compliance monitoring and determination and ultimately, if necessary, enforcement actions.



## 5.4 Employee Responsibilities

All YRCAA employees conducting compliance evaluations are responsible for:

- a. Abiding by the legal requirements of compliance evaluation activities;
- b. Using effective procedures for compliance evaluation and evidence collection;
- c. Following established safety practices and procedures;
- d. Implementing the Compliance Assurance Program Plan; and
- e. Observing the standard of conduct and ethical responsibilities defined in the YRCAA Administrative Codes.

### 5.4.1. Legal Responsibilities

YRCAA employees conducting compliance evaluations are responsible for abiding by the legal requirements of compliance evaluation activities.

#### a. Authority

All compliance evaluation activities must be conducted within the legal framework established by Chapter 70.94 of the Revised Code of Washington. Employees should refer any observations of potential violations of other laws or regulations to the appropriate authority. Since employees may be held personally liable for acting beyond the scope of their employment, they are expected to participate in training to assure they understand the scope of their job responsibilities. If questions or concerns arise in the field, employees are instructed to consult with a supervisor before proceeding.

#### b. Waivers, Visitor Releases

Some waivers or visitor releases, if signed, may purport to make the person signing liable for certain acts (e. g. accident, injury, witnessing of trade secrets, etc.) he or she might commit on facility property. Such waivers must never be signed by YRCAA employees.

### 5.4.2. Procedural Requirements

#### a. Compliance Evaluation Procedures

Employees should observe standard procedures for conducting compliance evaluations.

#### b. Evidence Collection

Employees should keep detailed records of each compliance evaluation to serve as an aid in preparing the compliance evaluation report, in determining the appropriate response and giving expert testimony in court or before the Pollution Control Hearings Board.

### 5.4.3. Training

Employees are expected to participate in training to assure they can:

- a. Understand what constitutes a partial and a full compliance evaluation;
- b. Conduct compliance evaluations and obtain the information required to determine and assure compliance;
- c. Provide compliance assistance;
- d. Substantiate facts with items of evidence; including samples, photographs, copies of documents, statements from witnesses and personal observations;

- e. Collect evidence in a manner that can be substantiated in legal proceedings;
- f. Write clear, informative, accurate and objective compliance evaluation reports;
- g. Make recommendations that will help to assure compliance;
- h. Implement and follow chain of custody procedures; and
- i. Testify effectively in court and at administrative proceedings.

#### 5.4.4. Safety Responsibilities

Compliance evaluations of air pollution sources can involve potential exposure to numerous hazards. Employees must, at all times, avoid putting themselves or any other person at unnecessary risk. Employees are expected to participate in training to assure they:

- a. Conduct themselves in a professional manner at all times;
- b. Observe YRCAA, Washington State Department of Labor and Industries (L&I) and facility safety requirements, procedures and policies;
- c. Use and maintain safety equipment in accordance with L&I regulations; and
- d. Dress appropriately for each compliance evaluation activity, including protective clothing and personal protective equipment, where required.

#### 5.4.5 Professional and Ethical Responsibilities

##### a. Professional Attitude

Employees are expected to perform their duties with courtesy, honesty, integrity and professionalism.

##### b. Employee Conduct

Employees must conduct themselves at all times in accordance with the YRCAA Administrative Code.

##### c. Objectivity

Employees must develop and report the facts of a compliance evaluation completely, accurately and objectively.

##### d. Knowledge

Employees should continually improve their professional knowledge and technical skill in the compliance evaluation field. Employees are expected to participate in training to keep abreast of changes in the field of air pollution, including current regulations, policies, control technologies, methodology and safety requirements.

##### e. Industry and Public Relations

The employee is a representative of the Agency and is often the initial or only contact between the Agency and the regulated community or general public. In dealing with facility representatives and the public, employees must be professional, tactful, courteous and diplomatic. A non-confrontational and responsive attitude will help to establish an atmosphere of cooperation and should foster good working relations.

##### f. Requests for Information

All information acquired in the course of a compliance evaluation is for Agency use only. Employees have a responsibility to provide technical information to the regulated community to assist them in complying with air quality regulations. This assistance, however, cannot involve the endorsement of any specific firm or product.

##### g. Compliance Evaluation Record

Agency field staff must keep accurate, concise records of all compliance evaluations. Such records may be used for enforcement actions, in court proceedings and appeals. Certain agency records may also be held in support of federally enforceable actions.

##### h. Consequence of Error

Imprecise or inaccurate investigations and reports can have adverse consequences; violators may not be dealt with appropriately thus, jeopardizing public health and safety, or innocent parties may be unjustly penalized. The credibility and thus, the effectiveness of the employee and the Agency may also be jeopardized as a consequence of error.

## **5.5 Compliance Monitoring Strategy**

This chapter describes the strategy for conducting compliance evaluations of stationary sources, asbestos projects and gasoline vapor sources. It also describes the relative roles and responsibilities of different YRCAA staff with respect to the regulation of stationary sources.

### **5.5.1 Compliance Monitoring Plan**

Prior to the beginning of each fiscal year the compliance evaluator and the operations manager will develop a compliance monitoring plan. The plan will include:

- a. An evaluation of the program for the last fiscal year;
- b. A definition of the most significant problems;
- c. A plan to address the problems; and
- d. Assignment of a priority for conducting compliance evaluations for each source.

### **5.5.2 Stationary Sources (including portable sources, located temporarily)**

- a. Compliance staff will schedule and devote enough time to compliance evaluations of stationary sources in order to assure that all high priority sources are evaluated by the end of the fiscal year, based on the following:
  - i. High Priority  
All Title V Permit sources, Synthetic Minor sources and any source not in compliance;
  - ii. Medium Priority  
Minor sources which are in compliance but pose a significant risk to public health or the environment if compliance problems develop; and
  - iii. Low Priority - Minor sources which are in compliance and pose minor risk to public health or the environment if compliance problems develop.
- b. Exception  
Low priority or medium priority sources may be evaluated prior to evaluating all high priority sources under the following conditions:
  - i. If a Level 1 or 2 complaint is received of the source; and/or
  - ii. If the source can be done on the same day, in the same area, as a high priority source.

### **5.5.3 Compliance Evaluation Teams**

High priority compliance evaluations will be accomplished by a compliance evaluation team comprised of an air quality specialist and a permit engineer, in accordance with the Washington State Compliance Assurance Agreement and the EPA Compliance Monitoring Strategy. This full compliance evaluation generally consists of several partial compliance evaluations. Objectives of the compliance evaluation team are:

- a. To combine the expertise of the air quality specialist and the engineer to provide a more comprehensive understanding of sources;
- b. To better determine full compliance and solve compliance problems;
- c. To improve communication and cross-training between the air quality specialist and the engineer;
- d. The following summarizes the respective compliance evaluation roles and responsibilities of the air quality specialist and the engineer:

Air Quality Specialist

- 1. Complaint response
- 2. Routine site inspections
- 3. Inspection reports
- 4. Recommend NOVs for violations determined from site inspections
- 5. Compliance activity tracking
- 6. Compliance Assistance
- 1. Source Test Observation

Engineer

- 1. New source review
- 2. Technical assistance
- 3. Reporting requirements
- 4. Recommend NOVs for violations determined from review of reporting requirements
- 5. Emissions inventory
- 6. BACT determinations
- 7. Registration

- e. Full compliance evaluations of medium and low priority sources can generally be accomplished solely by the air quality specialist. However, the permit engineer should be consulted when compliance with any new source review or registration requirement is in doubt.

#### 5.5.4 Asbestos Projects

Compliance staff will schedule and devote an appropriate amount of time to compliance evaluation of asbestos projects in order to maintain an adequate enforcement presence. Projects should be prioritized for site visits based on the following rating system:

- a. High  
Projects involving owners or contractors with violations in the past year, AHERA projects and projects involving alternative abatement methods.
- b. Medium  
Projects at commercial or public buildings and projects involving new contractors.
- c. Low  
Post or pre-removal inspections, within ten days of actual removal, residential projects, asphaltic roofing projects and vinyl asbestos tile projects.

#### 5.5.5 Gasoline Vapor Sources

Compliance staff will schedule and devote an appropriate amount of time to the compliance evaluation of gasoline vapor sources in order to maintain an adequate enforcement presence. Gasoline vapor sources should be prioritized for compliance evaluation based on the following rating system:

- a. High  
New gasoline stations, stations required by NSR to install Stage II systems, stations with violations in the last compliance evaluation and Gasoline stations with annual throughput greater than 800,000 gallons.

- b. Medium  
Gasoline stations with annual throughput greater than 360,000 gallons and less than 800,000 gallons.
- c. Low  
Other gasoline stations and bulk plants.

## 5.6 Complaint Response

The agency receives complaints about alleged air pollution violations routinely via voice mail, phone, e-mail, mail and in person. These complaint response guidelines are used to promote uniform complaint response and to help maximize complaint response efforts. The flow chart is used to channel generic types of complaints to pre-selected response levels. The general nature of the policy may cause some complaints to be assigned at an inappropriate response level. In these cases, professional judgment and initiative should be used to reassign the complaint to the appropriate level. Complaints involving other governmental agencies should be referred to the appropriate agency. Complaints involving imminent danger to life or health will be responded to immediately, regardless of the following guidance.

### 5.6.1 Receipt and Entry

When staff receives a complaint, it will be immediately entered into a database and forwarded to the Complaint Manager. The Complaint Manager will determine if:

- a. It alleges an actual air pollution violation over which the agency has jurisdiction;
- b. The alleged violator is identified;
- c. The complainant is identified;
- d. The location of the alleged violation is identified; and
- e. The date and time of the alleged violation is identified.

### 5.6.2 Invalid Complaints

If the complainant did not or will not supply all the above information, the complaint will not be considered a valid complaint and no response action will be conducted, except to update the database with, Ainsufficient information to qualify as a valid complaint.@

### 5.6.3 Response Levels

The complaint will be immediately forwarded to the Complaint Manager to determine the appropriate response level. The Complaint Manager will assign the complaint to appropriate staff for response. The following response levels will be used in conjunction with the complaint response flow chart.

- a. Level 1  
Attempt same day site inspection. Request backup if not available for same day response.
- b. Level 2  
Attempt inspection within 48 hours. Request backup if not available for 48 hour response.

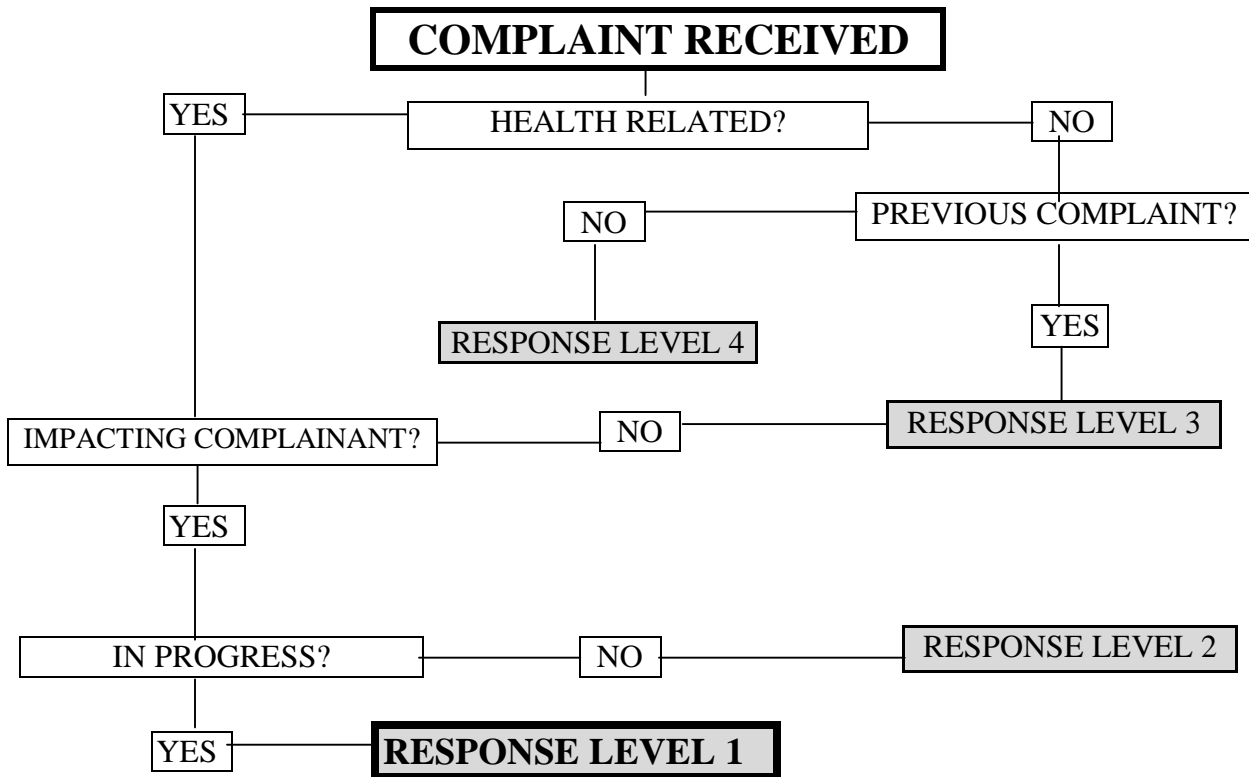
c. Level 3

Attempt site inspection within 7 days. Request backup if not available for 7 day response.

d. Level 4

Site inspection not required. Correspond with the source to advise of the complaint, to inform of the applicable rules and to discuss the potential for enforcement action. A phone call or a fax may be helpful but, it should be followed up in writing.

### GENERAL COMPLAINT RESPONSE FLOW CHART



#### 5.6.4 Tracking

The Administrative Assistant will track assignment, response and resolution of each complaint and update the database.

##### a. Data Entry

The complaint database will be updated as soon as possible after the response action is completed, no later than three working days.

##### b. Review

An updated copy of the complaint form will be forwarded to the Complaint Manager for review. The Complaint Manager will determine if the complaint was addressed adequately and either file the complaint or assign for further action.

##### a. Enforcement

Complaints resulting in Notices of Violation will be updated and copies maintained in the enforcement file. Any questions or problems will be referred to the Compliance Division Supervisor for resolution.

### 5.7 Site Inspections

The site inspection is potentially the most important of the partial compliance evaluations for stationary sources. It is necessary in order to assure that the source is in compliance with:

- a. Emission standards;
- b. Operation and maintenance requirements; and
- c. Monitoring and record keeping requirements.

#### 5.7.1 Pre-Inspection Preparation

Preparation is necessary to ensure effective use of time and to ensure that the inspection is properly focused on collecting relevant information. Preparation consists of gathering inspection equipment, a records review and conducting an off-site observation.

##### a. Inspection Equipment

Preparation for a site inspection also involves obtaining and preparing inspection and Safety equipment. The type of equipment varies according to the inspection objectives, the type of compliance evaluation, the process/control equipment and the safety requirements of the facility itself. Safety requirements must be adhered to, not only for safety reasons, but to ensure that the compliance evaluator is not denied entry to the facility or parts of it.

##### b. Review of Facility Information

Understanding the available background information on the facility to be inspected is essential to the overall success of the compliance evaluation. A review of this information enables the compliance evaluator to become familiar with the facility and to conduct the compliance evaluation in an efficient and effective manner. The following types of information should be reviewed from the source files:

##### i. Basic Facility Information

- 1. Names, titles and phone numbers of facility representatives;
- 2. Maps showing facility location and geographic relationship to residences or other sites potentially affected by emissions.

3. Process and production information;
  4. Flow charts identifying sources, control devices, emission monitors and other points of interest
  5. Safety equipment requirements; and
  6. O & M manuals.
- ii. Equipment Data
1. Description of process equipment and control devices; and
  2. Sources and types of emissions.
- iii. Regulations and Requirements
1. Applicable rules and regulations;
  2. Conditions of New Source Review Orders of Approval;
  3. Air Operating Permit conditions; and
  4. Regulatory Orders.
- iv. Facility Compliance and Enforcement History
1. Previous compliance evaluation reports;
  2. Compliance history;
  3. Past conditions of compliance;
  4. Previous enforcement actions including Compliance and Corrective Action Orders;
  5. Pending enforcement actions;
  6. Source tests and reports; and
  7. Self monitoring (including CEM) data and reports.

#### 5.7.2 Inspection Plan

An inspection plan should be developed for inspections of Title V and Synthetic Minor sources and for those sources where a Compliance Order is in effect, or the source received a Notice of Violation on the last compliance evaluation.

a. Inspection Objectives

Identify the precise purpose of the inspection in terms of what objectives it will accomplish.

b. Tasks

Decide on the specific tasks that will accomplish the inspection objectives, including the exact information that should be collected. If the purpose of the inspection includes an audit of facility records, determine which records need to be reviewed.

c. Procedures

Determine the procedures to be used in completing the tasks, particularly, special or unfamiliar procedures.

d. Resources

Determine what equipment and personnel will be required.

e. Schedule

Estimate the time required to complete the inspection. Determine a time for the inspection when the facility is operating under representative conditions.



f. Safety Equipment

Determine the type of safety equipment necessary for the type of inspection to be conducted.

5.7.3 Notification

Site inspections shall be conducted unannounced, except as noted below. The compliance evaluator shall not make an appointment or in any way give advance notice of an inspection. This policy is necessary to allow the compliance evaluator to observe the actual operating conditions of the source.

- a. The advantages of unannounced inspections are:
  - i. The opportunity of observing the source under normal operating conditions;
  - ii. Detection of visible emissions and operation and maintenance type problems and violations;
  - iii. Promotes an increased level of attention to compliance by a source; and
  - iv. Projects a serious attitude toward compliance by YRCAA.
- b. The potential negative aspects of unannounced inspections are:
  - i. The source may not be operating or key source personnel may not be available; and
  - ii. There could be an adverse impact on Agency-source relations. In most cases, however, these drawbacks can be overcome and have minimal impact on the compliance evaluation process.
- c. Prior notice may be given at the discretion of the compliance evaluator when some specific purpose is served by providing such notice. Situations where announced inspections are appropriate include:
  - i. When specific information must be prepared by the source or when the source must make significant accommodations to gather the information;
  - ii. When the assistance of specific source personnel is necessary for the successful performance of the inspection (i. e., the information they provide cannot be obtained from other on-duty personnel or by a follow-up information request);
  - iii. When inspecting government facilities or sources operating under government contract where entry is restricted due to classified operations;
  - iv. When inspecting non-staffed or extremely remote sources; or
  - v. When inspecting sources that operate on irregular schedules.

5.7.4 Off-Premises Observation

- a. Observations of areas surrounding the facility before entering may reveal a variety of signs of operational practices and pollutant emissions which can aid in the pre-entry evaluation. These include, but are not limited to:
  - i. Obvious vegetation damage near the facility;
  - ii. Odors downwind of the facility;
  - iii. Deposits on vehicles parked near the facility;
  - iv. Other signs of fugitive dust downwind of the facility;

- v. Fugitive emissions near facility boundaries;
  - vi. Mud or dirt tracked onto public roads or streets; and
  - vii. Proximity of potential receptors.
- b. If odors are present, the weather conditions (including wind speed and direction) should be noted in the compliance evaluation report. Once inside the facility, olfactory fatigue may reduce the compliance evaluator's ability to detect these odors.
- c. In addition to observing the facility surroundings prior to entry, the compliance evaluator should also perform visible emission observations. Although some emission points may not be visible from a location outside the facility property lines, those that are should be read and recorded prior to entry.

#### 5.7.5 Entry

For inspections that are not conducted in response to off-hour complaints, arrival at the facility should occur during the facility's normal working hours. Upon arrival at the facility, the employee should ask to meet the responsible facility representative. The compliance evaluator should note the name, title and phone number of this representative in the compliance evaluation report.

##### a. Identification

Upon meeting the appropriate facility representative, the compliance evaluator should introduce him/herself as a YRCAA employee, present the official with the proper YRCAA identification card and a business card and state the reason for requesting entry. This identification provides the facility representative with the assurance that the compliance evaluator is a lawful representative of the Agency. The identification card should always remain in the possession of the compliance evaluator.

##### b. Consent

The facility representative must give consent to inspect the premises at the time of the inspection. As long as the compliance evaluator is allowed to enter, entry is considered voluntary and consensual. This consent may be withdrawn, however, unless entry has been gained by means of a warrant. Absence of denial constitutes consent. Expressed consent is not necessary.

##### c. Waivers, Releases and Sign-In Logs

When the facility provides a sign-in log or visitor register, it is acceptable to sign it. Under no circumstances should the compliance evaluator sign any type of "waiver" or "visitor release" that would imply relieving the facility of responsibility for injury or which would limit the rights of the Agency to use information gathered during the course of the compliance evaluation.

If such a waiver or release is presented, the compliance evaluator should politely decline any offer to sign it and request, instead, a sign-in sheet. If the compliance evaluator is refused entry because of refusal to sign such a release, he/she should obtain the name of the person requiring the release and leave the facility. All pertinent events surrounding the refused entry should be fully documented.

##### d. Denial of Entry

The receptiveness of facility representatives will vary from facility to facility. Most inspections should proceed without difficulty. However, some facility representatives may be reluctant to give consent to enter because of not understanding their responsibilities or inconvenience to their schedule. Some facilities may consider compliance evaluations adversarial and the compliance evaluator may be challenged

concerning the legal authority to conduct the compliance evaluation, the compliance evaluation techniques or the compliance evaluator's professional competency.

In any case, the compliance evaluator should explain his/her legal authority and the reasons for conducting unannounced inspections. If there is difficulty in gaining consent to enter, the compliance evaluator should determine the reasons and work with facility officials through diplomacy to resolve the difficulty. Care should be taken, however, to avoid threats of any kind, inflammatory discussion or escalation of misunderstanding. Professionalism should prevail at all times.

If a compliance evaluator is denied entry or is requested to wait for more than a reasonable amount of time to gain entry, without a reasonable explanation from the facility representative, the compliance evaluator should confirm the name and title of the person denying or delaying entry, the date and time of the denial and the reason given (if any) for the denial. The compliance evaluator should then leave the facility and contact his/her supervisor to determine if it is necessary to obtain legal remedy to gain entry and complete the inspection.

#### 5.7.6 Pre-Compliance Evaluation Conference

Once legal entry has been established, the compliance evaluator should proceed with the opening conference. The purpose of the opening conference is to thoroughly inform the facility representative(s) of the purpose of the inspection, the authority under which it will be conducted and the procedures to be followed. The opening conference also offers the compliance evaluator the opportunity to strengthen the YRCAA-industry relations through positive and professional dialogue, providing relevant information and assistance. An effective opening conference often facilitates the remainder of the inspection being positive and effective. The opening conference should include, but not be limited to, the following elements:

a. Inspection Objectives

A verbal outline of inspection objectives will inform facility representatives of the scope and purpose of the inspection and may help avoid misunderstanding.

b. Inspection Agenda

The compliance evaluator should initiate a discussion of the sequence and content of the inspection, including operations and control equipment to be inspected and their current operating status.

c. Facility Information Verification

The compliance evaluator should verify or document changes in the following information:

- i. Name and address of the facility;
- ii. Names of facility management and representatives; and
- iii. Registered equipment, raw materials and locations of emission points

d. Records and Interviews

The compliance evaluator should advise the facility representative of any records that will need to be reviewed and of any facility personnel that will need to be interviewed.

e. Facility Escorts

A facility representative must accompany the compliance evaluator, not only to describe the facility and its principal operating characteristics, but also for safety and

liability considerations. If the facility representative refuses to provide escort to the compliance evaluator, the compliance evaluator should follow the procedures discussed in the previous section on Denial of Entry.

f. Safety Requirements

The compliance evaluator should determine the facility safety regulations, including safety equipment requirements. The compliance evaluator should be prepared to comply with the requirements.

g. New Requirements

The compliance evaluator should discuss any new rules and regulations that are applicable to the facility and answer questions that pertain to them. If the compliance evaluator is aware of any new rules that apply to the facility, he/she should either make copies available or encourage the facility representative to obtain copies.

h. Photographs

The compliance evaluator should obtain permission to take photographs during the inspection.

### 5.7.7 Post-Inspection Conference

The closing conference with facility representatives enables the compliance evaluator to complete the inspection by answering any questions the facility representative may have. At this point, the compliance evaluator can identify and fill in any gaps in the information collected and ensure that there is general agreement on the technical facts.

Since the YRCAA compliance evaluator is often the only direct contact between the YRCAA and the facility, the compliance evaluator should always be aware of "opportunities for dialogue" to improve compliance. The closing conference provides for an ideal opportunity to offer various kinds of assistance to facility representatives. At this point, the compliance evaluator has first-hand knowledge of questions and problems. The compliance evaluator should:

- a. Answer all questions within his/her ability. Refer questions to other Agency staff when necessary. It is important that the compliance evaluator follow up on all referrals and requests for information. This will demonstrate to facility representatives a genuine interest by the Agency and aid the YRCAA outreach effort;
- b. Request copies of documents or other information not available during the inspection; and
- b. Discuss problem areas discovered during the inspection. The facility representative
- c. Should be informed of any violations observed and that Notices of Violation would only be issued from the office, after evaluating all available information.

## 5.8 Evidence

Evidence is the data used by the Agency to support or establish the truth of an allegation. It can be any information or proof which clarifies or helps establish the truth. During the course of an inspection, compliance staff may make observations, conduct interviews, obtain statements, obtain or copy documents, take photographs and collect samples. All of these may become evidence. There are five different types of evidence:

a. Testimonial

Observations made from personal knowledge, derived from a person's sense of smell, touch, sight, taste or hearing;

b. Direct

The object, item or thing itself (e. g., physical material samples);

c. Documentary

A document having significance due to its content (e. g., reports, logs, notifications, manuals);

d. Demonstrative

Something other than the above which is prepared or selected to support, illustrate or otherwise make some fact clearer or easier to understand (e. g., photographs, diagrams, maps, summaries, video tapes); and

e. Judicially Noticed

Matters about which there could be no dispute and become evidence by virtue of their being officially noticed by an administrative or court judge (e. g., YRCAA regulations, scientifically accepted facts, geographic locations, matters of common knowledge).

### 5.8.1 Evidence Collection

An inspection is the process whereby evidence is legally collected and documented. The Agency's case is dependent on the evidence gathered during an inspection. It is imperative that sufficient evidence be gathered to support a finding and that all pertinent circumstances supporting a compliance determination be clearly documented in the body of an inspection report. Responsibilities in the collection of evidence include:

- a. Substantiating facts with items of evidence, including samples, photographs, copies of documents, statements from witnesses and personal observations;
- b. Collecting evidence in a manner that can be substantiated in legal proceedings;
- c. Documenting the collection of supporting evidence in a clear and detailed manner; and
- d. Maintaining the chain of custody and integrity of physical samples.

The following sections are divided into the first four of five types of evidence discussed previously (judicially noticed evidence is only substantiated by courts of law). In each section the most common forms of evidence collection are addressed along with procedures for collection, preservation and documentation.

### 5.8.2 Testimonial

a. Employee Observations

Observations made by an employee during an inspection are the most common form of testimonial evidence. They are indirectly supported by the qualifications of the person making the observations. In some cases, Agency personnel may be considered expert witnesses based on individual education and experience. Quite often, the observations of the employee are the only evidence supporting an alleged violation, so it is imperative that all applicable observations be documented in the inspection report.

b. Statements

On occasion it may be necessary to obtain a formal statement from a person or

persons who may have first hand knowledge of relevant facts. A statement of fact is signed and dated by the person who can testify to those facts in court. The principal objective of obtaining a statement is to record in writing, clearly and concisely, relevant factual information so that it can be used as documentary support. The following are recommended procedures to follow when considering whether to take a statement:

- i. Determine the need for a statement. Will it provide useful information? Is the person making the statement qualified to do so by personal knowledge?
- ii. Determine the facts and record those which are relevant and which the person can verify under oath. Make sure all information is factual and first hand. Avoid taking statements that cannot be corroborated.
- iii. The person preparing a statement should:
  1. Use a simple narrative style;
  2. Avoiding stilted language;
  3. Narrate the facts in the words of the person making the statement;
  4. Use the first person singular; and
  5. Present the facts in chronological order including all relevant dates and times, unless the situation calls for other arrangements.
- iv. YRCAA staff should:
  1. Document why the person is qualified to make the statement;
  2. Have the person sign and date the statement; and
  3. Always provide a copy of the statement to the signer.

### 5.8.3 Direct

The collection of material samples is often necessary to establish a "substance specific" violation (e. g. asbestos). The Agency's successful processing of enforcement actions is dependent on samples carefully collected, preserved and presented. The integrity of evidence must be established on all material objects collected, and records must support the integrity of the evidence. This section outlines the recommended procedures for collecting and handling samples.

#### a. Consent

Samples may always be taken from public property but consent is required to collect samples from private property. As long as the employee is allowed to sample it is considered voluntary and consensual. Absence of an expressed denial constitutes consent. Expressed consent is not necessary.

#### b. Split Samples

A portion of the recovered sample should be offered to a facility responsible person so they can conduct an independent analysis. Whenever a split sample is taken, Agency personnel should try to select homogeneous materials so the samples will be as similar as possible.

#### c. Equipment

All sample containers must be clean prior to recovering a sample to eliminate cross-contamination of the specimen. To ensure the accuracy of collection instruments or devices used to obtain a sample, the equipment must be properly calibrated before and after the sampling. Documentation of the calibration should be included in the inspection report.

d. Identification

All evidence must be clearly identified and labeled or tagged to show:

- i. The date and time collected;
- ii. The name of the person collecting the evidence;
- iii. The name and address of the premises involved;
- iv. The specific location where the evidence was collected. Photo documentation, where possible, will strengthen the integrity of the evidence; and
- v. Identify the sample with a distinct numbering system.

e. Chain of Custody

For the laboratory analysis of a sample to be admissible as evidence, a logical and documented connection must be shown between the samples taken and the analytical results reported. This connection is shown by using the chain of custody procedures which document sample integrity from the time the sample was taken to the time it is analyzed. Agency personnel taking the samples are responsible for assuring that the chain of custody procedures are observed. Every person handling Agency samples or any other materials collected as evidence must follow the chain of custody requirements. Whenever possible, employees who collect the samples should deliver the samples to the laboratory and request the analysis themselves thus, limiting the number of persons handling the sample.

To establish and maintain an effective chain of custody on evidence, the sample collector should follow four general rules:

- i. Evidence should be handled by as few persons as possible;
- ii. Evidence handling procedures must ensure the evidence is not contaminated or altered;
- iii. The names of all persons handling evidence, and the date and time of such handling, must be recorded to show continuous custody and control from collection to presentation. There should be no gaps in the accountability; and
- iv. Physical evidence must be secured in a locked area with limited accessibility to keep the evidence from being tampered with or lost.

f. Chain of Custody Form

Records must support the integrity of the evidence. Every person handling the evidence must be identified to show continuity of custody. Persons completing the Chain of Custody must handle it as a legal document. When the sample is transferred from one person or agency to another, both the sample and the form become links in the chain of custody of evidence. The lower portion of the form is a record of transfer and receipt of the sample, and thus is a written account of all persons responsible for routing, processing and storing of the sample. The following entries on the form must be completed:

- i. Relinquished by - The person giving up the sample must sign the form.
- ii. Received by - The person receiving the sample must sign the form.
- iii. Firm/Agency - Name of the laboratory performing the analysis.
- iv. Date - Date the sample is submitted to the laboratory.
- v. Time - Time the sample is delivered to the laboratory.
- vi. Analysis - Type of analysis requested.

g. Transporting and Interim Storage

To maintain proper chain of custody procedures and the integrity of the evidence:

- i. All evidence should be delivered to the sample custodian or to the laboratory as soon as possible after it is collected.
- ii. Evidence should be handled by as few persons as possible. Every person handling the evidence must be identified and sign the Chain of Custody form.
- iii. Samples or any other evidence must never be left on an unattended desk, counter, table, etc. Samples or evidence must be handed to an authorized person and a receipt must be issued to the person delivering the sample.
- iv. Evidence held by the sample collector beyond the collection date should be secured in one of the following places:
  1. The employee's personally assigned vehicle under his/her direct control;
  2. A locked cabinet, if the sample collector, or a designated custodian has the only key; or
  3. A locked room or office where access is limited to specific authorized personnel.

h. Sample Collection

Collecting or sampling methods vary depending on the type of evidence. Sampling containers must be compatible with the type of sample being collected. Employees collect three basic types of samples:

- i. Gases are normally sampled using instruments such as a combustible gas meter. The sample collector must ensure that the instruments are calibrated and properly maintained.
- ii. Liquids are normally collected in a glass or metal container. Coating samples are normally collected in glass jars. Oil samples are normally collected in metal cans. The sample collector must ensure that the containers are clean.
- iii. Solids may be collected in plastic bags or on glass plates which have been issued by the laboratory.

#### 5.8.4 Documentary

Documentation is a general term referring to all print and mechanical media produced, copied or taken by Agency personnel to provide evidence of facility operating conditions. Types of documentation include inspection reports, checklists, drawings, flow sheets, maps, lab analyses of samples, chain of custody records, statements, copies of records, printed materials and photographs. Any documentation gathered or produced in the course of the inspection process may eventually become part of an enforcement proceeding. To this end, it is the employee's responsibility to produce documentation that is legible, concise, objective, accurate and complete.

All documents taken or prepared by Agency personnel should be noted and related to specific inspection activities. (For example, photographs taken at a sampling site should be listed, described and related to the specific sample number.)

a. Photographs

Clear photographs of relevant subjects provide an objective record of conditions at



the time of inspection and therefore are valuable support to other evidence. To be admissible as evidence generally an employee must be able to testify that any given photograph "fairly and accurately represents" what he/she saw at the site on that date.

When a situation arises that dictates the use of photographs, the employee should obtain consent to take photographs from the facility representative. As long as the employee is allowed to photograph it is considered voluntary and consensual. Absence of an expressed denial constitutes consent; expressed consent is not necessary. The employee must be tactful in handling any concerns or objections about the use of a camera. If the facility representative denies the employee permission to take photographs, the employee should request the facility to provide a photographer.

Photographs may always be taken from areas of public access (e.g., outside the fence, from the road, from the parking lot, etc.) as long as no equipment is used that might extend over or onto private property. Photographs are only as good as the documentation accompanying the photographs, because the employee must be able to convince a Hearings Board, a judge or a jury that the photographs fairly and accurately represent what the employee saw at a given facility on a given date. To build the documentation necessary for this purpose, the employee should enter notes about each photograph in the inspection report in its proper place in the chronology of the inspection, and in a separate photo record log.

When taking a photograph, the employee should visualize how the photographs will look to the general public or in a courtroom. Evidence may be strengthened by photographs when the picture tells its story with a minimum of explanation. There are several guidelines that should be considered:

- i. Direction  
It is helpful to photograph a subject from a point that will indicate direction and location of the subject;
- ii. Center of Interest  
There should be only one major subject or center of interest in a scene. When taking photographs, the employee should eliminate or subordinate all secondary elements and focus on the main element. Be sure the subject actually fills the view finder;
- iii. Simple Background  
The background should be kept simple, so as not to distract attention from the main subject;
- iv. Scale  
If the subject is unknown or unfamiliar to viewers, the employee should include some familiar object to indicate comparative size (e.g., a person, a car, a pen);
- v. Location or Context  
It is sometimes useful to photograph a subject from a point where the location of the subject will be clear in relation to other features;
- vi. Motion  
If action or movement is implied by the photograph, more space should be allocated in the direction of the action than away from it;
- vii. Tones  
Make sure the background is tonally distinct from the subject. Imagine how tones will look when reduced to gray; and

#### viii. Safety

In areas where there is a danger of explosion, flash photographs should not be taken. If there is a danger of electrical shock, photographs should be taken from a distance known to be safe.

A photo log should be maintained for all photographs taken during an inspection, and the entries made at the time the photographs are taken. These entries are to be numerically identified so that after the photos are downloaded to a file, they can be serially numbered corresponding to the logbook description. The log entries should include the name of the photographer, a description of film used (i.e., its ID number and ASA number), date, location, a brief description of the subject being photographed and the registration number of the source or complaint number. If printed, prints should be numbered and identified corresponding to the photo log. Employees should not write on the front of the print.

#### b. Records

Agency personnel are authorized to obtain copies of any facility records necessary to complete the inspection report. When employees are called to testify in court, they must be able to positively identify each particular document and state its source and the reason for its collection. The employee should initial, date, number and record the facility's name on each record, and reference these items in the field notes. Originals should be returned to the proper personnel or to their correct location.

#### c. Printed Material

Brochures, literature, labels and other printed matter may provide important information regarding a facility's condition and operations. These materials may be collected as documentation, if, in the employee's judgment, they are relevant. All printed matter should be identified with the date, employee's initials and related sample numbers. Reference to these materials should be made in the field notes.

### 5.8.5 Demonstrative

Schematic drawings, flow sheets, maps, charts and other graphic records can be useful as supporting documentation. They can provide graphic clarification of location relative to the overall facility, relative height and size of objects and other information which, in combination with samples, photographs and other documentation, can produce an accurate, complete evidence package.

Drawings can provide graphic clarification of a site location relative to an overall facility and the parameters of an emission or contamination. A drawing can be entered directly into the inspection report itself; this integrates it clearly with other notes in chronological order.

Drawings should be free of unnecessary details. Basic measurements and compass points should be included as necessary to provide a scale for interpretation. Some types of drawings are:

- a. General sketch of the facility;
- b. Sketch showing where photos and/or samples were taken;
- c. Sketch showing where potential violations are observed; and
- d. Sketch showing the layout of a particular part of a facility, which was the major focus of the inspection.

Although, not as accurate or credible as a photograph, drawings and diagrams are good

backup methods when photography cannot suffice. Sometimes a photograph would contain so much detail that the crucial features are not clear or would require too much explanation. In such cases a good, simple schematic drawing or diagram can be useful.

The drawing should contain notations of the approximate dimensions of the subject. The level of accuracy of the drawing should also be noted (e.g., "estimated" or "measured with steel tape"). All such visual notes should be referenced to show where the subject was observed in the facility. All drawings should be labeled "not to scale".

## **5.9 Compliance Evaluation Reports**

Reports are an important component of every compliance evaluation, because they document and support the compliance evaluation with the information necessary to verify compliance or successfully pursue enforcement actions. Reports are the foundation of every case and must have the supporting technical data explained in lay terms. Reports should be clear and complete, so that a person will have a comprehensive understanding of the compliance evaluation and can ascertain the key elements from reading the report.

### **5.9.1 Preparation**

The report may be written in a narrative style (written in the first person) or on a compliance evaluation form. Either method should provide a chronological sequence of events related to the compliance evaluation. The information contained in the compliance evaluation report must be:

- a. Accurate  
Observations must be the result of first hand knowledge. Other information must be factual.
- b. Relevant  
Information in a compliance evaluation report should be pertinent to the objectives of compliance assurance.
- c. Comprehensive  
All information relevant to the compliance evaluation should be noted, including specific details regarding dates, times, processes, alleged violations, etc.
- d. Coordinated  
All information pertinent to the compliance evaluation should be organized in a complete package so that anyone reading the report will get a complete, clear understanding of the events.
- e. Objective  
Information should be objective and factual; the report should not contain speculation or opinion.
- f. Clear  
The information in the report should be presented in a clear, well-organized manner.
- g. Neat and Legible  
Allow time to prepare a neat legible report.

### **5.9.2 Field Notes**

The employee should take field notes during the compliance evaluation, interviews, and investigation to assure that the report later includes all relevant information. The notes should consist of brief phrases concerning specific events, observations, circumstances,

persons, and other data recorded while fresh in the employee=s mind. They reduce the need to communicate again with the parties involved, and assure greater accuracy than memory alone can accomplish.

The notes provide a basis for the report. However, they are not part of the report. It is not necessary to retain the field notes after the compliance evaluation report is completed and they may be discarded. Any field notes retained by the employee are part of the public record and should be submitted to the source file.

### 5.9.3 Timely Reporting

A time schedule for submitting compliance evaluation reports should be followed to implement timely enforcement actions, develop weekly plans and prevent backlogs of report writing and other data entry. The following time schedule is recommended for completing and submitting compliance evaluation reports. Employees should:

- a. Complete compliance evaluation reports within 24 hours after the compliance evaluation. Complex cases often involve extensive investigation and reports may not be completed within this time frame;
- b. Submit compliance evaluation reports to their supervisor on a weekly basis;
- c. Submit information for filing within a week of the compliance evaluation; and
- d. Submit all outstanding reports prior to leaving for a planned absence of one week or more.

### 5.9.4 Registration File Update

The Agency Registration System is the computer data system containing information relevant to the status of registered facilities. Since the registration data form the basis for air quality planning, rule development, and reporting to EPA on compliance status, an accurate and complete data base is essential.

The employee should check to see if any of the registration data are missing or have changed since the last update and then submit the data they have collected to the Engineering and Planning Division. The Registration Database should be updated based on information submitted. It is the employee=s responsibility to assure that the registration information is accurate and complete.

## 5.10 Notices of Violation

A Notice of Violation (NOV) is an official notification that a violation has occurred. The Notice shall require that a specific corrective action be taken within a specified time.

### 5.10.1 Conditions for Issuance

The Written Notice is a legal document. It is not a written warning. Do not tell anyone that the NOV will be dismissed or that no enforcement action will be taken upon proof of compliance. The NOV shall be issued when there is evidence that all of the following conditions are met:

- a. An act or failure to act is documented by YRCAA personnel or other government official, which results in the violation of a substantive requirement contained in RCW 70.94, the Washington Administrative Code, a YRCAA Regulation, a Notice of

Construction Approval, a Board Order, a Corrective Action Order, an Operating Permit, or a Regulatory Order;

- b. The date and time of the violation is documented;
- c. The responsible person or persons are identified;
- d. The location or address of the violation is identified; and
- e. The equipment or source is identified.

#### 5.10.2 Timing

NOVs shall be issued within 5 working days of compiling all the information above. Except in rare cases, the NOV should be issued from the office, after all relevant information has been collected and evaluated. Any NOV issued from the office should be sent by certified mail. If the certified mail is returned, the NOV should be delivered by courier.

#### 5.10.3 Completing the Notice of Violation

The Notice of Violation form consists of information items (violator=s name, address, violation location, time of violation), the regulation, permit condition, or Order alleged to be violated, the facts alleged to constitute a violation, and a Corrective Action Order, including an order to respond in writing within ten days. The following guidelines are provided for those items which may require clarification:

a. Date and Time of Violation

Enter the date and time the violation occurred. If it is not possible to identify these exactly, use Aon or about@ the likely date and time of the violation.

b. Name of responsible person

Enter the full, legal name of every responsible person directly involved in the violation. For some violations this may include a property owner, a general contractor and one or more subcontractors.

c. Company

Enter the name of each company directly involved with the violation.

d. Location of Violation

Enter the physical address and/or describe the location and city where the violation occurred.

e. Mailing Address

Enter the address, city and zip code of the principal office for each party involved in the violation.

f. Violation

Enter the sections of those rules, permit conditions, or Orders which were alleged to be violated.

g. Violation Description

Describe the facts alleged to constitute a violation in plain language. Do not merely reiterate the language of the regulation, permit condition, or Order.

h. Corrective Action Order

Describe any necessary corrective action to be taken to remedy the violation in plain language. Do not simply order compliance with the regulation, permit condition, or Order which was violated.

#### 5.10.4 Data Entry

After issuing a Notice of Violation, the information should be entered into the database.

This enables the agency to track Notices, violator responses, and Notices of Penalty. Information to be entered includes:

- a. The Notice of Violation number;
- b. The date it was issued;
- c. The section cited and a brief description of the violation;
- d. The date that the violator response is received; and
- e. Notice of Penalty resulting from the violation.

#### 5.10.5 Follow-up Inspections

If the violation or deficiency was corrected while the Agency representative remained at the site, no further follow-up is needed. The corrective action observed by YRCAA personnel should be included in the inspection report.

If the violation or deficiency was not corrected while the Agency representative was at the site, the written response should be evaluated and a determination can be made as to the appropriate course of action needed to assure the violation is corrected. The case cannot be closed until there is reason to believe that the violation has been corrected. In many cases, a follow-up inspection will be necessary to confirm that the violation has been corrected, and that the violation is not on-going.

### 5.11 Enforcement

Notices of Violation are generally followed by an enforcement action on the part of the Agency. The enforcement actions available to the Agency include: civil penalties, injunctive relief, or criminal penalties.

The Control Officer is responsible for authorizing the option chosen, after consultation with the employees involved in the case. Enforcement actions shall be taken within 5 days following the expiration of the 30 days following the issuance of the Notice of Violation. Except for High Priority violations, as defined by the EPA Compliance Monitoring Strategy, the Control Officer may choose not to take enforcement action. This decision is in the nature of the enforcement discretion exercised by the Agency.

#### 5.11.1 Civil Penalties

Civil penalties are the preferred option used to obtain compliance and to remove any economic benefits realized by noncompliance. Civil penalties are appropriate for violations which do not warrant injunctive relief and do not qualify for criminal penalties.

The Board of Directors has approved separate work sheets for the assessment of civil penalties for violations involving outdoor burning, industrial emissions, asbestos, and general regulations. These work sheets consider the actual, probable, or potential amount of environmental or property damage or the risk to public health and the amount of money the violator saved by noncompliance. The policies also consider the familiarity of the violator with the regulations, history of compliance, the preventative measures in place, and the responsiveness in correcting the violation.

The employee recommending a civil penalty for a violation is responsible for completing the penalty work sheet. The employee's immediate supervisor then reviews the work sheet and submits it to the Control Officer for review. The ultimate decision regarding

the penalty is made by the Control Officer. Generally, a civil penalty should be issued when:

- a. The person has previously been subject to an enforcement action for the same or similar type of violation of the same permit requirement, order, statute or rule, or has been given Notice of the same or similar type of violation of same statute or rule;
- b. Compliance is not achieved by the date established in a previously issued Order;
- c. The violation has a probability of placing a person in danger of death or bodily harm;
- d. The violation has a probability of causing more than minor environmental harm;
- or
- f. The violation has a probability of causing physical damage to the property of another in the amount greater than \$1,000.

#### 5.11.2 Injunctive Relief

The Agency is authorized to seek a temporary or permanent injunction or other appropriate order, after providing notice to a person and providing them with an opportunity to comply, whenever any person has engaged in, or is about to engage in, any act or practice which constitutes or will constitute a violation.

Injunctive relief is a powerful tool. Although the Agency's authority to seek injunctive relief is quite broad, the Agency generally would choose to use it only in situations involving serious violations, unresponsive violators, or where immediate action is necessary and other remedies have not been or will not be effective. The following are points to consider when contemplating the use of injunctive relief:

- a. Notice.

The Agency must provide notice to an alleged violator of the violations and provide an opportunity to comply before seeking injunctive relief. In many cases, this may mean issuing a Notice of Violation which includes a corrective action order, waiting for a response, and having received none, proceeding to prepare court documents. It is important to document all notices, written and verbal, given by the Agency to an alleged violator and all responses received by the Agency.

- b. Timing

If an employee believes they have a situation where injunctive relief may be appropriate, the employee should promptly discuss the situation with the Control Officer as soon as possible.

If it is determined by the Air Pollution Control Officer that the Agency will go to court to seek injunctive relief, the employees involved should work with Counsel to assist in preparing the necessary court papers in a timely manner. In general, the courts will look more favorably upon the Agency's requests for injunctive relief if the Agency has acted promptly and diligently in attempting to address violations. The longer the Agency waits to prepare its legal case and present it in court, the weaker the Agency's argument that immediate relief is needed. Also, the violator may have a valid defense that conditions leading to the initial violation have since improved or changed.

- c. Affidavits

If the Agency decides to seek injunctive relief in a particular case, the employees

involved will each need to prepare an affidavit describing their personal knowledge and actions in the case. Additional affidavits may need to be obtained from other knowledgeable persons, such as compliance staff from other agencies.

### 5.11.3 Criminal Penalties

RCW 70.94.430 provides criminal penalty authority for the following types of violations:

- a. When a person knowingly violates chapter 70.94 RCW or any regulations enacted thereunder; or
- b. When a person negligently or knowingly releases a hazardous air pollutant into the ambient air (other than in compliance with the terms of a permit or emission limit) and who at the time, negligently or knowingly places another person in imminent danger or death or substantial bodily harm.

Criminal law is a very complex subject and it cannot be summarized in this manual. For purposes of this manual, employees are expected to participate in training to assure that they can identify cases that appear to present potential criminal liability. Such cases will typically involve some evidence indicating, at least initially, that a person had knowledge before or during a violation of applicable regulations that they were violating such regulations.

Because of the complexity and the heavy burden of proof that must be met in criminal cases, it is critical that Agency investigative efforts be done correctly and thoroughly in potential criminal cases. If an employee encounters such a case, they should discuss it with the Air Pollution Control Officer, and Counsel as soon as possible.

See Also Appendix E - Enforcement Policy

## 5.12 Asbestos

Asbestos inspections during normal working hours are ordinarily conducted by one authorized employee. However, inspections conducted after-hours or in response to a complaint of public exposure to asbestos should be conducted by two authorized employees. This can also include employees from another agency with responsibilities regarding asbestos regulations. When no backup is available the employee should evaluate the situation with respect to their own safety and that of the public and take appropriate action.

### 5.12.1 Arrival at the Site

Upon arrival at the site:

- a. Survey the property perimeter;
- b. Note wind speed and direction and determine if there is any possibility of public exposure;
- c. Check for posting of asbestos regulated and controlled areas demarcated with signs or tape;
- d. Note locations of exhaust from air filtration systems. Identify locations of asbestos waste storage areas;
- e. Check for possible asbestos debris around storage area and exit ways from the job site;



- f. Observe general trash storage area for possible asbestos disposal;
- g. Contact the person in charge, establish the individual's name, job title, and business affiliation, as listed in the Notification of Demolition and Renovation. Present your identification card, distribute business cards, and obtain entry for the purpose of inspection;
- h. Limit the length of initial on-site contact interviews in order to access the work area as quickly as possible, while being careful to obtain all critical information necessary to properly assess site hazards; and
- i. Determine a logical sequence for the site inspection in order to promote its overall efficiency and discuss with site contact (i.e., safety requirements, photographs, samples, etc.).

#### 5.12.2 Gather Information

Obtain specifics about the nature of the asbestos work on the site so that informed, educated and safe decisions can be made regarding personal protection on the job site and document all findings, such as:

- a. The type of material being removed (acoustical, pipe lagging, elbows, vinyl asbestos tile, cement asbestos board);
- b. Whether wet methods are being used;
- c. Types of emission control methods being used (e.g., full containment, glove bag);
- d. Whether the work area is completely enclosed with an impermeable barrier;
- e. Whether all the ventilation systems that have duct work in the work area have been shut off;
- f. If air sampling data is available (clearance sample data if the project is complete); and
- g. What contractor safety requirements pertain to areas to be inspected.

#### 5.12.3 Inspection Procedures

Inspections shall be conducted in compliance with the Washington Department of Labor and Industries (L&I) asbestos regulations. In particular, inspections of active asbestos projects by YRCAA employees shall be conducted outside negative pressure enclosures. If there are any questions regarding the L&I regulations the employee should contact their supervisor.

If, in the judgment of the employee, performance of the inspection would subject the employee to physical hazards or health hazards beyond personal protective equipment factors (such as confined spaces or oxygen deficient atmospheres), the employee shall halt the inspection immediately.

#### 5.12.4 Inspection Reports

Inspection reports should clearly and concisely document observations and physical evidence from the inspection. The information below should be included in the inspection report along with such additional information as employee observations, owner or contractor admissions and response actions:

- a. Was a notification filed for the asbestos project? Is it accurate and complete?
- b. Is there an asbestos survey available at the job site?
- c. Are certified workers performing asbestos work?

d. Are wet removal methods being used? Is ACM (Asbestos-Containing Material) exposed during cutting or disjoints operations kept adequately wet?

Locate water supplies, wetting agent, and confirm method of application e.g., misting, fogging, spraying of surface area only or drenching to penetrate the ACM throughout. If possible, examine a stripped or removed piece of ACM. Does it appear to be wetted throughout? When examining materials that do not readily absorb a wetting agent, note whether all exposed surfaces of these materials have been wetted.

e. Is there ACWM (Asbestos-Containing Waste Material) debris outside a controlled area?

If the employee finds debris, but is unsure that the suspect material is asbestos, the employee shall collect samples and advise the person in charge at the site of the suspicion. If the owner or operator of the project cannot demonstrate that the material is not asbestos, the employee should request that all removal work cease and the contaminated area be secured until the material is analyzed.

If the employee finds debris and has evidence that the material is asbestos, the employee shall issue a Notice of Violation with an Order requiring the following corrective actions:

- i. All asbestos work shall cease immediately;
- ii. The contaminated area shall be secured immediately to prevent access by any unauthorized persons; and
- iii. All asbestos containing waste material shall be promptly cleaned up.

f. Is removed ACM kept adequately wet until collected for disposal? Is there dry debris on floors, ground, equipment, employees, etc.? Is removed ACM collected for disposal at the end of each working day? Is ACM contained in a controlled area at all times until transported to a waste disposal site?

g. Is ACWM adequately wetted with water?

Randomly select bags or other containers for inspection. Lift the bag or container to assess its overall weight. A bag of dry ACWM can generally be lifted easily with one hand whereas a bag filled with well-wetted material is substantially heavier.

If the waste material is contained in a transparent bag, visually evaluate the contents of the unopened bag for evidence of moisture (e.g., water droplets, water in the bottom of the bag, change in color of the material due to the presence of water, etc.).

If the waste material is contained in an opaque bag or other container, without opening the bag, squeeze chunks of debris to ascertain whether it appears saturated.

In any situation where the material appears to be inadequately wetted confiscate an entire suspect bag for evidence. Shortly thereafter, open the bag in a controlled area and examine the debris. When examining materials that do not readily absorb a wetting agent (e.g., pre-molded thermal system insulation, ceiling tiles, floor tiles), note whether all exposed surfaces of these materials have been wetted. Squeeze materials that can absorb a wetting agent and determine if water can be forced out of the material by hand pressure.

h. Is removed ACM or units of sections of components covered, coated or manufactured from ACM, carefully lowered to the ground to avoid risk of further damage? Is it transported from over 50 feet above the ground via dust-tight chutes or containers to ground level?

i. If negative pressure enclosures are in use, check the integrity of the material

enclosing the removal area. Are windows and doors sealed? Is the negative air unit equipped with a HEPA exhaust filter? How often are these changed? Are the systems maintained and functioning properly (check supervisor=s daily log)? Is there a manometer or pressure gauge installed and monitored frequently throughout all work shifts? Does the negative air operate 24-hours per day? Is there an inward pull on the enclosure?

#### 5.12.5 Exit Interview

The following actions must be conducted on site for all active projects:

- a. Review job set up, sampling, monitoring, removal and disposal procedures;
- b. Conduct a quick, concise wrap-up interview to obtain any additional information necessary to complete the checklist and to convey to the owner/operator the findings of the inspection;
- c. Describe to the site contact all deficiencies or violations identified during the inspection; and
- d. Issue verbal corrective action orders necessary to correct any violations; and advise of any intent to issue Notices of Violation.

#### 5.12.6 Follow-Up

- a. When violations are detected, a Notice of Violation shall be issued. Include in the Notice of Violation an Order, describing the necessary specific corrective actions that must be taken (i.e., AThe bags in the dumpster filled with dry ACWM must be taken back to the controlled area, the ACWM properly wetted and the material re-bagged.@)
- b. Conclusive compliance determinations cannot always be made by the employee in the field because it is not always clear that the materials being mishandled are asbestos. When violations are suspected but samples are necessary for verification, take two samples. Have one analyzed immediately at a contract lab. Once the sample results are known, take the appropriate action.

**See Appendices B through D for additional asbestos inspection guidelines.**

### 5.13 Gasoline Stations

#### 5.13.1 Applicability

These procedures are designed for inspecting gasoline stations subject to the requirements of WAC 173-491. This regulation requires the installation and operation and maintenance of Stage 1 vapor recovery on tanks totaling 10,000 gallons per facility installed after August, 1991 and on all tanks at gasoline stations that dispense at least 360,000 gallons of gasoline per year. Certain stations also have Stage II vapor recovery and are subject to the conditions of approval contained in a New Source Review.

#### 5.13.2 Arrival at the Site

- a. Upon arrival at the site, park near the fill points of the gasoline tanks. Present credentials to the person in charge of the station and obtain entry. Verify or update the name of the station owner and contact, the phone number of the facility, and the number and size of the gasoline storage tanks.
- b. Record on the inspection form the number and location of the pressure/vacuum

(P/V) vents, and whether they are discharging vapor. When vehicle gas tanks are below the temperature of the underground gasoline tanks on the coldest winter days, the vapor will expand in the warmer underground tanks and be forced out of the vent pipe(s) through the P/V valves.

### 5.13.3 Inspection Procedures

#### a. Stage 1 - Coaxial Systems

The following procedure should be followed:

- i. Put on a safety vest, observe the traffic in the station, and set out safety cones;
- ii. Pry up and set aside the hatch covers;
- iii. Feel the firmness of the protective cap, determine if it is vertically tight, and locked down;
- iv. Remove the cap, carefully dumping any condensate water on the apron; avoid spilling water into the gas tank;
- v. Look at the underside of the cap to make sure the gasket is intact;
- vi. Depress the drop tube with your hand or with the drop tube depression tool (do not use any steel tools because it may deform the lip). It should move downward, then spring back when released to form a seal. Ensure there is a gasket between the tube and adapter;
- vii. Measure the length of the fill tubes from the bottom of the tank;
- viii. Lower the measuring tape down the drop tube. When it contacts the bottom of the tank, record the length; i.e., 11' 10" from the top of the drop tube to the tank bottom. Gently raise the tape until its lip catches on the bottom of the drop tube. Record the measurement (the length of the drop tube), i.e., 11' 4". The difference should be 6" or less. Often the bottom of the drop tube is cut off at a 30 to 45 degree angle, so spit back does not occur. The gap is measured from the top of the cut-off, not from the point at the bottom of the tube; and
- ix. Replace the cap, push down on the handle to compress the gasket and replace the hatch cover.

It is a violation if:

- x. The cap or cap gasket is missing, cracked or will not latch, or is vertically loose such that it will not form a seal. Require that such a violation be corrected within 10 days;
- xi. The drop tube is missing or is more than 6 inches from the bottom of the storage tank. Require that no deliveries occur without a drop tube. Require that drop tubes out of specification be replaced within 30 days; or
- xii. The drop tube is not spring loaded or does not seal properly. Require that such a violation be corrected before the next delivery.

#### b. Stage 1 - Dual Point Systems

- i. Put on a safety vest, observe the traffic in the station, and set out safety cones;
- ii. Pry up and set aside the hatch covers;
- iii. Feel the firmness of the protective cap, that it is on tight and locked down;

- iv. Remove the cap, carefully dumping any condensate water on the apron; avoid spilling water into the gas tank;
- v. Look at the underside of the cap to make sure the gasket is there and in good condition;
- vi. On the 3" vapor return point, depress the poppet valve and note that it returns up to form a seal when released (This hatch cover is often color coded orange);
- vii. Record on the inspection form any excess pressure when the poppet valve is depressed;
- viii. Replace the cap, push down the handle to compress the gasket replace the hatch cover;
- ix. On the 4" fill point, measure the length of the drop tube using the procedures described above;
- x. Ensure that the o-ring gasket between the drop tube and adapter is in place and not damaged or missing (i.e., no metal to metal contact); and
- xi. Replace the cap, push down the handle to compress the gasket. Replace the hatch cover.

It is a violation if:

- xii. A cap or cap gasket is missing, cracked or will not latch, or is vertically loose such that it will not form a seal. Require that such a violation be corrected within 10 days;
- xiii. The drop tube is missing or is more than 6 inches from the bottom of the storage tank. Require that no deliveries occur without a drop tube. Require that drop tubes out of specification be replaced within 30 days;
- xiv. The poppet valve is missing or does not seal properly. Require that such a violation be corrected before the next delivery;
- xv. The o-ring gasket is damaged or missing; or
- xvi. The drop tube or poppet valve adapter is damaged or can be loosened by hand. Require that such a violation be corrected before the next delivery.

c. Stage II Systems

A copy of the approval conditions of the New Source Review should be taken with the employee and a visual assessment of the equipment and documentation should be accomplished in accordance with the terms of the NSR Approval.

#### 5.13.4 Reporting

The standard gasoline station inspection form substitutes for the inspection report described in Subsection 5.9 of this Section.

#### 5.13.5 Follow-Up

When violations are detected, a Notice of Violation shall be issued. Include in the Notice of Violation an Order, describing the necessary specific corrective actions that must be taken. For corporate facilities, send a second copy of any Notice of Violation to the corporate person in charge of compliance.

### 5.14 Woodsmoke

The Stage I exemptions for certified and pellet stoves and the Stage I and II exemptions for only

source of heat make the burn bans are difficult to enforce. Therefore, our program will focus on opacity to enforce the woodsmoke standards. The objective is to target opacity violations which should eliminate the paperwork involved with the burn ban exemptions, and deal more directly with the real problem. Burn ban violations observed during opacity observations will also be cited.

#### 5.14.1 Applicability

These procedures are designed for inspecting solid fuel burning devices. YRCAA Regulation 1 requires:

- a. That solid fuel burning devices not emit smoke in excess of 20% opacity;
- b. The use of only certified devices during a Stage I burn ban unless it is the only adequate source of heat; and
- c. The use of no solid fuel burning device during a Stage II burn ban unless it is the only adequate source of heat.

#### 5.14.2 Inspection Procedures

- a. Upon arrival, if smoke from a woodstove or fireplace chimney is greater than 20%, record the address, the time, and the opacity and return at least 20 minutes, but not more than four hours, later to determine if the smoke is continuing. This grace period is designed to accommodate the smoke that may result from starting up or refueling a woodstove;
- b. Upon return, record the appropriate information. If the opacity is still greater than 20%, begin reading opacity following EPA Method 9 to the greatest extent possible. Use the Method 9 VEO form for the report;
- c. Take a reading once every 15 seconds for 6 to 10 minutes; and
- d. Ensure the inspection report contains all required information including the correct address and zip code. If possible also include the name of the resident or owner.

#### 5.14.3 Follow-Up

Issue any letter, Warning Notice or Notice of Violation within one week of documenting a violation.

## Appendix A C Respiratory Protection Program

It is the policy of the Yakima Regional Clean Air Authority to prevent employee exposure to harmful air contaminants. Employees are trained to recognize, and should avoid, atmospheres containing harmful air contaminants. Employees are not required to enter environments where airborne concentrations of contaminants exceed a permissible exposure limit or that may be oxygen deficient and thus, are not required to wear respiratory protective equipment.

Voluntary use of only NIOSH approved, negative pressure, air purifying, facepiece respirators is allowed. Such voluntary use must comply with WAC 296-842-110, adopted by reference. The following information is an excerpt from WAC 296-842-110:

1. Respirators protect against airborne hazards when properly selected and used. WISHA recommends voluntary use of respirators when exposure to substances is below WISHA permissible exposure limits (PELs) because respirators can provide you an additional level of comfort and protection.
2. If you choose to voluntarily use a respirator (whether it's provided by you or your employer), be aware that respirators can create hazards for you, the user. You can avoid these hazards if you know how to use your respirator properly and how to keep it clean. Take these steps:
  - a. Read and follow all instructions provided by the manufacturer about use, maintenance (cleaning and care), and warnings regarding the respirator's limitations.
  - b. Choose respirators that have been certified for use to protect against the substance of concern. The National Institute for Occupational Safety and Health (NIOSH) certifies respirators. If a respirator isn't certified by NIOSH, you have no guarantee that it meets minimum design and performance standards for workplace use.

A NIOSH approval label will appear on or in the respirator packaging. It will tell you what protection the respirator provides.

- c. Keep track of your respirator so you don't mistakenly use someone else's.
- d. Do not wear your respirator into:
  - i. Atmospheres containing hazards that your respirator isn't designed to protect against. For example, a respirator designed to filter dust particles won't protect you against solvent vapor, smoke, or oxygen deficiency; or
  - ii. Situations where respirator use is required.

## **Appendix B C Asbestos Inspection Guidelines**

1. Employees may conduct the following inspection activities:
  - a. Meeting with officials, building representatives, contractors, property owners, and employee representatives outside controlled areas;
  - b. Inspecting in a controlled area if no removal work has begun and all ACM is intact, not disturbed; not damaged, and no debris is present;
  - c. Inspecting outside enclosures provided no visible tears or visible dust or debris that may have originated from within the enclosure are observed;
  - d. Collecting bulk samples when no asbestos exposure conditions are apparent; and
  - e. Entering and moving within a controlled area when the effective exposure within the controlled area is known to be below 0.1 f/cc of air as an eight-hour time-weighted average.
2. Employees shall not conduct the following activities:
  - a. Close contact with asbestos removers using glove bags (WAC 296-62-07753 Appendix J, (5)(c)(ii)) or removing cement asbestos board using safe work practices;
  - b. Inspecting within controlled areas where workers are wearing respirators;
  - c. Entering and moving within controlled areas when the effective exposure within the controlled area is unknown or is known to be at or above .1 f/cc of air as an eight-hour time-weighted average;
  - d. Inspecting asbestos projects where the asbestos is inadequately wet and the asbestos-containing material is being dropped to the floor or other surfaces;
  - e. Inspecting asbestos projects where visible emissions are observed or where materials removed from the work area or the pathway for removal of bags and equipment appear contaminated;
  - f. Opening bags of asbestos containing waste material; or
  - g. Entering into areas of unknown exposure levels, dry removals, and negative pressure enclosures until satisfactory clearance samples are documented.



## **Appendix C C Asbestos Bulk Sampling Guidelines**

When asbestos violations are suspected, but a conclusive determination cannot be made without confirmation that the material involved is asbestos, take a sample to be analyzed by an independent laboratory.

### **Sampling Guidelines**

1. Limit access to any contaminated area by posting the area with appropriate personnel or signs, as necessary;
2. Determine the number of people needed in the affected area during sample collection, and limit access to that number;
3. Determine how the area will be decontaminated should there be an accident (e.g., a piece of asbestos comes loose and drops to the floor);
4. Adequately wet the material to prevent fiber release;
5. Photograph the sample site, recording time, date, exact location and sampling personnel;
6. Place sample into container, wipe excess material off exterior and label the container. The label should include the date and time the sample was collected, location, case number and initials of the compliance evaluator taking the sample. The container should be placed within a second plastic bag and sealed;
7. If necessary, repair the sample site to minimize fiber release;
8. Decontaminate tools and other non-disposable equipment; and
9. Complete the Asbestos Field Sample Data and Chain-of-Custody form for the sample.

## **Appendix D C Procedures for Accidental Asbestos Exposures**

To protect yourself from sudden asbestos exposure, remember these five rules:

Get ready, Get out, Get wet, Get help, Get showered.

The following guidelines explain each of these rules. Please review them and think about them. In an emergency, you won't have time to look them up.

### **1. Get Ready**

- a. **Pre-Inspection**  
Before you go to a site, be aware of asbestos-containing materials found in most industrial plants, commercial establishments and residential structures. Upon making contact with source personnel, have a pre-inspection interview to ask questions about the location and condition of asbestos-containing materials that may be encountered during the inspection.
- b. **During an Inspection**  
During inspections or other field activities, question source personnel, foremen, operators and others about maintenance activities in progress (as these activities may be around asbestos-containing materials). Be aware of activity occurring around ducting, pipes, valves, overhead panels, heating and cooling systems. If you have reason to believe that a facility might have asbestos-related activity occurring, keep your half-mask respirator and combination particulate and gas/vapor filter protection with you.
- c. **Emergency Equipment Needed**  
Carry emergency equipment in your assigned vehicle within easy reach from the back door of the vehicle.

In addition to the above, keep your designated fire department telephone number on your person and by your car phone.

### **2. Get Out**

If you are accidentally exposed to asbestos dust:

- a. Immediately leave the contaminated area; and
- b. Minimize your breathing as you go to an area which is not contaminated.

### **3. Get Wet**

- a. As you are leaving the area use an industrial shower, eye wash, hose, or faucet to wet down your hair, face and clothing;
- b. Access your vehicle from the back door where your emergency equipment is located
- c. Bag and tape shut contaminated equipment in a labeled asbestos bag for later

decontamination; and

- d. Don a disposable coverall with head and foot covers before entering your vehicle.

#### **4. Get Help**

- a. Call the Agency to inform of your asbestos contamination and your location. Advise YRCAA as to your fire department hazmat destination for decontamination and whether you desire decontamination assistance;
- b. Call the designated fire department hazmat unit in your area to advise them you are en route to use their decontamination/shower facilities.; and
- c. Drive to your designated decontamination facility and follow their pre-arranged procedure.

#### **5. Get Showered**

- a. Carry your emergency equipment duffel bag with towel, soap, a change of clothes, a disposable coverall with head and feet covers, and two disposable asbestos bags into the fire department facility where you will shower;
- c. Step into shower with your set of coveralls and clothes underneath. As each layer is thoroughly wetted, remove and place it in disposable asbestos bags C disposable coveralls in one bag and your clothes and shoes in another. Seal each bag;
- d. Shower your entire body with soap and water, dry off and dress in your change of clothing;
- e. Don your disposable coveralls with head and feet covers and return to decontaminate your vehicle, or you may leave your vehicle in the fire department parking lot for later decontamination. Wet wipe areas in your vehicle which may have become contaminated;
- f. Dispose of your coveralls after decontaminating your vehicle along with all asbestos contaminated waste in a labeled asbestos bag; and
- g. Isolate your soaked, asbestos contaminated shoes and clothing in a washing machine and launder with two complete cycles. Operate your washing machine for at least one unloaded cycle after cleaning your clothes.

## **Appendix E - Enforcement Policy**

The purpose of this policy is to describe standard procedure and offer guidance for using enforcement actions to address and resolve non-compliance.

### **1. Standard Procedure to Address Violations**

This procedure does not apply to major source High Priority Violations as defined in the EPA Compliance Monitoring Strategy and High Priority Violator Guidance. The nature of compliance assurance dictates that this policy does not fit all situations where non-compliance is found. Professional judgment must be used when applying this policy.

#### **a. Compliance Evaluation**

During the course of a compliance evaluation, a determination is made by the employee whether or not a violation exists. If no violation exists, but the potential exists, the employee should communicate what action(s) must be taken to prevent a violation.

#### **b. Violation**

If the employee observes a violation, the alleged violator will be served written notice specifying:

- i. Each law, rule or regulation alleged to be violated;
- ii. The facts alleged to constitute each violation; and
- iii. Any corrective action order needed.

The notice may be in the form of a Warning Notice, a letter, or a Notice of Violation form and will offer an opportunity to meet with the authority prior to enforcement action. The Notice may contain a Corrective Action Order and must be served 30 days prior to any enforcement action.

### **2. First Violation**

For minor violations, a civil penalty is not issued for a first violation. A first violation means the alleged violator has not caused or allowed a same or similar violation within the past three years. A Civil Penalty may be issued for a first violation, if the violator gained a demonstrable economic benefit or if the violation has the probability of: placing a person in danger of death or bodily harm; causing more than minor environmental harm; or causing physical damage to the property of another in an amount exceeding one thousand dollars.

### **3. Subsequent Violations**

If another violation (same or similar within a three year period), caused or allowed by the same company or person, is observed, a Notice of Violation form will be served upon the alleged violator. The Notice of Violation will be followed by a Civil Penalty. The civil penalty will be determined by completing a civil penalty worksheet. A portion of the penalty may be deferred, pending future compliance with the regulations and any Corrective Action Order.

#### 4. Civil Penalty

This policy provides a model which is used to calculate Civil Penalties to include components for gravity, economic benefit of noncompliance, and any extraordinary staff costs resulting from an enforcement action. The policy also provides background, defines more clearly when an economic benefit penalty will be assessed, and included a trial period to test this change in the way our agency determines fines and penalties.

##### a. Background

Yakima Regional Clean Air Authority traditionally assessed very low penalties in fear of being characterized as unnecessarily punitive. An unintentional consequence of assessing low penalties was that many individuals and businesses found it economically beneficial to not comply with Agency regulations. Illegal open burning and uncontrolled dust penalties, for instance, when assessed, were often mere fractions of the cost for proper disposal of material or effective dust control.

Our regulation provided for escalation of penalties for repeat offenders which, too often did not equal the cost of compliance. Unfortunately, most citizens and businesses who did not comply with regulations, accrued an economic benefit. There existed an uneven regulatory "playing field" between those who did and those who did not comply, even after agency penalties for non-compliance were assessed.

##### b. Use of Penalty Worksheets to Include an Economic Benefit Component

The Civil Penalty Worksheet (Exhibit 1) shows how the Benefit Component is incorporated into penalty assessments. Sections I and II of the worksheet had been traditionally used for all penalties. Section III of the worksheet, Benefit Component Penalty, will be used to calculate economic benefit gained by the violator. Specific benefit may be determined by the USEPA BEN Model or by calculating actual costs when demonstrable.

First time violations with minor consequences or violations with minor or no demonstrable benefit will not be assessed the Economic Benefit Component Penalty.

##### c. Trial Period

Staff recommended a trial period of six (6) months. The Control Officer carefully monitored the assessments of penalties based on economic benefits accrued in the act of violating an agency regulation for the six month period ending September 30, 1997. A report was provided in October, 1997 with specific recommendations to the Board of Directors for formal adoption and incorporation into the agency regulations. The recommendation was approved.



**YRCAA GENERAL CIVIL PENALTY WORKSHEET**

Source \_\_\_\_\_ NOP No. \_\_\_\_\_

The following procedure shall be followed in the assessment of civil penalties for violations of YRCAA regulations or permits, except asbestos, industrial facilities, or outdoor burning. Guidance for answering the questions in Section I is on Page 2 of this work sheet. Civil penalties shall be determined by adding the dollar amounts from Sections I, II, III and IV. Suspended penalties for previous same or similar violations may also be reassessed.

**Section I: Gravity Criteria**

	No (0)	Possibly (1)	Probably(2)	Definitely (3)							
1. Did the violation result in air pollution?	_____	_____	_____	_____							
2. Was it a willful or knowing violation? _____	_____	_____	_____	_____							
3. Was the violator unresponsive in correcting the violation?	_____	_____	_____	_____							
4. Did the violator have a history of same or similar violations?	_____	_____	_____	_____							
5. Did the violator benefit economically from the violation?	_____	_____	_____	_____							
			Total Gravity Criteria Rating	_____							
6. Gravity Component Penalty											
Rating	1-4	5-6	7-8	9-10	11	12	13	14	15	16	17+
Penalty: up to \$1,000	\$2,000	\$3,000	\$4,000	\$5,000	\$6,000	\$7,000	\$8,000	\$9,000	\$10,000	\$12,000	

**Section II: Benefit Component**

If the answer to #5 in Section I is "Definitely", the estimated dollar amount of economic benefit determined by the EPA BEN computer model or an equivalent method is: \$\_\_\_\_\_ (attach calculations).

**Section III: Staff Cost Component**

YRCAA administrative cost for investigation, notification and processing this action: \$\_\_\_\_\_ (attach calculations).

**Section IV: Procedural Violations**

1. Failure to register or report accurate or complete information: 3 times registration amount	\$ _____
2. Failure to file New Source Review Application: 3 times filing fee	\$ _____
3. Failure to comply with a permit condition or order: (\$500)	\$ _____
4. Other procedural violation: (\$500)	\$ _____
	Total \$ _____

		<b>Civil Penalty Amount</b>	
Evaluator _____	Date _____	Section I	\$ _____
		Section II	\$ _____
Approved By _____	Date _____	Section III	\$ _____
		Section IV	\$ _____
		Amt. Suspended from previous violation	\$ _____
		<b>Total Penalty</b>	\$ _____

## GENERAL CIVIL PENALTY GRAVITY CRITERIA

### 1. Did the violation result in a public health risk or property damage?

Answer "no" if the violation was not the result of an emission. Answer "possibly" if there was an emission that was not verified. Answer "probably" if the emission was verified. Answer "definitely" if the emission was verified and it was the direct cause of an adverse health effect or damage to property.

### 2. Was it a willful or knowing violation?

Answer "no" if the violator obviously did not know that the action or inaction constituted a violation. Answer "possibly" if the violator should have known. Answer "probably" if it is likely the violator knew. Answer "definitely" if the violator clearly knew.

### 3. Was the violator unresponsive in correcting the violation?

Answer "no" if the violation was corrected as soon as the violator learned of it. Answer "possibly" if the violation was corrected in a less timely and cooperative fashion. Answer "probably" if the violator attempted to correct the problem, but did not correct the problem. Answer "definitely" if the violator did not attempt to correct the problem.

### 4. Did the violator have a history of same or similar violation?

Answer "no" if the violation did not occur previously. Answer "possibly" if the violation may have occurred before, but has not previously been cited. Answer "probably" if the violation occurred before, but has not previously been cited. Answer "definitely" if the violation had previously been cited.

### 5. Did the violator benefit economically from the violation?

Answer "no" if the violator clearly did not gain any economic benefit. Answer "possibly" if the violator may have benefited. Answer "probably" if the violator benefited, but the benefit is not quantifiable. Answer "definitely" if the economic benefit to the violator is quantifiable.



## **5. Use of Testimonial Evidence**

In an effort to reduce the amount of staff time spent documenting minor violations, and to provide for supporting evidence for more significant violations, the use of testimonial evidence, via signed statements or affidavits, has been adopted as agency policy. The credibility and appropriateness of such statements or affidavits, when used as evidence in enforcement actions, should be determined on an individual basis, and should be used with due discretion. Affidavits or sworn statements will be accepted only under the following conditions:

- a. No imminent public risk or health threat;
- b. No requirement for certified staff observations (like opacity);
- c. Not a complaint against a permitted source;
- d. Accepted when complainant agrees to testify;
- e. Affidavit is complete, accurate, and timely (time, day, location, name of violator and description of violation).

## **6. Informal Mutual Settlement**

The purpose for Informal Mutual Settlement is to consider extenuating circumstances pertaining to assessed penalties, and to avoid costly litigation. The process provides a means for reaching agreement between YRCAA and the responsible party regarding an assessed penalty. Usually the basis for disagreement is the amount of the civil penalty, either proposed with the issuance of the Notice of Violation (NOV - a draft civil penalty work sheet is included), or assessed by issuance of a Notice of Penalty (NOP). In either case, the responsible party is advised of the opportunity to appeal to the Pollution Control Hearings Board (PCHB) but is encouraged to request an Informal Mutual Settlement Agreement with YRCAA.

Usually, the process results in new information being exchanged that bears on the significance of the violation. Often, a settlement can be reached that is mutually acceptable to both parties. A commitment to comply with the regulation(s) violated, as well as any Corrective Action Order, is gained by this approach. Sometimes the penalty amount is mitigated, in part, based on continued compliance, prompt payment of penalty and other terms as appropriate.

Even after a responsible party has appealed to the PCHB, YRCAA encourages the responsible party to attempt an Informal Mutual Settlement. If settlement is reached, a copy of the settlement agreement must be provided to the PCHB with a request from the appellant that the PCHB appeal be withdrawn. The appeal is then dismissed if the PCHB accepts the settlement. This will save countless hours of staff time and legal fees and allow the compliance program to be more effective.

### **a. Informal Mutual Settlement Process**

The Informal Mutual Settlement Process must be initiated by written notification by the responsible party that he/she is appealing the action, either to the PCHB or to YRCAA. A request for an Informal Mutual Settlement meeting or a PCHB appeal must be made within thirty days of receipt of the Notice. Upon receipt by YRCAA of a request for Informal Mutual Settlement, a settlement meeting is scheduled.

### **b. Informal Mutual Settlement Meeting**

The settlement meeting is an informal meeting between the responsible party and YRCAA Air Pollution Control Officer and/or his/her authorized representative. The purpose of the settlement meeting is to openly share information between the

responsible party and YRCAA which may be used to modify the violation or penalty. To avoid the appearance of an adjudicative proceeding, neither party shall be represented by legal counsel. The responsible party may, but is not required to, present evidence in defense or in support of possible attempt at mitigation. YRCAA shall take into consideration all information provided by the responsible party during the course of the settlement meeting in establishing the terms of a Settlement Agreement, including the civil penalty worksheet. Information provided at the meeting may cause YRCAA to amend one or more of the terms of any proposed settlement. A written Decision will be issued by YRCAA within 15 days of the settlement meeting.

A responsible party may request, subject to YRCAA agreement, that statements made and documents produced by the party at the settlement meeting be deemed privileged settlement negotiations, inadmissible at an appeal hearing or trial.

c. For a Notice of Violation

If a settlement is not reached, the responsible party may file a formal appeal with the Pollution Control Hearings Board within thirty days of receipt of the written Decision.

d. For a Notice of Penalty

If a settlement is not reached, within 30 days of receipt of the written Decision the responsible party may request a meeting with the YRCAA Board of Directors for review of the assessed penalty. The Board will limit its review to the appropriateness of the penalty to the violation. The responsible party must submit the request for review in writing and must include the reason/s the responsible party believes the penalty is inappropriate. The written request must be received by YRCAA at least ten days prior to the next scheduled Board meeting. Requests received less than ten days prior to the next scheduled Board meeting will be held over to the following month's Board meeting.

The Board secretary will set the settlement meeting for the regularly scheduled Board meeting.

The Board secretary will notify the responsible party in writing of the time and place of the Board meeting. A written Decision will be issued by YRCAA within 15 days of the Board meeting.

e. Settlement Agreement

In the event a settlement is reached, the terms shall be reduced to writing in the form of a Settlement Agreement, signed by the responsible party and the APCO or his/her authorized representative.

As a provision of the Agreement, YRCAA may waive further enforcement action pending compliance by the responsible party with the terms of the Agreement. Documentation of all communication between YRCAA and the responsible party is essential to this process. A written record of issues, discussion and conclusions of a settlement meeting should be kept with the Enforcement file.

A proposed Settlement, either amended or established as a result of the settlement meeting, shall specify fifteen days during which the responsible party shall either accept or reject the proposed Settlement. If no response is received from the responsible party within the fifteen days; the proposed Settlement shall be deemed rejected. If the proposed Settlement is rejected or deemed rejected, the case shall be referred for further enforcement action. Rejection of a reduced or mitigated penalty

shall result in the initial penalty amount being restored.

- f. Appeals to Pollution Control Hearings Board (PCHB)  
The responsible party may elect not to use the Informal Mutual Settlement Process. And, if the responsible party disagrees with a YRCAA Decision or rejects a Settlement Agreement, the responsible party retains the right to appeal to the PCHB within thirty days of receipt of the final Decision.

## **SECTION 6: Permitting**

### **6.0 Introduction**

In an effort to classify, qualify, quantify and minimize emissions from stationary, portable and area sources of air pollution in Yakima County, YRCAA maintains a permitting program. The permits are issued after a review of an application, notification or plan submitted and may take the form of a permit, order of approval, written approval or acceptance. All forms of permit indicate permission from YRCAA to conduct activities or operate equipment or processes which may emit air pollution and are conditioned to minimize emissions and comply with the requirements of laws and rules implemented and enforced by YRCAA.

### **6.1 New Source Review**

The YRCAA requires an Order of Approval (OA) be issued prior to the establishment of any new or modified process, facility, machine, equipment, or other device which may emit any criteria contaminants (particulate, organic gases, sulfur dioxide, nitrogen dioxide, or carbon monoxide), any odorous or hazardous pollutants (such as asbestos, beryllium, mercury, sulfuric acid, hydrogen sulfide, hydrogen fluoride and lead), or any toxic or carcinogenic pollutants. Also, any control apparatus, which may reduce or eliminate air contaminants, must have an OA.

The New Source Review (NSR) OA is the certification that an evaluation of the emissions from the source has been conducted and demonstrates that the emissions will not interfere with air quality standards when constructed. The OA is issued prior to construction. Compliance with the OA is determined after the construction is completed and operation of equipment has begun. The application for an OA is called the "NSR application" and the instructions for information required in the following sections refer to this NSR application.

When alterations are planned which may affect the emissions from a piece of existing equipment, a new NSR application must be submitted. This application should include the number of the existing OA, which will be modified. The installation of a control device on existing equipment, even though it results in a reduction in emissions, requires a new OA.

#### **6.1.2 NSR Application**

Applications should be submitted to YRCAA, attention of the Engineering and Planning Division. YRCAA will notify the applicant in writing whether the application is complete or incomplete. If it is incomplete, the information or data needed to make it complete will be specified in the letter. If YRCAA makes no such notification in 30 calendar days, the application will be deemed complete.

#### **6.1.3 Procedures for Issuing an OA**

NSR Applications shall be processed in accordance with WAC 173-400-110 to 115 and applicable federal regulations, as follows:

- a. As NSR Applications are received, they shall be forwarded to the engineering staff for logging and assignment of a unique application number. Note that a filing fee is required at the time of filing or the application is considered incomplete and processing will not commence;
- b. The Engineering and Planning Division supervisor shall assign NSR Applications for review and processing;
- c. Staff shall track and record all costs of processing the NSR Application;
- d. Within 30 days of receiving the application, staff shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application;
- e. Within 60 days of receiving a complete application, staff shall either issue a final decision on the application or for those projects subject to public notice under WAC 173-400-171(1), initiate notice and comment on a proposed decision, followed as promptly as possible by a final decision;
- f. After verifying a complete application, staff shall process the application, including the preparation of written analyses, documenting compliance with applicable regulations and statutes and prepare OA conditions. Standardized formats for OA analyses and templates are available for use;
- g. The NSR application, completed analyses, OA, and any related information shall be forwarded to the Engineering and Planning Division supervisor for review;
- h. After the review, the package including the signed OA, will be forwarded to the engineering staff for logging and transmittal to the YRCAA contract professional engineer for review;
- i. After receiving a report from the professional engineer, the OA will be transmitted to the source;
- j. A complete processing costs worksheet for each OA will be prepared and forwarded to the Division Administrative Assistant for invoicing; and
- k. A copy of the invoice will be forwarded to the Fiscal Programs Manager for accounting.

### 6.1.3 Determination

For many applications, the process may be completed within sixty (60) days of receipt and the applicant will be notified of the YRCAA determination. The determination can be any one of the following:

- a. Issuance of an Order of Approval with Conditions;
- b. Finding of part or all of the application exempt from NSR requirements; or
- c. Denial of the NSR Application.

### 6.1.5 Recourse

The OA is permission for installation of the source specified in the NSR Application. Prior to imposing conditions or denying an NSR Application, YRCAA will seek to discuss with the applicant the reasons for the conditions or proposed denial. In the case of a denial, the applicant is encouraged to seek an alternate approach or new and

improved control technology, which use would enable the project to be approved.

In case an applicant is dissatisfied with the YRCAA determination, he/she may appeal to the YRCAA Board and then the Pollution Control Hearings Board.

With applications for large projects requiring offsets or other specialized treatment or approvals, the 60-day decision time is unlikely. In these cases, a minimum of 45 additional days will be needed for public comment and for review.

#### 6.1.5 Expedited Permit Process

YRCAA maintains an Expedited Permit Process for NSR Applications which, at the request of the applicant may be processed during non-duty hours, within the time frame requested by the applicant. Typically, these projects will not require public notice, and do not require extensive staff analyses. Use of this Expedited Permit Process will be governed by the following guidelines:

- a. Only specific technical staff, authorized by the Executive Director, may process expedited NSR Applications;
- b. A completed, signed NSR Application must be filed with the YRCAA, including adequate information to support justification and issuance of an expedited OA;
- c. Use of the expedited OA will be determined on a case-by-case basis by the Engineering and Planning Division Supervisor.
- d. The applicant for the expedited NSR Application must include all required information on the application and an agreement to pay all costs associated with processing an expedited NSR Application; and
- e. The Expedited Permit Process fee will be the NSR Application fee and the staff hourly costs multiplied by a factor of 1.5.

#### 6.1.6 Compliance with an OA

Once the equipment is constructed and ready to operate, the applicant should notify the YRCAA in writing or by phone of the date of the expected start-up. The YRCAA will inspect the equipment to determine whether it was built, and is being operated and maintained, in accordance with the OA and to determine if there are any obvious emission problems.

A time delay usually occurs between the time of start-up and the time when YRCAA staff can schedule an inspection. The permittee may operate within the conditions of the OA during that time. In some cases, a source test will be required, within a certain time period after start-up. If a source test is required, YRCAA will advise the applicant of this in the OA, review the source test plan, observe the source test and review the results.

## 6.2 Air Operating Permits

Title V of the Federal Clean Air Act (FCAA) requires states to establish and maintain an Air

Operating Permit Program, pursuant to 40 CFR 70, for major stationary sources of air pollution Title V Sources). YRCAA implements an Air Operating Permit Program, in accordance with WAC 173-401, for the purpose of preventing and controlling emissions from Title V sources.

### 6.2.1 Applicability

The Air Operating Permit Program applies to all major stationary sources, defined as any source which emits:

- a. 100 tons or more per year of a single criteria air pollutant;
- b. 10 tons or more per year of a single hazardous air pollutant; or
- c. 25 tons of any combination of hazardous air pollutants.

### 6.2.2 Requirements

All requirements of the FCAA, the Washington Clean Air Act (WCAA), the Code of Federal Regulations (CFR), the Washington Administrative Code (WAC), and YRCAA Regulation 1 apply to Title V sources.

### 6.2.3 Permit Application

Permit applications shall be submitted on the standard form and shall contain information for all emission units other than insignificant emission units. The standard form will contain the following data elements:

- a. Identifying company and contact information;
- b. A description of the facility's processes and products;
- c. The following emissions related information:
  - i. A list of all pollutants emitted;
  - ii. Identification and description of all emission points
  - iii. Emission rates in tons per year;
  - iv. Fuels, fuel use, raw materials, production rates and operating schedules;
  - v. Identification and description of all control equipment;
  - vi. Limitations affecting emissions or any workplace standards for all regulated pollutants;
  - vii. Other information required by any applicable requirement; and
  - viii. Calculations on which the above are based.
- d. The following air pollution control requirements:
  - i. Citation and description of all applicable requirements; and
  - ii. Description and reference to any applicable test method.
- e. Other information that may be necessary to enforce applicable requirements;
- f. An explanation of any proposed exemption from applicable requirements;
- g. Additional information as determined to be necessary by YRCAA;
- h. A compliance plan;
- i. Requirements for compliance certification;

- j. The use of standardized forms for acid rain portions of application; and
- k. Requirements which the source believes to be inapplicable.

#### 6.2.4 Permit Content

Each permit shall contain terms and conditions which assure compliance with all applicable requirements at the time of permit issuance. Every requirement shall be based upon the most stringent of the following requirements:

- a. The FCAA and rules implementing that act, including the provisions of the state implementation plan;
- b. The WCAA and rules implementing that act
- c. The requirements of any order or regulation adopted by YRCAA;
- d. Chapter 70.98 RCW and any rules adopted thereunder; and
- e. Chapter 80.50 RCW and any rules adopted thereunder.

#### 6.2.5 Permit Issuance, Renewal and Modification

Permits are issued for a fixed term of five years and a permit, permit modification, or renewal may only be issued if all of the following conditions are met:

- a. YRCAA has received a complete application
- b. The permit has been reviewed and signed by a professional engineer
- c. YRCAA has complied with the requirements for public participation;
- d. YRCAA has complied with the requirements for notifying and responding to affected states;
- e. The conditions of the permit provide for compliance with all applicable requirements; and
- f. The EPA administrator has received a copy of the permit and has not objected in writing.

#### 6.2.6 Permit Fees

Permit fees are set by the YRCAA Board of Directors and are designed to fully recover the costs of implementing the program.

### **6.3 Area Source Registration**

In order to maintain an accurate record of air contaminant sources, YRCAA requires that certain sources of air pollution register annually. The registration consists of reporting air emission units, air pollutants emitted, quantities of pollutants emitted and air pollution controls utilized.

#### 6.3.1 Applicability

The requirements of the registration program apply to all sources listed in WAC 173-400-100(1), except as exempted below.



### 6.3.2 Exemptions

The following sources are exempt from registration requirements, as specified:

- a. Sources which maintain an active Air Operating Permit;
- b. Sources which have actual emissions less than the rates shown in WAC 173-400-102(5);
- c. Sources which emit less the rates in (b) above and do not emit a measurable amounts of any toxic air pollutant shown in WAC 17-460-150 and 160; and
- d. Any gasoline dispensing facility which either dispenses less than 360,000 gallons of gasoline annually or has a storage capacity of less than 10,000 gallons.

### 6.3.3 Requirements

Sources must register initially and annually thereafter, using forms provided by YRCAA, during the month of January, and provide information specified in the form for all processes and emission units within the facility.

- a. Initial and annual reports must include the following:
  - i. Annual emissions inventory;
  - ii. Operation and Maintenance Plan;
  - iii. Plant layout drawing; and
  - iv. Any changes in operation since last report.
- b. Operation and Maintenance Plan

The Operation and Maintenance Plan must:

- i. Reflect good industrial practice;
  - ii. Include a recordkeeping provision for inspections of process and control equipment;
  - iii. Be reviewed and updated at least annually; and
  - iv. Be made available for inspection by YRCAA.
- c. Signature

A responsible official must sign the registration form, certifying its accuracy and completeness.

- d. Closure

A closure report must be filed with YRCAA within 90 days when the operation of a source is permanently ceased.

e. Change of Ownership

A new owner or operator must report to YRCAA within 90 days of any change of owner or operator.

## 6.4 Burn Permits

The purpose of this section is to define regulation as it applies to all outdoor and agricultural burning on private, county, state, and federal land, unless exempted or another public agency has an effective program in place for the control of outdoor and agricultural burning in accordance with subsection 3.03 of Regulation 1 of the YRCAA.

All outdoor burning requires a permit, issued by YRCAA, or authorized agent. Each permit shall contain requirements to ensure that public interest in air, water and land pollution and safety to life and property is fully considered. The permits shall contain conditions designed to minimize air pollution as practicable, which may result in the denial of permission to burn.

### 6.4.1 General Provisions for all Outdoor Burning

The following applies to all outdoor and agricultural burning unless granted a limited or specific exemption by the APCO or state law.

a. Prohibitions

Burning is prohibited as follows:

- i. Within the Urban Growth Area of Yakima, Selah, Union Gap, Sunnyside, Toppenish, Grandview, Moxee, Naches, Tieton, Mabton, Granger or Zillah;
- ii. Without a written burn permit, unless there is a limited exemption;
- iii. During non-daylight hours;
- iv. During impaired air quality when a burn ban has been called, in areas defined by the burn ban;
- v. If the fire contains garbage, dead animals, or parts of dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction / demolition debris, metal, or any substance that normally emits toxic emissions, dense smoke, or obnoxious odors when burned other than natural vegetation.
- vi. Material hauled in from another site other than firewood hauled in for use in wood heaters, ceremonial fires, or recreational fires, if the material is transported from an area prohibited for outdoor burning.

b. Requirements

The following are requirements for all burning:

- i. Confirm that the burning is allowed;
- ii. Demonstrate that there is no reasonable alternative to burning;
- iii. All fires must be supervised by a person who is responsible for and capable of extinguishing the fire. No fire may be left unattended;
- iv. No burning may be conducted during a burn ban, which is publicized by the YRCAA;
- v. Agricultural, land clearing, and other large burns must be extinguished within eight hours of the onset of a burn ban and smaller outdoor burn within one hour of the onset of a burn ban called by the APCO; and
- vi. Requirements of other agencies for outdoor burning.

#### 6.4.2 Provisions for Residential Outdoor Burning

In addition to the requirements for all outdoor burning, residential outdoor burning requirements are as follows:

- i. A valid burn permit issued by YRCAA, or one of its designated agents;
- ii. Located on a non-combustible surface not less than 50 feet from buildings, fences, other combustible materials and other fires;
- iii. Burn one 4' x 4' x 3' pile at a time;
- iv. Only dry natural vegetation native to the property;
- v. Location of burn site is not within an Urban Growth Area where outdoor burning is prohibited;
- vi. Burning allowed only from March 15<sup>th</sup> through October 15<sup>th</sup> of each year;
- vii. Do not burn during unsafe burning conditions such as high winds, dry surroundings, of smoke emitted by the burn lies close to the ground and transports off your property; and
- viii. Fire shall be attended at all times and able to be extinguished at any time.

#### 6.4.3 Storm and Flood Debris Burning Inside No-Burn Areas

When there is an occurrence of a natural disaster the YRCAA may allow for burning of storm or flood debris inside areas where burning is otherwise prohibited.

##### a. Requirements

In addition to the requirements for all outdoor burning, requirements for storm and flood debris burning are as follows:

- i. Material proposed for burning was deposited by a storm that resulted in a declared emergency by a governmental authority;
- ii. The permit shall contain a time period for the burning, with a maximum period of two years after the event deposited the debris; and
- iii. Determinations of the maximum time limit after the flood event shall be made based on the size of material and the amount of drying time needed to create

good burning conditions with lower emissions and the time of year that the storm event occurred.

#### 6.4.4 Fire Fighting Training Fires

YRCAA regulates fire conducted by fire departments, businesses, or organization for fire fighting training or for the demonstration of fire suppression equipment.

##### a. Requirements

In addition to the requirements for all outdoor burning, requirements for storm and flood debris burning are as follows:

- i. Training exercises must comply with any other permits, licenses, or approvals that are required;
- ii. Cannot be conducted during a declared air pollution episode or impaired air quality condition;
- iii. The fire training should not create an unreasonable interference with the enjoyment of life and property and the depositing of particulate matter or ash on other property; and
- iv. Notify YRCAA of the type and location of each fire prior to the training fire.

##### b. Assessment

YRCAA will assess each application for Fire Fighting Training Fires and permits shall be conditioned as follows:

- i. Applications should include information describing how training is to be conducted, what will be accomplished by the training, location of structure or area, and date of planned training exercise;
- ii. Training exercises cannot be conducted during an impaired air quality episode;
- iii. Adjoining property owners and area residents that may potentially be impacted by the training exercise must be notified;
- iv. Training exercises involving structures must have a survey conducted to determine if materials containing asbestos are present in the structures, the inspection must be documented in writing and forwarded to YRCAA. If asbestos is found, it must be removed prior to the training exercise;
- v. Exercises outside city and its Urban Growth Area are exempt from fees for their training exercise;
- vi. Exercises within city and its Urban Growth Area must pay a fee for their training exercise. The fee would be borne by the property owner; and
- vii. Fire districts are encouraged to conduct combined training exercises with other districts to reduce the number of training exercises needed during a calendar year.

#### 6.4.5 Aircraft Crash Rescue Fire Training

Participants in these training fires must be limited to fire fighters who provide support to an airport or support to military or governmental aviation. They must be certified by the FAA, or federal government for the military. These training exercises must meet the minimum number required by the FAA or other federal safety requirements. Current technology must be used and operated in a manner that will minimize the release of air pollutants during the training exercise. Prior to the initial training exercise, written approval must be obtained from the Authority.

#### 6.4.6 Agricultural Burn Permits

Agricultural Burn Permits are available for burning which is necessary to ongoing commercial agricultural enterprises. In addition to the requirements for all outdoor burning, requirements and procedures for agricultural burning are as follows:

- a. A farmer must show that the burning is a Best Management Practice (BMP), necessary to the operation and there is no reasonably available practical alternative;
- b. Burning is limited to natural vegetation;
- c. Natural vegetation intended for agricultural burning may be transported to a stockpile site for drying and future burning providing there is no prohibition for burning at the stockpile site;
- d. For crops/material cut or removed, which meet the BMP requirement must have a drying time period as follows:  
Cut or removed between April 15<sup>th</sup> and October 15 – 30 days, or  
Cut or removed between October 16<sup>th</sup> and April 14<sup>th</sup> – 90 days.
- e. Burning must be done only when the wind will take the smoke away from roads, homes, population centers, and other public areas;
- f. Prior to igniting the burn, the farmer must provide the Authority with the location, size and type of material for each burn, whether it meets a qualified exemption, or requires a burn permit;
- g. Agricultural Burn Permits must be purchased through the YRCAA;
- h. At time of application for an Agricultural Burn Permit the farmer must provide a map of the burn site, complete and submit a Notice of Intent to Burn card, and upon completion of the burn submit a Completion of Burn card;
- i. Farmers failing to report burns via Notice of Intent, and Completion of Burn card may have their permit canceled;
- j. Use of gas or petroleum products, burning prohibited materials may result in having their permit canceled. A propane torch, and a small amount of broken props as kindling, at time of igniting the fire may be used;
- k. Burning must be completed before dark and not allowed to smolder overnight;
- l. All agricultural burns must adhere to the conditions on the permit and have the permit with them at the time of conducting the burn; and
- m. Agricultural burning that does not require a permit are as follows:
  - i. Prunings from tree fruit;

- ii. Ditch banks and along fence rows where a mower cannot get into; and
- iii. Windblown vegetation.

#### 6.4.7 Burning Consistent with RCW 70.94.743(1)(d)(ii)

Outdoor burning of cultivated orchard trees, whether or not agricultural crops will be replanted on the land, may be allowed within an Urban Growth Area, consistent with RCW 70.94.743(1)(d)(ii). To determine if the burning is consistent with RCW 70.94.743(1)(d)(ii), the following steps must be taken prior to issuing a permit:

- a. Determine that the burning is within an Urban Growth Area where all but burning for ongoing agricultural activities is prohibited;
- b. Determine that the material to be burned is cultivated orchard trees;
- c. Determine that the burning is not necessary to ongoing agricultural activities;
- d. Determine that the purpose of the burning is to prevent or control of the spread of horticultural pests or disease;
- e. Determine that the proponent of the burning has a written statement from a local horticultural pest and disease board formed under chapter 15.09 RCW, an extension office agent with the Washington State University that has horticultural experience, or an entomologist employed by the Department of Agriculture;
- f. Consult with other staff, as needed; and
- g. Require the proponent to submit a completed permit application and pay the appropriate fee.

#### 6.4.8 Land Clearing – Special Use

Permits are available for burning of vegetative material generated by land clearing and for other special uses. These permits are generally effective for 30 consecutive days or less, unless otherwise stated in the permit.

In addition to the requirements for all outdoor burning, individual permits will be conditioned to minimize air pollution, recognizing the nature and location of the proposed burning.

#### 6.4.9 General Rule Permits

General Rule Permits are available for burning which does not require an individual or annual permit, but the Authority believes some controls are needed to minimize air pollution. A person utilizing a General Rule Permit must comply with all conditions of the permit or obtain an individual or annual permit. The following is a list of the General Rule Permits and their purpose:

- a. Structural Fire Training Outside of Urban Growth Areas. Requires a letter describing the purpose of the training, what is to be gained by this training, how and when it will be conducted, have a survey conducted to determine if there is

- any asbestos involved, and removed prior to the training fire and to notify area residents of the proposed training fire;
- b. Wildland Training Fires. Requires a letter describing the purpose, what is to be gained by this training, and how and when it will be conducted, and to notify area residents of the proposed training fire;
- c. Flammable Liquid or Gas Training Fires. Fire districts and fire suppressant equipment vendors may conduct training fires for safety training to reduce the risk of a potential hazardous fire where life and structure are at risk;
- d. Other Training Fires. Requires a letter describing the purpose, what is to be gained by the training, and how and when it will be conducted; and
- e. Large Recreational Fires. For any recreational or exhibition fire > 3 feet in diameter and 2 feet high. The burn cannot be conducted during an impaired air quality episode, and must check with YRCAA to notify of the event, and check on burn status. Fires must be extinguished within three hours after the event has concluded.

#### 6.4.10 Permit Duration

Permits are issued with an issue date and an expiration date. The permit may be designed to allow ongoing burning or a one-time burning event. In either case the permit expiration date is chosen to allow for enough time to accomplish the burning for which the permit is designed. Typical permit durations are:

- a. Agricultural Burn Permits – From date of issue to December 31<sup>st</sup> of each year;
- b. Land Clearing / Special Use Permits – From date of issue to a maximum of 30 consecutive days as stated in the permit;
- c. Residential Outdoor Burn Permits – From date of issue (no earlier than March 15<sup>th</sup>) to October 15<sup>th</sup>;
- d. Structure Training Fire Permits – From date of issue to a maximum of 30 consecutive days as stated in the permit; and
- e. General Rule Permits – For the duration of the burning.

Permits other than Agricultural or Residential may be extended for due cause.

#### 6.4.11 Permit Application Process

All permits except General Rule Permits require an application be submitted for review prior to issuance of the permit. The time required for review varies, depending on the purpose of the burning and the conditions required to minimize air pollution. Issuance of a permit is not guaranteed. If it is determined that the burning cannot legally be conducted if those conditions do not adequately minimize air pollution the application will be denied.

- a. Residential permits are generally processed at the time of application;
- b. Agricultural burn permits may take up to seven days to process, but in most cases are processed at the time of application;
- c. Land Clearing, Structure Training Fires, other special use permits may take up to

- seven days to process, but in most cases are processed at the time of application; and
- d. General Rule Permits – Structure Training Fires outside the Urban Growth Area may take up to seven days, but most General Rule Permits are processed at the time of application.

#### 6.4.12 Permit Fees

Permit fees are determined by the YRCAA Governing Board of Directors and are applied as follows:

- a. Residential permits are generally processed at the time of application;
- b. Agricultural burn permits may take up to seven days to process, but in most cases are processed at the time of application;
- c. Land Clearing, Structure Training Fires, other special use permits may take up to seven days to process, but in most cases are processed at the time of application; and
- d. General Rule Permits – Structure Training Fires outside the Urban Growth Area may take up to seven days, but most General Rule Permits are processed at the time of application.

## 6.5 Notification of Demolition and Renovation

### 6.5.1 Purpose and Applicability

The purpose of this subsection is to describe the process utilized to prevent asbestos emissions which may be caused by the disturbance of asbestos containing materials during demolition, renovation and asbestos removal activities. YRCAA requires that, for any demolition, for any renovation where asbestos may be disturbed, and for any asbestos removal work, a Notification of Demolition and Renovation (NODR) be submitted at least ten days prior to the demolition, renovation or asbestos removal work commences. This notification provides YRCAA opportunity to assure compliance with a variety of regulations pertaining to demolition, renovation and asbestos removal work.

### 6.5.2 NODR Processing

In order to process an NODR, the following must be accomplished:

- a. Prior to commencing demolition or renovation work:
  - i. A thorough inspection must be conducted by a certified asbestos building inspector to determine whether or not asbestos is present;
  - ii. A complete, signed, NODR must be submitted to YRCAA ten days prior to any work;
  - iii. For demolitions, all asbestos must be removed by a certified asbestos contractor; and



- iv. For renovations, any asbestos that may be disturbed during renovation work must be removed by a certified contractor.

b. Public Information

The following information is made available, in addition to more specific information where appropriate, to persons requesting information and to those submitting an NODR.

- i. What Materials May Contain Asbestos?  
Asbestos can be found in a variety of building materials such as, floor tile, insulation around pipes/furnaces/hot water tanks, roofing, plaster, sheet rock, siding, and mastic for gluing down tile or vinyl. It may also be found in decorative and acoustical materials such as spray-applied wall texture and ceilings.
- ii. Can asbestos harm you?  
If asbestos has been disturbed, or otherwise becomes airborne, it can be harmful to the person or persons in the area where the asbestos is airborne. Asbestos may only be safely removed by utilizing special work methods and engineering controls and finally, respiratory protection for any person in the work area.

6.5.3 NODR Fees

Fees are determined by the Board of Directors. The schedule of fees are included on the NODR form. Fees are based, in part, on the quantity, if any, of asbestos being removed. The following types of NODR have a flat fee; asbestos removed by owner at owner occupied residences, demolition only, and for flat commercial built-up roofs.

6.5.4 Amendments to NODR

a. Required Amendments

An Amendment must be submitted for any of the following, accompanied by the appropriate fee:

- i. Increase in the project type or job size that increases the fee; or
- ii. Changes in the type of asbestos that will be removed; or
- iii. Changes in the start date, completion date, or work schedule, including hours or days of work.

c. Additional Information

The following also applies to amending a notification:

- i. Submitted by phone or fax and there is a minimal effort required to review it, an amendment fee will not be charged;
- ii. Submitted in writing on notification forms, an amendment fee will be charged;
- iii. Amendments will not be accepted after the completion date on the current notification or latest amendment; and

- iv. An NODR that has been amended will be assigned a letter to the number assigned to the NODR, (i.e. 07-056a).

#### 6.5.5 Emergency Notification

Advanced notification of an emergency is not required if:

- a. A sudden, unexpected event occurred that resulted in a public health or safety hazard;
- b. The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage;
- c. Asbestos was encountered that was not identified during the asbestos survey; and/or
- d. The project must proceed to avoid imposing an unreasonable financial burden.

A notification shall be filed not later than the first working day after the asbestos project is commenced and must be accompanied by a written demonstration from the property owner or operator demonstrating the need for the emergency project.

#### 6.5.6 Survey Requirements and Records

Before commencing any renovation, demolition or asbestos removal work, an asbestos survey must be performed by a certified asbestos building inspector except for a renovation conducted by an owner-occupant at a single-family residence. The owner or operator of a facility must do the following:

- a. Post a summary of the survey at the location on the work site where control of entry is maintained or communicate in writing to all persons who may come into contact with the asbestos;
- b. Retain a copy of all asbestos survey records for at least two years; and
- c. Record the condition and location of all known asbestos remaining after completion of a renovation project.

#### 6.5.7 Additional Information

For additional information and requirements, please refer to the YRCAA Regulation 1, Section 3.07, Asbestos Control.

### **6.6 Dust Control Plans**

#### 6.6.1 Purpose

In efforts to minimize airborne dust emissions, YRCAA requires dust control plans to be submitted from several sources which will be discussed in this subsection. The purpose of this subsection is to provide guidance for requiring, reviewing and approving dust control plans.

## 6.6.2 Construction Dust

This section applies to any owner or operator engaged in the construction, repair, or demolition of any building; construction or maintenance of a road; site preparation, or landscaping work on a property. Dust Control Plans are required to demonstrate how a owner or operator will utilize reasonable precautions to prevent fugitive dust from leaving their site.

### a. Requirements

Construction Dust Control Plans shall be reviewed and must contain the following:

- i. A detailed map or drawing of the site;
- ii. A description of the water source to be made available to the site;
- iii. A description of the preventive measures to be implemented;
- iv. A description of the contingency measures to be implemented in the event preventive measures become ineffective;
- v. A statement, signed by the owner or operator of the site, accepting responsibility for the implementation of the plan; and
- vi. The name and telephone number of a 24-hour contact person.

### b. Exemptions

There are no exemptions from allowing excessive fugitive dust to leave a property and create a nuisance for neighboring properties. Exemptions from submitting a dust control plan are as follows:

- i. A single family residence or duplex dwelling shall be exempt provided the site is not a phase of a project that involves more than one dwelling; and
- ii. Projects causing complaints of dust emissions that result in a determination that reasonable precautions have not been taken to prevent dust from the previous exemption shall result in a dust plan being required.

### c. Emergencies

There are occasions when emergency conditions arise and, beyond the control of the owner or operator, fugitive dust emissions cannot be prevented. The owner or operator is required to provide notice of such conditions to YRCAA within 24-hours of the start of the emergency and use reasonable precautions as soon as possible after the emergency is resolved.

Emergency conditions can be the result of natural emergencies, public service utilities providing electrical, natural gas, telephone, water, or sewer service during emergency outages or in conjunction with an officially declared disaster or state of emergency called while active operations are being conducted.

### 6.6.3 Dust from Cattle Feeding Operations

To prevent and reduce dust emissions from cattle feeding operations, YRCAA requires and enforces the provisions of dust control plans from such operations.

#### a. Applicability

The requirement to submit and implement a dust control plan applies to beef cattle and dairy replacement operation which maintains an average of 1,000 head or more confined during the months of April through October.

#### b. Submittal

Plans must be submitted annually, no later than April 15<sup>th</sup> of each year.

#### c. Plan Content

Plans must include the following:

- i. A map or drawing of the facility;
- ii. The operational capacity of the feedlot;
- iii. The number of cattle which will be confined;
- iv. The water source available for dust control;
- v. Specific features which would complicate or prevent implementation of Best Management Practices (BMPs);
- vi. Which BMPs will be used and where and when they will be used;
- vii. Equipment and materials used to implement BMPs;
- viii. An operation and maintenance plan and schedule which implements the BMPs; and
- ix. An operation and maintenance which also implements BMPs for hay chopping, grain processing, feed mixing and feed handling.

#### d. Implementation

YRCAA may approve or require modification of a plan within 30 days of receipt. A feedlot operator must implement a plan as approved or may modify the plan as long as the effectiveness of the plan is not diminished. An operator must notify YRCAA of any modification to practices specified in the plan.

## **SECTION 7: Total Quality Management**

### **7.1 Introduction**

This policy is about Total Quality Management (TQM); it defines quality as a continuous improvement to meet and exceed customer expectations. It happens to you time and again.

- X The \$50 dinner tastes like a \$4 dinner-and the restaurant has all the ambiance to match;
- X Someone at the bank misses a digit on your last deposit slip and credits your account with \$100 instead of \$1000;
- X The mechanic fixes your car as you expected, but he leaves greasy fingerprints all over the upholstery in the process; and
- X The estimate to get your washing machine repaired was \$100, but when you get the bill the charge is \$275.

What is the common denominator?

You didn't get what you expected. You were promised one thing and you received another. You got something different, something less satisfying than you hoped for. Someone didn't meet your expectations. Oh you paid the bill, but in the future if there are other options, you won't go back. *There was no quality management, there was no continuous improvement, and there was no real desire to meet or exceed your expectations.*

The following is "TQM Policy" designed to empower staff to actively participate in managing YRCAA's Total Quality; to continuously improve to meet and exceed our customer expectations.

### **7.2 Purpose**

The purpose of this policy is to prepare and guide staff for a pivotal role in leading and sustaining a continuous improvement process in all YRCAA programs and services to meet and exceed customer expectations.

What are the criteria of a Total Quality Organization? How will quality improvement be implemented within the YRCAA? What will drive and steer the change? What is the role of staff in the change process? Answers to these questions are in themselves the framework of the YRCAA's TQM policy.

### **7.3 Overview**

Total Quality begins with the vision of what the YRCAA as an organization wants to be at some point in the future.

The vision provides the goal and direction for the journey towards the goal. Managing Total Quality is the vehicle for taking us there! It is the process of continuous improvement and innovation that leads to a quality-oriented customer-driven organization. Managing Total Quality empowers people and creates dynamic organizations that continually improve themselves.

In short, the Total Quality Management, or TQM Policy, is a dynamic perspective of relational

interactions by empowered staff to focus on the expectations of the customer.

Just what does this mean? First, note that *TQM is a predetermined mental state as much as it is a process*. That mental state is the desire to recognize opportunities to provide assistance to customers. There is recognition that customers are essentially anyone who presents an opportunity for one to offer assistance.

That TQM is a **dynamic perspective of relational interactions** ... means the process continues to grow with each opportunity to provide service to a customer.

That TQM **empowers staff** ... means that YRCAA employees are less concerned with structure and power, and more concerned with the way the work flows and with satisfying customers. The employees are not only a source of variation in a system; they are the source of innovation, and are empowered to solve the issues as they arise.

That TQM **focuses on the expectations of the customer** ... means exactly that: to focus the service on the expectations of individual customers. Focusing on customers' expectations reflects the need to determine what the customer is actually seeking, understand what the customer needs to address the issue at stake, and then, follow through to the customer with the solution. This means when a customer asks for information you don't know, relating your truthful ignorance is certainly no help to them. The fact you don't know is of no help to the customer, but taking the time to find the answer, or help them find the answer, is.

That **the service provider becomes the customer** ... recognizes that almost every communication producing any request sets the stage for one party to be a customer with reciprocity inevitable in any work environment.

We all understand who our external customers are; they are the Governing Board, the public, the industry, the agricultural community and other governmental regulatory agencies -- the people who benefit and are affected by our regulatory services. These are the people who ultimately decide whether or not the YRCAA is successful. Quality, however, involves another type of customer -- those individuals who play a role in the total system that produces and delivers quality performance to the end users. TQM recognizes that we can't satisfy our external customers with quality products and services unless we also satisfy our internal customers from the inception to fruition and from fruition to those all important end users, your fellow staff, your subordinate and your management.

#### **7.4 Changes**

According to a French proverb, "*The fish only knows it lives in water after it is already on the river bank.*" We, too frequently, become so immersed in the everyday world around us that we sometimes fail to see the currents in the river until it is too late.

Everyone today must learn to live with the rapidly changing conditions of the world economy. Organizations, industries, and nations face rising challenges to keep up with worldwide competition. In addition, they face the pressure of increasing demands for productivity with

fewer resources available.

Agencies and organizations that don't change and adapt not only do a disservice to the public, but will be left behind. We will not be among these. We must change the way we think about quality in order to remain competitive and retain public support. Our understanding of quality must go beyond basic services - to Total Quality - to giving the customer all that is expected for a price the customer is willing to pay.

Quality becomes a business strategy for managing change, a tool for survival. Our commitment to Total Quality is essential to gaining and maintaining leadership and to providing optimal service to the public amidst the driving forces facing all organizations today.

Our YRCAA needs to develop a perspective for looking through the water in which we swim so we may become adaptable to our changing environment. Developing quality awareness means that we understand what it takes to provide consistent and top quality service to the public in a fashion that assures protection of the public health and welfare, as well as the balanced economic growth of local industry.

### **7.5 What is Quality?**

Doesn't everybody know what quality is? Customers seem to know what it is, and they're always looking for it. But just ask them what quality is and you often get a vague answer: "They give me good service." "They do the job better than anyone else." "They're an organization I can trust."

Such responses give you clues to what quality is and how you can use it to earn the satisfaction, loyalty, and support of your customers. To understand what quality is, you need to understand who your customers are and what they expect.

### **7.6 Who is the Customer?**

We all understand who our external customers are. They are the end users, the Governing Board, public, industry, agricultural communities and other governmental agencies -- the people who distribute or use our product or service. These are the people who ultimately decide whether to continue using and funding our services and products. They alone determine whether or not the YRCAA is successful.

Quality, however, also involves another kind of customer -- the internal people who play a role in the total system that produces and delivers quality performance to the end users. From the moment the end user expresses a need for a faster, safer, more fuel efficient and competitively priced airplane, to the moment that airplane carries its first passengers from San Francisco to Tokyo, nothing is more important than meeting the needs and expectation of the "internal" customer.

We can't satisfy our external customers with quality products and services unless we also satisfy our internal customers in the process. Internal customers are the people who bring your product or service from idea to fruition and from fruition to delivery to that all-important end user. They are an integral part of the chain of first accepting a product or service from an internal supplier,

then adding value to it, and passing it on as input to still another internal customer.

Quality begins inside the organization with the internal customers. *Quality needs to focus on the expectations of all customer groups.*

### **7.7 Defining Quality**

There you have it, the fundamental definition. Quality is what you expect in the product or service you receive. If you try measuring quality in terms of "Goodness," as is so common, one is likely to miss the customer's expectations completely.

Consider that the mechanic who left the greasy fingerprints on your upholstery may be able to repair your engine better than any other mechanic in the entire city. If he's such a "good" mechanic, why are you still dissatisfied?

The ultimate objective of every business and service organization is to consistently meet customers' expectations. You know what you want, and you want it every time. When you get it, that's quality. When you don't, you go somewhere else.

Your bank may continue to be "good," but it will be so without the benefit of your deposit. (And of course, if too many lost deposits occur, it may not be long before the bank is no longer "good.") The issue is: How do we know what our customers expect?

### **7.8 Total Quality is Customer Driven!**

Remember the phrase, "good enough for government work"? As with many government agencies and organizations, the definition of quality has changed along with the evolution of quality improvement. Business used to operate on what was called an "acceptable quality level," an "A.Q. L.". If the product fell within specifications almost all of the time, quality was considered good. Meeting specifications at an acceptable level was quality.

As new quality philosophies have emerged, there has been some discussion over the issue of defining quality as either "conformance to requirements" or as "conformance to expectations."

The problem with "conformance to requirements" is that it only defines what you must have, the *minimum* one must consistently provide to fund programs and remain in business, e.g., remain funded by fees and grants. Often ignored is the fact that customers have extra wants and desires, which are changing rapidly.

"Conformance to expectations," on the other hand, pays attention not only to basic requirements, but to additional customer wants and needs in a service or product.

Our definition of quality addresses the reality of rising expectations of customers with rapidly changing needs.

For years quality was thought of in terms of technical excellence. Product quality was the sole focus. However, now, the real differentiation among organizations will be found in exceeding



customer expectations. Consider the following statistics:

The High Cost of Unhappy Customers

- X 96% of unhappy customers will not complain;
- X 91% will not buy again;
- X Each will tell 11 other people; and
- X It costs 5 times more to create a new customer than to keep an old one.

*Source: White House Office Of Consumer Affairs*

What do dissatisfied customers do when they don't complain? They tell other people about the problem, and they quietly take their business elsewhere. Studies reveal it costs 5 to 8 times more to get a new customer than it does to keep an old one.

### **7.9 Meeting or Exceeding Expectations**

"Quality is consistently meeting or exceeding customer expectations." This is the definition that the entire organization will adopt. Customer expectations drive the supplier's process of continuous improvement on the part of employees to provide the greatest possible satisfaction.

As customers, we all have wants and desires, as well as basic requirements. We require the bank to be accurate, but we also expect convenient service. We require that a gourmet dinner be well prepared, but we also expect good service and a little ambiance as well.

Our requirements differ from wants in that our requirements are known and documented. They are the written specifications for what we want, how we want it delivered, and what we will pay. Expectations include additional wants and desires, which may or may not be verbally expressed by the customer. If we want better banking service, we can express our need for expanded hours to do our banking. If our dinner is going to cost \$50, we can clarify that we expect table service rather than cafeteria style.

Most customers know their expectations, and they know how they want them to be met. But there is a level of customer satisfaction that goes well beyond basic requirements and extra wants. This level includes the needs and wants that customers haven't considered, but would like to have. This level involves anticipating that which will delight the customer. It often involves innovation.

To illustrate the important distinction between requirements and wants, let's use the example of the bank. One of the general customer requirements for a bank is that it maintains certain lobby hours so one can conduct business with reasonable convenience. As long as your bank keeps business hours that fit into your schedule, it is meeting its basic requirements.

Because you maintain such a busy, fast-paced life, wouldn't it be nice, if you needed cash on a weekend, to be able to go to the bank and take it out? Wouldn't it also be nice if the bank were located closer to your home, so that when you needed cash, you wouldn't have to drive so far?

This is what you want -- you and millions of other banking customers. Not so many years ago, many people wanted this kind of banking service but couldn't get it (though their banks were satisfying their basic needs). A few banks combined modern technology with astute marketing (which identified the want), and the "instant cash machine," or "automatic teller machine," was born.

The bank's ATM service went beyond meeting customer requirements. It addressed the extra service desires of customers. Automatic teller machines exceeded customer expectations because customers didn't know such a service could exist.

The bank example brings out one of the most important concepts behind using quality as a strategy to grow a business and to stay ahead of the competition -- the need to increase customer satisfaction.

Anticipating the needs and wants of our customers requires that we communicate with them. Only by asking questions and getting feedback on our products and services, can we truly determine what characteristics or qualities will not only satisfy, but delight our customers. Our customer expectations must then be translated into desired products and services. The effective translation of customer expectations into products and services is what improves customer satisfaction.

#### **7.10 Quality is a moving Target**

The challenge that every organization faces today is that customer expectations keep changing, and they will go right on changing as long as better products and services are offered. This reality creates the need for continuous improvement. Today we can stop at an automatic teller machine -- anywhere, anytime -- and do our banking. Tomorrow more of us will bank at home or office by personal computer.

To be able to meet and exceed changing customer expectations, you need to understand the concept of quality differentiation. You must be able to anticipate your customers' needs and wants and be able to respond in a way that will increase satisfaction.

#### **7.11 Traditional Thinking**

Traditional thinking says if you keep improving your basic offering, you will increase customer satisfaction. Another way of looking at traditional thinking is if you want ever-increasing customer satisfaction leading to competitive advantage, all you need to do is to continue to improve your basic product or service.

#### **7.12 Total Quality Thinking**

While improvement of the basic offering does improve customer satisfaction, there is a point of diminishing returns. To keep your competitive edge, you must focus on those needs and wants

that are attractive over and above the basic offering. This is the area of differentiating quality that helps set you apart from other agencies.

Differentiating quality includes meeting the additional needs and wants that may or may not be verbally expressed by the customer. These are the extras above the basic requirements that help meet customer expectations.

Let's take grocery shopping as an example. You expect a basic offering of purchased food at the prices advertised. The extras are the easy-to-find displays, courteous service at the checkout counter, and the fact that you don't have to wait in line. If your children are entertained while you do your shopping, that creates delight.

Satisfying the needs and wants that are unexpressed and quite often unknown to customers has the most dramatic effect on customers. These expectations are the "wows" of customer satisfaction. This is the highest level of quality differentiation. It leads to competitive advantage.

Once gained, however, competitive advantage is perishable. Today's expectations quickly become tomorrow's requirements. Not only does every bank have an instant cash machine, but many retail outlets now provide such service.

To succeed in business, industry, government, education, or health care, we must continuously improve to keep up with the moving target of customer expectations. The way to achieve quality improvement is to focus not only on our basic offering, but to anticipate the future wants and needs of our customers. To keep our competitive edge, we must continue to focus on those wants and needs that are unexpressed, and quite often unknown to our customer.

### **7.13 Quality is Meeting or Exceeding Expectations - Consistently!**

The question is not "How can we do it better?" but "How can we do a better job of consistently meeting or exceeding customer expectations?"

When the bank not only tallies your deposit accurately, but offers the services that make your busy, fast-paced life easier, you are satisfied -- and you keep on banking there.

When the mechanic fixes your car and gives it back to you with the interior as clean as when you dropped it off, you are happy because you have finally found someone who understands what you want.

As for the restaurant, you will never complain as long as you feel like you are getting your money's worth. You will probably keep going back.

When the service or product meets your expectations, and you believe the value you receive is commensurate with the price you pay, that's quality -- the kind of quality that earns your loyalty and repeat business.

It sounds simple, but it isn't. Quality doesn't happen by accident. It's delivered because your

bank, your repair shop, your restaurant, and all the other providers who meet your expectations, have quality systems that are designed and managed to meet your expectations.

To gain and ensure the continued satisfaction of our customers, we must have a quality improvement process in place, one that is customer driven and prevention focused.

#### **7.14 The 100% Goal!**

In an organization where preservation of the status quo and resistance to change (at whatever level) is paramount, management tolerates errors precisely because it does nothing about finding the causes.

Management can change its expectations -- both of itself and of the organization. The objective of the Total Quality organization is to meet or exceed customer expectations, by establishing a goal of 100% error-free performance as defined by the customer.

One hundred percent customer satisfaction is not just a goal. It is an attitude about errors. Our long-term goal is to eliminate failure and achieve quality.

The 100% philosophy requires understanding and commitment by everyone in the organization. It provides a framework for moving the organization toward the goal of error-free performance.

Achieving the quality goal is the responsibility of management. Leadership style plays an important part in how managers reinforce, and achieve, error-free performance. Leaders become a resource to help their people perform quality work. Leaders avoid the exhortation to "do better" in favor of consistent actions and decisions that support consistent performance. Leaders set an example and lead the way.

#### **7.15 What about Errors and Mistakes?**

It is a fact of human nature that mistakes and errors will rise to the level management accepts. If ten errors per week are okay with you, the leader, then that's exactly what will be delivered. No more and no less.

*Leaders set the level of errors by their expectations, by what they reinforce. When you reward people for meeting their service call quota, you are not reinforcing that the goal is to have no service calls at all. The point is we will reward only those activities that lead to the 100% goal of meeting or exceeding customer expectations.*

Whereas a 0.1% error in the color of house paint may not be disastrous, we are all too aware of its impact if a pharmacist dispenses the wrong medication, a computer system crashes, or a parachute doesn't open. Imagine the number of unhappy customers if a bank tolerated a 0.1% accuracy rate on its monthly statements.

What is the impact of error in a process? If a 50-step process had a 1% error rate in each individual step, what would be the error rate in the outcome of the system? The system error rate would be 40%.

This is exactly why the public might perceive a 50 employee government agency incompetent when each staff has a .1% accuracy rate. The public deals with all 50 employees, and then, sees the agency with a 40% failure rate!

The task then, is to understand the process, get agreement on the customer's expectations, and then design and control the process to meet those expectations 100% of the time. To achieve our quality goal, we must effectively design and manage our processes.

So what happens when management communicates that the only acceptable standard will be performance that meets or exceeds customer expectations 100% of the time for every job?

At first people may grumble, but now that it is stated clearly that *100% customer satisfaction* is the new standard at YRCAA, and management stands behind it, people are expected, and will work, to make it happen.

Unsolved problems will surface, but these will be identified, diagnosed, and systematically eliminated by improvement projects. Our goal is to steadily increase the length of time we can perform with error-free work. We'll work toward our goal until we reach it, and then we will immediately set another goal of continuous improvement to meet or exceed customer expectations.

*The goal is not one of idealistic perfection. It is customer satisfaction based on the mutually understood and agreed-upon expectations between the customer and supplier. The objective is to agree on the customer's expectation, and then meet and strive to exceed that expectation 100% of the time.*

#### **7.16 Why Is The 100% Goal Important?**

When a system operates at a 0.1% failure rate, management's tendency is to say that's good enough. Combine all of these "good enoughs" together, and you have an unacceptable level of failure. Some examples where 99.9% performance isn't good enough include:

- X One hour of unsafe drinking water every month;
- X Two unsafe plane landings per day at O'Hare International Airport in Chicago;
- X 16,000 pieces of mail lost by the U. S. Postal Service every hour;
- X 20,000 incorrect drug prescriptions every year;
- X 500 incorrect surgical operations each week;
- X 50 newborn babies dropped at birth by doctors every day; and
- X 22,000 checks deducted from the wrong bank accounts each year

*Source: American Society for Quality Control*

The goal of 100% is to motivate the organization, improve processes, and promote continuous improvement.

When doing it right every time becomes the standard, all measures, tools, staffing, and performance flows from this standard. This goal motivates management and improves processes. A design process which is based on customer requirements and expectations, rather than on internal needs, will result in continuous improvement, and fewer and fewer errors.

When the organization embraces the 100% goal, errors will decline over time because leaders will uncover the causes and find ways to eliminate them, and they will expect employees to meet and exceed customer expectations.

### **7.17 The Policy in a "Nutshell"**

1. The YRCAA shall have a single definition of quality that the entire organization shall adopt;
2. Quality is continuous improvement to meet or exceed customer expectations. Quality is more than the basic product or service;
3. To increase customer satisfaction, the YRCAA shall anticipate future expectations;
4. To be successful today, the YRCAA needs meaningful information on how well they are satisfying customers. Complaints are not a reliable, single measure of quality. Quality shall be measured by how your customers measure you. (Internally focused measures are measures of efficiency, but they don't tell us how well we are satisfying our customers;)
5. The YRCAA has a 100% goal of achieving quality;
6. Every job shall be designed and shall seek to achieve a goal of 100% customer satisfaction;
7. Management sets the level of expectations and thereby the level of acceptable errors. The goal is not one of idealistic perfection, but of perfection based on mutual understanding and agreement of the expectations;
8. Management is responsible for processes and systems that are designed to enable employees to meet or exceed customer expectations;
9. Preventing problems before they occur shall be achieved by designing quality into processes and systems. Problem recurrence shall be prevented by continuous improvement actions that will eventually eliminate defects;
10. Management's role is to change the organization's systems to support continuous improvement. (Lack of management leadership is the single greatest cause for failure of a quality improvement process;)
11. YRCAA management shall create and support a culture that empowers employees to continuously improve to satisfy customers; and
12. Management shall develop and implement policies which provide a work environment that supports the quality process throughout the total organization.

A supportive work environment shall include one where:

- X The principles of the organization are known and understood;
- X Employees communicate openly with each other without fear;

- X Relationships are cooperative, not adversarial;
- X Authority for decision-making is pushed downward and employees are empowered to make decisions;
- X Innovation is encouraged at all levels; and
- X People are trained and have the skills to do the job.

Weekly administrative briefing sessions with staff will provide a forum for staff and management to exchange regular feedback for continuous improvement. Staff is requested to take advantage of this time in seeking and providing guidance toward our 100% goal to meet or exceed all customer expectations.

Director's Note:

Maintaining a culture of Total Quality will not be easy, but it is simple. It begins with a full understanding of what Total Quality is. That is your responsibility. I will accept nothing less. It then takes 100% commitment. That is your responsibility. I will accept nothing less. It then takes action, each and every time we do anything, to achieve a 100% goal of customer satisfaction. I will accept nothing less.

I am responsible for processes and systems that are designed to enable employees to meet or exceed customer expectations. I hope you each will accept nothing less from me. The Continuous Improvement Process is designed to identify problems, to define actions and to take actions to prevent problem recurrence. We share those responsibilities. We should accept nothing less. Personal leadership and accountability by us all will ultimately play a vital role in our success. I am confident we will succeed.

(This TQM Policy applies basic philosophy of the 3M Company TQM program as developed from basic Japanese TQM philosophy, and tailored revision made by the Hawaiian Electric Company's TQM program, modified and tailored to the Yakima Regional Clean Air Authority.)





## **SECTION 8: Planning**

### **8.1 Preface**

This planning Policy establishes a defined planning procedure to maximize opportunities for enhanced public, city, tribal and other stakeholder participation toward developing rules, air quality control strategies and positions on State and Federal air quality issues.

Control strategies and issues which may be reviewed through this Policy include, but are not necessarily limited to, preparing:

- Rule and Regulation Proposals;
- Proposed Fiscal Year Budgets;
- Response to proposed federal regulations (e.g., proposed new Ambient Air Quality Standards);
- Response to proposed State and Federal regulations;
- Short and long term YRCAA program goals; and
- State Implementation Plan Revisions.

This process is not intended, however, to be a forum to discuss specific enforcement actions including pending or actual litigation, or, penalty settlement discussions. In short, the Policy seeks to define multiple forums for public and stakeholder input, and initiate partnerships with cities, and other interested representatives (such as the Yakama Nation), through use of the Advisory Committee and Administrative Workshops whereupon the YRCAA Director's Office would then form action recommendations for the YRCAA Board of Director's consideration.

The Policy begins with a pre-planning stage during which YRCAA planning staff identify the issue, statutory requirements, trends and potential preventative mitigation strategies to respond to the issue. These are then shared in public forums to solicit comments, concerns and recommendations. The Policy then provides for a formal planning stage which consists of review of relevant information with stakeholders and the Advisory Committee to prepare formal recommendations to the YRCAA Board of Directors.

Finally, the Policy calls for follow-up actions to set the stage for "continuous improvement" of YRCAA programs.

### **8.2 The Policy**

The Office of the Executive Director shall use the Policy as directed by the Board of Directors or when, in his or her judgment, there exist actual or potential air quality related issues which have potentially significant impacts to the YRCAA air quality program.

The Policy establishes the following five (5) procedural stages for considering YRCAA responses to actual or potentially significant air quality issues:

### 8.2.1 Preliminary Planning

During the preliminary stage the Board of Directors, or the Office of the YRCAA Director identifies an actual or potential air quality issue and initiates basic information gathering. This includes:

- a. Defining the issue;
- b. Identifying;
  - i. Related statutory requirements;
  - ii. Related local and regional issues;
  - iii. Stakeholders, including potentially affected sources; and,
  - iv. Preventative mitigation strategies.
- c. Preparing a planning schedule, including dates for;
  - i. Public Workshop(s);
  - ii. Advisory Committee Meeting(s); and
  - iii. Board of Director Action(s).
- d. Holding initial discussions with the Washington State Department of Ecology and EPA to identify;
  - i. Potential coordination issues, merits and process, and
  - ii. Potential State Implementation Plan (SIP) revisions.
- e. This stage concludes with preparation of a “Preliminary Planning Report” summarizing the preliminary planning actions.

### 8.2.2 Planning Stage

The planning stage incorporates the actual planning activities, including, but not limited to:

- a. Reviewing existing statutory requirements, such as, State, Federal and local laws;
- b. Reviewing and updating relevant data, such as air monitoring data, emission inventory, meteorological data, and related trends;
- c. Identifying potential control strategies;
- d. Meeting with stakeholders, special interest groups, and the public to solicit comments, concerns and recommendations; and
- e. Preparing a Draft Staff Report which includes proposed recommendations, supporting information and statutory references.

### 8.2.3 Public Review

During this stage, the “Draft Staff Report and Proposed Recommendations” prepared at the conclusion of the Planning Stage, are presented and discussed in Administrative Public Forums consisting of:

- a. Publicly Noticed Administrative Public Workshops held by Office of the Director

- in local newspapers and on the YRCAA website;
- b. Other public agency forums, e.g., Council of Governments, Municipalities, County, Yakama Nation; and
- c. Advisory Committee Meeting(s).

Based on the comments received, the “Draft Staff Report and Proposed Recommendations,” will be refined and released as a “Final Staff Report and Recommendations,” which will be publicly noticed in the two largest local newspapers and on the YRCAA website for consideration by the Board of Directors no less than thirty (30) days following release of the report.

#### 8.2.4 Public Hearing

The public hearing stages exists as the formal forum for the Board of Directors to act on the recommendations following solicitations of public comments. The product resulting from the public hearing is a formal Board of Director’s “Resolution” directing YRCAA staff action.

#### 8.2.5 Implementation

The implementation stage is the foundation for continually improving the YRCAA Clean Air Programs. The program implementation includes, but is not necessarily limited to:

- a. Field Inspection;
- b. Opportunities for periodic meetings with interested stakeholders to evaluate strength and weaknesses of implemented action;
- c. Status reports to Board of Directors, Advisory Committees, and interested stakeholders; and,
- d. Recommendation for initial strategy refinements.

### 8.3 Policy Products

The YRCAA Planning Policy creates the following three primary products:

- a. The Preliminary Planning Stage produces a “Preliminary Planning Report” which summarizes preliminary planning activities;
- b. The Planning Stage produces a “Draft Staff Report and Proposed Recommendations;” and
- c. The Administrative Public Review stage produces a “Final Staff Report and Recommendations.”

### 8.4 Public Notices

The YRCAA Planning Policy provides for the following public notices:

- a. Ten (10) days for Administrative Workshops and Advisory Committee Meetings;  
and
- b. Thirty (30) days for Board of Director's Public Hearing(s).

## **8.5 Information Distribution**

Copies of the public notices relevant to the Public Workshops, Advisory Committee and Public Hearings will be, when applicable, distributed without charge to:

- a. Members of the Board of Directors;
- b. Municipalities and Council of Governments;
- c. Yakama Nation;
- d. Advisory Committee;
- e. Title V Sources;
- f. American Lung Association;
- g. Media, including local press and television stations;
- h. State Department of Ecology;
- i. US Environmental Protection Agency; and
- j. Other interested persons as having expressed to the Clerk of the Board a written request to receive the notices.

**8.6 Policy Flow Chart**

**YRCAA PLANNING POLICY  
for  
ENHANCED CITY, PUBLIC AND OTHER STAKEHOLDER PARTICIPATION**

**I. Preliminary Stage**

**PRODUCT: "PRELIMINARY PLANNING REPORT"**

**II. Planning Stage**

**PRODUCT: "DRAFT STAFF REPORT AND PROPOSED RECOMMENDATIONS"**

**III. Public Review Stage**

**PRODUCT: "FINAL STAFF REPORT AND RECOMMENDATIONS"**

**IV. Public Hearing Stage**

**PRODUCT: "BOARD RESOLUTION"**

**V. Implementation Stage**

## **8.7 Rule Development and Adoption**

The purpose of this subsection is to define procedures for development, revision or repeal and adoption of YRCAA rules and regulations. All rulemaking must follow the planning policy previously outlined in this section and RCW 34.05, the Administrative Procedures Act.

### **8.7.1 General Procedure**

The standard procedure for a "typical" rule is as follows:

- a. Public participation prior to proposal of a rule;
- b. Staff development in conjunction with Ecology, EPA, and stakeholders;
- c. Filing notice of the proposed rule with the state code reviser; and
- d. Consideration of adoption by the YRCAA Governing Board.

This general procedure may vary depending on the rule under consideration.

### **8.7.2 Specific Procedures**

The Engineering and Planning Division Supervisor generally will assign a project Officer to the development, revision or repeal of a rule. It is the responsibility of the Project Officer assigned to ensure that the following specific procedures are followed to the extent feasible:

- a. Pre-Notice Inquiry  
To provide greater access to agency rulemaking activity and to promote consensus among interested parties YRCAA will solicit comments from the public prior to development of a rule and filing with the Code Reviser a notice of proposed rulemaking. YRCAA will prepare and publish a statement of inquiry that:
  - i. Identifies the statutory authority for adoption of the rule;
  - ii. Discusses why the rule may be needed and what it might accomplish;
  - iii. Identifies other agencies that regulate the subject of the rule;
  - iv. Discusses the rule development process; and
  - v. Specifies the public participation process in the decision to adopt the rule.

This process will not be used for emergency or expedited rulemaking.

- b. Development of Draft Rule and Staff Report
  - i. The assigned Project Officer will develop and prepare a draft rule, whether an adoption, revision, or repeal, as directed by the YRCAA Governing Board or Directors; and

- ii. The Project Officer shall prepare a staff report accompanying each rule making activity.

c. Submission of Draft Rule to Ecology

In conducting review of draft local rules, Ecology has consulted with administrative staff of YRCAA and agreed to assist in the following procedure:

- i. Draft rules prepared by the Project Officer will be submitted to the Ecology Rule Evaluation Section, under signature of the Director as soon as possible;
- ii. Ecology will review relevant proposed rules to assure the rules minimally conform to SIP requirements, CAA requirements, and other requirements of State law;
- iv. Ecology will provide written comments within 15 working days of receipt of the draft rule; and
- v. All written comments by Ecology regarding the adequacy of proposed rules will be provided by the Executive Director or his/her designee and will be the official Ecology staff position.

d. Public Workshops

Upon completion of the draft rule, or as necessary to develop a draft rule, with approval of the Director, the Project Officer may convene public workshops as necessary to assure complete consideration of public and industry viewpoints before it is proposed to the YRCAA Board for adoption. In exercising discretion as to whether to convene workshops, staff shall be guided by the following criteria:

- i. Workshops are to be employed when the draft rule is so significant, or so comprehensive, that input from the public, or from the regulated industry, or both, are necessary to assure that all diverse factors have been considered. These factors include, technological feasibility, economic considerations, desirability, necessity, degree of urgency, and other factors affecting YRCAA's decision; and
- ii. A workshop shall be convened whenever deemed necessary by the Director or when so directed by the Board of Directors.

e. Submission of Proposed Rules to Code Reviser

The Project Officer will submit final proposed rules to the Code Reviser, under signature of the Director in the form to be considered at public hearing. The following procedure and time schedule has been developed in consultation with the Code Reviser:

- i. This submittal will occur within the statutory 30-day notice of public hearing, but not less than 20 days prior to the public hearing, on forms provided by the Office of the Code Reviser. YRCAA will also submit copies of hearing

- ii. Ecology and the Code Reviser will evaluate the proposed rule to determine if any previous Ecology comments have been considered and if the proposed rule minimally conforms to SIP requirements, CAA requirements, and requirements of State law.
- iii. Ecology and the Code Reviser will provide YRCAA with written comments, at least one week prior to the public hearing. Comments will be provided earlier, if possible, to meet specific YRCAA requirements.
- iv. Comments will specify which modifications may be required for Ecology and Code Reviser approval and which may be recommended for clarity. Ecology will endeavor to testify at local public hearings, when requested by YRCAA, or if the rule does not minimally conform to the SIP, CAA, and State law requirements. As a courtesy, YRCAA will be notified in advance.

f. Setting Proposed Rule for Hearing - Notice

- i. The Project Officer shall confer with the Director and make necessary arrangements with the Clerk of the Board to set the proposed rule for public hearing before the YRCAA Board at such time as the draft rule has received sufficient review and development that the Director believes it is suitable for Board action, or at such time as is directed by the YRCAA Board.
- ii. YRCAA shall give notice of the time and place of the public hearing to consider the proposed rulemaking, which shall include a copy of the rule proposed to be adopted, revised, or repealed and a summary of the effect of the proposal, not less than 30 days prior to the hearing. Such notice shall also be published once in the largest newspaper of general circulation in Yakima County, at least 30 days prior to the hearing.
- iii. The published notice shall invite written public comment and indicate the name, address, and telephone number of the YRCAA officer to whom comments should be addressed, and the date by which the comments must be received.
- iv. The following Public Notice format shall be used:

#### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to and in compliance with all public notice requirements in effect, of a Public Hearing by the Yakima Regional Clean Air Agency (YRCAA) Governing Board of Directors to consider adoption of rule at (time determined, i.e., 2:00 P.M.), YRCAA Board of Directors meetings are held at the Yakima County Courthouse, Room B33, 129 No. Second Street, Yakima, WA.

Copies of the proposed rule and the related Staff Report will be available on file in the office of the YRCAA at 329 N First Street, Yakima, Washington, and available for public inspection between the office hours of 9:00 a.m. to 12 noon and 1:00 p.m. to 5:00 p.m.



All persons planning to attend the Public Hearing are advised that this item may be taken up after 2:00 p.m. pursuant to the order of items set forth in the Agenda. Comments, statements, or arguments relating to the matters publicized in this Notice may be presented orally or in writing.

Interested persons wishing to give oral testimony may be limited to a specific amount of time as required by the Chairperson. However, all persons will be allowed no more than five (5) minutes presentation time. All written comments should be filed with the YRCAA Board Clerk. Any statement over five (5) pages in length should be submitted with ten (10) copies.

Following the Public Hearing, and without further notice, the YRCAA Board may adopt the proposed revisions or take other action consistent with the terms of this Notice.

DATED:

By: GARY W. PRUITT  
DIRECTOR & AIR POLLUTION CONTROL OFFICER

g. Public Hearing – Board Action

The public hearing before the YRCAA Board shall provide for submission by the public, statements, arguments, or contentions, oral, written, or both. The Board may continue or postpone the hearing to a time and place as it shall determine, without further public notice. After considering all relevant matter presented, the Board will adopt, revise, or repeal a rule, unless the Board makes changes in the text originally made available to the public which are so substantial as to significantly affect the meaning of the proposed rule. The Board will not take action on a changed text before its next regular meeting, and will allow further statements, arguments, and contentions to be made and considered prior to taking final action.

YRCAA shall cause a record of the hearing to be created. A summarizing memorandum of all proceedings will be created and shall be made available to the public. The Board is required to make certain findings when adopting rules. These findings are drafted as part of the proposed resolution accompanying the proposed rulemaking package in the Board Meeting folder.

h. Official Record

The Project Officer shall maintain a file of each rule, which shall constitute the official record for the rulemaking proceedings. The file shall include the following:

- i. Copies of any petitions received by the YRCAA from interested persons opposing the adoption, amendment, or repeal of the rule;
- ii. Copies of published notices of the public hearing;
- iii. All data and other factual information, studies or reports, and written

comments submitted to the YRCAA in connection with the noticed proposed rulemaking;

- iv. A transcript, recording, or minutes of any public workshop or hearing concerning the rulemaking; and
- v. The text of the noticed rule, as originally proposed, and the modified text, if any, which was made available to the public prior to the final action.

i. Disposition of Adopted Rule, Revision, or Repeal

After YRCAA Board has adopted a rule, the Project Officer will work with the Clerk of the Board and assure procedures and requirements are satisfied to complete Ecology approval and submission to EPA as necessary:

- i. YRCAA will submit the adopted rule, and resolution of adoption to the Code Reviser, Ecology and, if required, to EPA.
- ii. As determined by the Director, the rule shall also be submitted to Ecology with a request for submittal to the SIP.
- i. If rules are not SIP approvable, Ecology will inform the YRCAA within 15 working days why the rule is not being submitted to EPA and recommend a course of action. If necessary, appropriate conflict resolution procedures will be initiated; and
- ii. If rules are SIP approvable, in accordance with the requirements of the CAA, they are submitted to EPA as a SIP revision by Ecology. In a case where a rule needs to be received by EPA to satisfy an EPA deadline, the rule is submitted as soon as possible. YRCAA will be notified of rules which may not be appropriate for inclusion in the SIP (e.g. fee rules.) These will not be submitted to EPA as SIP revisions.

### 8.7.3 Concise Explanatory Statement

Before filing an adopted rule with the Code Reviser, YRCAA will prepare a Concise Explanatory Statement which:

- a. Identifies YRCAA reasons for adopting the rule;
- b. Describes differences between the text of the proposed rule as published in the register and the text of the rule as adopted, and states reasons for the differences; and
- c. Summarizes all comments received, and responds to the comments by category or subject matter, and indicates how the final rule reflects YRCAA consideration of the comments or why it fails to do so.

YRCAA will provide a copy of the Concise Explanatory Statement to any person upon request or from whom it received comment.

#### 8.7.4 Expedited Rulemaking

- a. YRCAA may file notice for expedited adoption of a rule in accordance with the procedures set forth in this section for a rule which meets any one of the following criteria:
  - i. The proposed rule relates only to intergovernmental activities that are not subject to violation by a person;
  - ii. The proposed rule adopts or incorporates by reference, without material change, a federal or Washington state statute or regulation;
  - iii. The proposed rule only corrects typographical errors, makes address or name changes or clarifies language of a rule without changing its effect;
  - iv. The content of the proposed rule is specifically and explicitly dictated by statute;
  - v. The proposed rule has been the subject of negotiated rulemaking, pilot rulemaking or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
  - vi. The proposed rule is being amended after a review under RCW 34.05.328.
- b. YRCAA may file notice for expedited repeal of a rule in accordance with the procedures set forth in this section for a rule which meets any one of the following criteria:
  - i. The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
  - ii. The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
  - iii. The rule is no longer necessary because of changed circumstances; or
  - iv. Other rules of YRCAA or of another agency govern the same activity as the rule, making the rule redundant.
- c. The expedited rulemaking process must follow the requirements for rulemaking under this section except that it does not require a statement of inquiry described in 8.7.2(a) of this section or a public hearing as discussed in 8.7.2(g) of this section. The notice for expedited rulemaking will contain a statement that is substantially in the following form:

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULEMAKING PROCESS THAT WILL ELIMINATE THE NEED FOR YRCAA TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULEMAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO:

Yakima Regional Clean Air Agency  
329 N First Street  
Yakima, WA 98901

COMMENTS MUST BE RECEIVED BY:  
(Insert Date)

8.7.5 Emergency Rules and Amendments

- a. If YRCAA for good cause finds:
  - i. That immediate adoption, amendment or repeal of a rule is necessary for the preservation of the public health, safety or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; or
  - ii. That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule,

YRCAA may dispense with those (notice and opportunity to comment) requirements and adopt, amend or repeal the rule on an emergency basis. YRCAA findings and a concise explanatory statement of the reasons for its findings shall be incorporated in the order for adoption of the emergency rule or amendment filed with the Office of the Code Reviser.

- b. An emergency rule adopted under this section takes effect immediately upon filing with the Code Reviser unless a later date is specified in the order of adoption, and may not remain in effect for longer than 120 days after filing.

8.7.6 Order Adopting a Rule – Board Resolution

The YRCAA Board of Directors will adopt a Resolution, signed by a quorum of its membership, which constitutes an Order of Adoption for any rule adopted by YRCAA. The resolution will contain the following:

- a. The date YRCAA adopted the rule;
- b. A concise statement of the purpose of the rule;
- c. A reference to all rules repealed, amended or suspended by the rule;
- d. A reference to the specific statutory authority authorizing the adoption of the rule;
- e. Any findings required by any provision of law as a precondition to adoption or effectiveness of the rule; and
- f. The effective date of the rule.

8.7.7 Filing with Code Reviser – Effective Date

YRCAA will file with the Code Reviser, a certified copy of all rules it adopts, using the

standard forms prescribed by the Code Reviser. The Code Reviser will place upon each rule a notation of the time and date of filing and will keep a permanent register of filed rules open to public inspection.

- a. Emergency rules become effective on the date of filing unless a later date is specified in the order of adoption. Other rules become effective upon the expiration of 30 days after the date of filing, unless a later date is specified in the order of adoption.
- b. A rule may become effective immediately upon its filing with the Code Reviser or on any subsequent date earlier than that established by subsection (a) of this section, if that effective date is established in the order of adoption and YRCAA finds that:
  - i. Such action is required by the state or federal Constitution, a statute or court order;
  - ii. The rule only delays the effective date of another rule that is not yet effective; or
  - iii. The earlier effective date is necessary because of imminent peril to the public health, safety or welfare.

The filing and a brief statement of the reasons therefore required by this subsection will be made a part of the order of adoption.

#### 8.7.8 Post-Adoption Notice

Either before or within two hundred days after the effective date of an adopted rule that imposes any requirements on businesses, the violation of which, subjects the business to a penalty, assessment or administrative sanction, YRCAA will notify all known businesses within its jurisdiction affected by the rule of the requirements of the rule and how to obtain technical assistance to comply.

The notification will announce the rule change, briefly summarize the rule, refer to appeal procedures and include a contact for more information. This notification does not apply to emergency rules.

## **SECTION 9 - PERSONNEL POLICIES AND PROCEDURES**

### **9.1 Introduction and Purpose**

These policies and procedures are guidelines and not promises of specific treatment in specific situations. Our policies and practices, including the compensation and benefits we provide, are subject to change and exception without prior notice at our discretion. This applies to all terms and conditions of employment at the Agency whether formal or informal. Nothing in this section is intended to establish a contract limiting the Agency's discretion to act in any given situation, as deemed appropriate.

The purpose of this section is to state Agency philosophies, values, and personnel policies and explain what employees can expect from the Agency and what the Agency will expect from employees.

### **9.2 Employment Relationship**

Good working relationship between employees and the Agency is vital to our effectiveness. It is the policy of the Agency to foster such relationships by maintaining open communication as to the Agency's expectations of employees.

#### **9.2.1 Employment at Will**

The Agency does not utilize written or verbal employment contracts or agreements. Each employee is considered "at will," meaning that each is free to leave, for any reason, with or without notice, at any time. This also means that we may terminate employment with or without notice, with or without cause, at any time as long as it is not discriminatory. Nothing in this policy shall limit the right to terminate employment at will or should be construed as a contract or guarantee of continued employment.

No person at the Agency shall have authority to enter into an employment agreement, expressed or implied, with any employee providing for employment other than at will. This policy of at will employment is the sole and entire agreement between employees and the Agency as to the duration of employment and the circumstances under which employment may be terminated.

#### **9.2.2 Equal Opportunity Employer**

YRCAA is an equal opportunity employer. This means we guarantee equal employment opportunities to all qualified individuals, and do not discriminate against any applicant or employee on the basis of any legally protected status specifically including race, gender, color, creed, religion, sex, age, citizenship status, national origin, marital status, veteran status, sexual orientation, or physical or mental disability. Our equal opportunity policy applies to all conditions of employment including, but not limited to, recruitment, hiring, training, compensation, benefits, discipline, promotion, transfer, leave of absence, layoff or termination.

We make all decisions based solely on job-related criteria, such as skills and attributes required for accomplishing the Agency's mission. These generally include relevant experience, performance, required education or training, technical and interpersonal

skills, initiative, reliability, and other such criteria. We comply with all applicable federal, state and local laws that prohibit employment discrimination. Applicants or employees who have equal opportunity related questions or complaints are encouraged to communicate these promptly to the Executive Director or Human Resource Manager.

### **9.3 Commencing Employment**

#### **9.3.1 Background Checks**

YRCAA recognizes the importance of maintaining a safe workplace with employees who are honest, trustworthy, qualified, reliable, and nonviolent, and do not present a risk of serious harm to their coworkers or others. For purposes of furthering these concerns and interests, the Agency reserves the right to investigate an individual's prior employment history, personal references, and educational background, as well as other relevant information that is reasonably available to the Agency. YRCAA may review an applicant's or an employee's credit report and criminal background. In the event that a background check is conducted, the Agency will comply with the federal Fair Credit Reporting Act and applicable state laws, including providing the job applicant or employee with any required notices and forms. Consistent with these practices, job applicants or employees may be asked to sign certain authorization and release forms. Consistent with legal requirements, the Agency reserves the right to require job applicants or employees to sign the forms as requested as a condition of employment.

#### **9.3.2 Immigration Compliance**

We are committed to hiring only those individuals who are authorized to work in the United States, and will comply with applicable immigration laws including the Immigration Reform and Control Act of 1986 and the Immigration Act of 1990. As a condition of employment, newly hired employees must complete an I-9 form within three days of their start date and must provide documentation to verify their identity and employment eligibility. Employees with questions regarding this process should contact the Executive Director or Human Resource Manager.

#### **9.3.3 Introductory Period**

The first six months of employment at the Agency is considered an introductory period. During this time, employees learn their job duties and responsibilities, become acquainted with supervisors and coworkers, and become familiar with YRCAA in general.

#### **9.3.4 Employment Status**

Employees at the Agency generally fall into one of four categories, depending on the nature of the employee's job, and are either exempt or non-exempt as described below.

- a. **Regular Full-Time Employee.** Regular full-time employees are those who work at least 40 hours per week and who maintain continuous regular employment. These employees are eligible for all employee benefits, which may include: annual leave, holidays, sick time, group medical and life insurance.
- b. **Regular Part-Time Employee.** Regular part-time employees are those who work at

least 20 hours but less than 40 hours per week and who maintain continuous regular employment. Regular part-time employees are eligible for some employee benefits.

- c. **Temporary Full-Time Employee.** Temporary full-time employees are those whose service is intended to be of limited duration (including, but not limited to, vacation or leave of absence relief), but who work at least 40 hours per workweek. Temporary full-time employees are not eligible for benefits.
- d. **Temporary Part-Time Employee.** Temporary part-time employees are those whose service is intended to be of a limited duration (including, but not limited to, vacation or leave of absence relief), and who work fewer than 40 hours per workweek. Temporary part-time employees are not eligible for benefits.
- e. **Exempt Employee.** Exempt employees are those whose job assignments meet the federal and state requirements for overtime exemption. Exempt employees are compensated on a salary basis and are not eligible for overtime pay. However, exempt employees may receive compensatory time on an hour-for-hour basis for all hours worked in excess of 40. Generally, executive, administrative, and professional employees, amongst others, are overtime exempt. Exempt employees are not required to complete a time card, but must complete an attendance instrument for benefit of administration purposes. The Executive Director will inform employees who are overtime exempt.
- f. **Non-Exempt Employee.** Non-exempt employees are those employees who are eligible for overtime pay for all hours worked in excess of 40 hours per week. Non-exempt employees are required to complete a time card.

## **9.4 Compensation and Payroll Policies**

### **9.4.1 Compensation**

Each employee's pay rate is generally reviewed on an annual basis though we may conduct reviews more or less frequently as appropriate. If warranted, an employee's pay may be increased on an annual basis. However, the Agency retains the ultimate discretion to determine whether an increase in pay is warranted in a particular situation. There may be circumstances such as budget guidelines and/or job performance considerations that prevent increasing pay. Employees are generally eligible for increases in pay due to continuous improvement (evaluated annually); a reclassification; or a promotion (where the rate of pay for the new position is higher than that of the previous position). However, the Agency retains the ultimate discretion to grant a pay increase.

### **9.4.2 Working Hours and Schedule**

We are open for business Monday through Friday from 9:00 a.m. to 5:00 p.m., unless closed in observance of a holiday. The Executive Director generally determines an employee's work hours and schedules. Employees will be informed in a timely manner of the hours they are scheduled to work. An employee who wants to change his or her work schedule must consult with, and receive written approval from the Executive Director. Full-time employees generally work schedules that correspond with our operating hours unless otherwise approved by the Executive Director. Our regular workweek begins on Monday and concludes on the next following Sunday.



Employees working in excess of five hours during the regular workday are entitled to a lunch/meal period of 30 minutes. This meal period should generally occur halfway through one's workday. Lunch time/meal periods are unpaid and shall not be recorded on the employee's timesheet. Employees who work eight hours during the regular workday receive two, 15-minute rest breaks. Employees working four or fewer hours receive one 15-minute break. Rest breaks are paid and are not recorded on the employee's timesheet. Employees are required to take their allotted rest and meal breaks. Generally, under no circumstances should an employee work through his or her rest/meal break. Any employee who anticipates an unforeseen need to work through a lunch or rest break should contact his or her immediate supervisor or the Executive Director before doing so.

#### 9.4.3 Payroll Administration

- a. Paydays. Payday is scheduled for the fifth day of the month. If a scheduled payday falls on the weekend or an observed holiday, paychecks or deposit confirmations are distributed on the preceding business day.
- b. Direct Deposit. Employees may elect to have their pay automatically deposited directly to their bank accounts. Employees choosing the convenience of direct deposit receive a deposit confirmation on payday, rather than a paycheck.
- c. Timekeeping. Accurate timesheets are necessary to provide accurate and timely payroll and to comply with state and federal timekeeping requirements. Therefore, employees must accurately record all hours worked on a timekeeping instrument. The Executive Director will approve time records at the end of a timekeeping period prior to submission to payroll. Falsification of a time record, whether that of the employee or on behalf of another employee, is a serious breach of trust and could result in actions up to and including termination of employment.
- d. Lag in Pay. Overtime, On-call and Standby time are paid on a lag. Special pay will be included in the following months' paycheck.

#### 9.4.4 Overtime

Employees are expected to perform their jobs within 40 hours per week. However, there may be occasions on which an employee is asked to work overtime. On such an occasion, the Executive Director will provide advance notice if possible. Non-exempt employees working more than 40 hours per week are eligible for overtime pay equal to one and one-half times their regular hourly rate of pay for all hours worked in excess of 40.

Employees who believe they need to work overtime to complete a job task or assignment must get advance approval from the Executive Director. We reserve the right to take appropriate corrective and/or disciplinary action, up to and including termination, against any employee who works overtime without the knowledge or prior approval from the Executive Director.

#### 9.4.5 Compensatory Time

Full-time, non-exempt employees may choose to accrue compensatory time in lieu of approved overtime for all hours worked in excess of 40 per week with the approval of the Executive Director. Employees who choose compensatory time shall accrue one and one-half hours for each hour worked over 40 in the regular workweek. No non-exempt

employee shall be required to forfeit overtime pay in lieu of compensatory time. While full-time, exempt employees are not eligible for overtime, they may also accrue compensatory time at a rate of one hour for each hour worked over 40 in the regular workweek. Employees may accrue up to 40 hours compensatory time.

#### 9.4.6 Time Accounting

All employees are required to account for hours worked by work program by inputting workload data into the Agency's timesheet database. Employees are required to enter their workload data at a minimum on a weekly basis. The database serves as the tool for assimilating and storing workload data that is also used for invoicing billable hours for certain programs and grants. All employees are responsible for inputting time correctly, as discussed below. Any questions regarding work programs should be directed to an immediate supervisor or the Executive Director.

##### a. Instructions

On a daily basis, employees are required to account for work expended by work program in 30-minute increments by either keeping a daily written record of work expended in hours by program or inputting daily workload data into the Agency's database at the end of each day. The database input form contains all current time codes sorted by work program. No later than the last Friday of each month each employee must:

- i. Complete data input into the Agency's timesheet database; and
- ii. Complete all leave and overtime slips.

##### b. Rules

Employees must comply with the following rules:

- i. Account for time and record workload on a daily basis;
- ii. Account for time in 30-minute increments
- iii. Approved overtime hours should reflect the actual time worked;
- iv. For work that spans several program categories (like staff meetings, training, etc.), apportion time to individual work programs according to some credible rationale;
- v. Any work specifically associated with a major source must be logged in the AOP work program; and
- vi. For grants and contracts, account for all time spent working on a special funded project under the specific grant.

Employees are required to accurately record all hours worked. Employees who intentionally fail to do this may be subject to corrective and/or disciplinary action up to and including termination.

#### 9.4.7 Special Programs

The Agency operates an Enterprise Program which requires flexible work schedules twice per year in the spring and fall. Also the Agency occasionally administers special programs that are short in duration. Employees should check with their supervisor or the Executive Director to determine time accounting procedures when conducting Enterprise work or when working in a special program.

## 9.5 Personnel

### 9.5.1 Grievance/Dispute Resolution

This Agency is an excellent place to work and we continuously strive to maintain a work atmosphere of mutual respect, professionalism, safety and integrity. We recognize that employees may have suggestions for improving our Agency. We also recognize that employees may have occasional complaints regarding a job related problem or experience. The most satisfactory solution to a job related problem or concern is usually reached through a prompt discussion with the supervisor or the Executive Director. Therefore, we encourage employees to present any suggestions or concerns to either the direct supervisor or the Executive Director. If satisfactory resolution is not obtained promptly, or if an employee is uncomfortable discussing the matter with the direct supervisor or the Executive Director, the employee should summarize the matter in writing and take it to the Chairman of the Board of Directors.

While we provide employees this opportunity to communicate views, not every complaint can be resolved to satisfaction. Even so, we believe that open communication is essential to a successful work environment and all employees should feel free to raise issues of concern without fear of reprisal. If an employee has concerns regarding harassment, discrimination, or improper governmental conduct they should refer to each of those policies contained in this section.

### 9.5.2 Harassment

We maintain a strict policy prohibiting all types of harassment, specifically including sexual harassment and harassment because of race, gender, color, national origin, ancestry, religion, creed, physical or mental disability, medical condition, marital status, sexual orientation, age or any other basis protected by federal, state or local law, ordinance or regulation. This anti-harassment policy applies to all persons involved in the Agency's operations, and prohibits harassment by any Agency employee including managers, supervisors, and co-workers. Our policy also protects employees from harassment by vendors, customers, clients or others. If harassment occurs on the job by someone who is not employed by the Agency, the procedures in this policy should be followed as if the harasser were an employee of the Agency.

#### a. Sexual Harassment Defined

Federal and state law defines sexual harassment as unwelcome sexual advances, requests for sexual favors, or visual, verbal or physical conduct of sexual nature when:

- i. Submission to such conduct is made a term or condition of employment; or
- ii. Submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or
- iii. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

#### b. Inappropriate Behavior

The following is a partial list of examples of inappropriate behavior:

- i. Physical assaults on another employee including, but not limited to, rape, sexual battery, molestation, or attempts to commit these assaults;
- ii. Intentional physical conduct that is sexual in nature including, but not limited to, touching, pinching, patting, or brushing up against another employee;
- iii. Unwanted sexual advances, propositions or sexual comments including making sexual gestures, jokes or comments made in the presence of any employee;
- iv. Posting or displaying pictures, posters, calendars, graffiti, objects or other materials that are sexual in nature or pornographic;
- v. Offering employment benefits in exchange for sexual favors;
- vi. Displaying, accessing or circulating in the workplace (including via Internet or e-mail) sexually suggestive photographs, cartoons, graffiti, jokes and the like; or
- vii. Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes, or invitations.

While it is unlawful for males to sexually harass females, it is equally unlawful for males to harass other males. Likewise, it is equally unlawful for females to sexually harass males or other females.

c. Other Types of Prohibited Harassment

Harassment based on race, gender, color, national origin, ancestry, religion, creed, physical or mental disability, medical condition, marital status, sexual orientation, age, or other protected basis is equally unlawful. Harassment on these bases or any other basis is prohibited and includes behavior similar to sexual harassment such as:

- i. Verbal conduct such as threats, epithets, derogatory comments, attempts to intimidate or slurs;
- ii. Visual conduct such as derogatory posters, photography, cartoons, drawings, or gestures;
- iii. Physical conduct such as assault, unwanted touching, blocking normal movement, threatening gestures, unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment; and
- iv. Retaliation for making harassment reports or threatening to report harassment.

d. Complaint Procedure

An individual subjected to what he/she believes is sexual, racial, or other harassment should immediately tell the harasser to stop his/her unwanted behavior and/or immediately report that behavior, in writing, to the Executive Director. If any further incident(s) of harassment occur, the incident(s) must be immediately reported. If an employee becomes aware of harassing conduct engaged in or directed toward another Agency employee, the employee should immediately report that information, in writing, to the Executive Director.

All reported incidents of harassment or discrimination will be investigated. Our reporting procedure provides for a prompt, thorough and objective investigation of any claim of harassment and/or discrimination. We will generally attempt to protect the confidentiality of any harassment allegations to the extent possible while conducting an investigation. However, we cannot conduct an effective investigation without revealing certain information to the alleged harasser and potential witnesses. Information and records relating to harassment complaints will be shared on a “need to know” basis only. When the investigation is completed, we will make a determination regarding the allegations and communicate that determination to the person who filed the report as soon as practical. If we determine that a violation of this policy has occurred, the offending employee is subject to appropriate corrective action and/or discipline up to and including termination. Corrective action and/or discipline, if warranted, will be designed to deter future violations of this policy.

Conduct in violation of Agency policy is not considered within the course and scope of employment or the direct consequence of the discharge of one's duties. Accordingly, to the extent permitted by law, we reserve the right not to provide a defense or pay damages assessed against an employee for conduct in violation of this policy. Any employee who intentionally files a wrongful or fraudulent complaint of harassment is also subject to disciplinary action up to and including termination. We strongly urge all employees to report all incidents of harassment, discrimination or other inappropriate behavior as soon as possible.

### 9.5.3 No Retaliation

YRCAA strictly prohibits retaliation against any person by an Agency employee or by the Agency for using the complaint procedure, reporting harassment or discrimination, or for filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by the Agency or a governmental enforcement agency. Prohibited retaliation includes, but is not limited to: termination; demotion; suspension; failure to hire or consider for hire; failure to give equal consideration in making employment decisions; failure to make employment recommendations impartially; adversely affecting work conditions; or otherwise denying any employment benefit. If we determine that a violation of this policy has occurred, the offending employee is subject to appropriate corrective action up to and including termination. Discipline, if warranted, will be designed to deter violations of this policy.

### 9.5.4 Employees with Disabilities

YRCAA is committed to providing employment opportunities to all qualified individuals regardless of physical, mental, or sensory disability. Therefore, we endeavor to make reasonable accommodations that will enable qualified applicants and employees to become or remain part of our team, whenever doing so will not pose an undue hardship on the Agency. If an employee has a disability that affects job performance, we strongly encourage notifying the Executive Director as soon as possible, preferably in writing. If the Executive Director is unavailable, an employee should consult with the Human

Resource Manager. We will discuss reasonable accommodations that we may be able to provide that will allow performing essential job functions. Before making a decision regarding reasonable accommodation, the Executive Director may require a statement regarding the employee's medical condition from a health care provider. If an employee is unable to perform the essential job functions, even with a reasonable accommodation, we will provide assistance in identifying and applying for other jobs at the Agency that may become available and for which an employee may be qualified.

#### 9.5.5 AIDS/HIV

YRCAA recognizes that AIDS and HIV pose significant and delicate issues for employers. Because we are committed to maintaining a healthy, safe and compassionate work environment, it is our policy that we will treat AIDS/HIV the same as other life-threatening illnesses. Employees with AIDS or HIV who may need reasonable accommodation to perform their job duties should consult with the Executive Director. As with all employee medical information, we shall make every reasonable effort to protect an employee's confidential medical information, which includes information regarding an employee's AIDS/HIV status.

#### 9.5.6 Employment of Relatives

YRCAA does not discriminate on the basis of marital status and generally permits the employment of spouses or relatives of current employees except where such employment would place one or both of the employees in a situation of actual or foreseeable conflict between their interests and ours. This may occur where one spouse or relative would have the authority or practical power to supervise, appoint, remove or discipline the other, or one would be responsible for auditing the work of the other.

For the purposes of this policy, 'relatives' are defined as: parent, son, daughter, sibling, spouse, stepchild, aunt, uncle, grandparent, grandchild, nephew, niece, mother-in-law, father-in-law, brother in-law, sister in-law, daughter in-law, son in-law, stepbrother, stepsister, stepfather, stepmother, or an individual who has acquired a relationship through marriage or other significant relationship not distinguished by blood or marriage. In the event two employees in a reporting relationship or auditing responsibility become relatives (as defined by this policy), one employee must either transfer to another area or department (if an acceptable position is available) or leave the Agency. Generally, the employee with the least seniority will be asked to transfer or exit if we determine that a conflict of interest exists.

#### 9.5.7 Prohibited Conduct

To assure orderly operations and provide the best possible work environment, we expect employees to follow rules of conduct that will protect the interests and safety of the Agency and its personnel. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace, but the following are examples of infractions of rules of conduct that may result in disciplinary action, including suspension, demotion, and/or termination of employment, depending on the circumstances.

- a. Falsification of employment records, employment information, or other records;

- b. Recording the work time of another employee, or allowing falsification of any timesheet (supervisors are given limited allowances for updating employee timesheets with employee permission);
- c. Theft or the deliberate or careless damage of any Agency property or the property of any employee or client;
- d. Unauthorized use of Agency equipment (including information technology), time, materials, or facilities;
- e. Possessing, distributing, selling, transferring, or using (or being under the influence of) alcohol or illegal drugs in the workplace;
- f. Provoking a fight or fighting during working hours or on premises owned or occupied by the Agency;
- g. Carrying firearms or any other dangerous weapons during working hours or on Agency premises;
- h. Engaging in criminal conduct whether or not related to job performance;
- i. Insubordination, including but not limited to failure or refusal to obey the orders or instructions of any supervisor or member of management, or the use of abusive or threatening language toward any supervisor or member of management;
- j. Using profane or abusive language at any time during working hours or while on premises owned or occupied by the Agency;
- k. Unreported absence of three consecutive scheduled workdays;
- l. Failing to obtain permission to leave work for any reason during normal working hours;
- m. Failing to observe working schedules, including rest and lunch periods;
- n. Abusing paid sick leave;
- o. Failing to provide a physician's certificate when requested or required to do so;
- p. Making or accepting personal telephone calls of more than three minutes in duration during working hours;
- q. Working overtime without authorization or refusing to work assigned overtime;
- r. Violating any Agency safety, health, or security policy, rule, or procedure;
- s. Committing a fraudulent act or a breach of trust in any circumstances;
- t. Engaging in horseplay; or
- u. Violating the Agency harassment policy or any other Agency policy.

Although employment may be terminated at will by either the employee or by the Agency at any time, without following any formal system of discipline or warning, the Agency may exercise its discretion to utilize forms of corrective action or discipline that are less severe than termination. Examples of less severe forms of discipline include verbal warnings, written warnings, demotions and suspensions. While one or more of these forms of corrective action or discipline may be taken, no formal order or procedures are necessary.

#### 9.5.8 Conduct & Employment - Outside of Work

In general, the Agency does not interfere with employees' off-duty activities. However, the Agency cannot tolerate off-duty conduct that has a negative impact on the Agency or its reputation. Therefore, employees may be disciplined for engaging in illegal or immoral off-duty conduct that affects or has the potential to affect the Agency.

Additionally, the Agency prohibits outside employment (including self-employment) in conflict with employment at the Agency, which impacts the employee's work performance or schedule, and/or which affects the Agency's business interests. Employees who wish to engage in outside employment must contact and seek prior approval from the Executive Director.

#### 9.5.9 Career Opportunities

It is our policy to promote the most qualified employee who applies for and who meets the Agency's needs for an open position. Because we want our employees to meet their career goals, and endeavor to promote from within, YRCAA may announce all available job openings internally prior to public advertisement. Employees in good standing are generally eligible to apply for any posted position and we encourage employees to apply for open positions for which they are qualified. The Executive Director can provide up-to-date information about the opening and a current job application. Jobs posted internally are generally available for application for seven working days. If there are no internal candidates, or an internal candidate is not selected, we may then select an external candidate. YRCAA retains the right to determine which employee best meets our needs for a particular position. In this regard, in selecting a candidate, we may consider a variety of factors including job performance, previous job related experience, and length of service with the Agency.

#### 9.5.10 Attendance

Each Agency employee is an important member of our team. Any one person's absence directly impacts the productivity of several other members of our team and, ultimately, our ability to pursue our mission. Occasionally, an employee may miss work to such a degree that corrective action is necessary. Promptness is not only a professional courtesy to one's co-workers, it is necessary to a productive work environment. Employees should be at their workstations and ready to begin their workday at the time designated by the Executive Director. Chronic tardiness may result in corrective actions up to and including termination of employment. If an employee must miss work, for any reason, he or she shall notify the Executive Director, or immediate supervisor, as promptly as possible, but no later than within one half-hour after the beginning of the employee's scheduled start time. Chronic absenteeism or tardiness, particularly where it disrupts productivity and negatively impacts other employees and the Agency's ability to fulfill our purpose, could result in corrective action up to and including termination of employment.

#### 9.5.11 Inclement Weather

Employees who cannot report to work as scheduled because of inclement weather or other natural disaster should contact the Executive Director if YRCAA is open for business that day. While each employee's presence is necessary to our smooth operation and the fulfillment of our mission, we do not want any employee to take unwise risks during inclement weather or a natural disaster. If we are open for business, a non-exempt employee who is delayed or cannot come to work because of weather conditions may use accrued annual leave or take time without pay to cover the absence. Likewise, exempt employees who are absent for a full day can either use accrued annual leave or take time without pay to cover the full day absence.



If our offices close for a full or partial business day due to weather or other hazardous conditions, the Executive Director or his designee will attempt to notify employees of the office closure in a timely manner. For this reason it is important that each employee keep the Executive Director informed of any changes to a home address and/or home telephone number. If we close the office because of weather or other hazardous conditions, in certain circumstances, regular full-time, non-exempt employees may be eligible to receive their usual hourly wage for hours they were scheduled to work and otherwise would have worked had the office been open. Likewise, regular part-time, non-exempt employees who were scheduled to work during closure may also receive pay. Depending on the circumstances, however, we may ask employees to use accrued annual leave to cover their absence.

Exempt employees may, in certain circumstances, also receive their regular salary if inclement weather causes the Agency to close for less than one week. Depending on the circumstances, however, we may also ask exempt employees to use accrued annual leave to cover full or partial day absences. YRCAA retains flexibility and discretion to determine when and under what circumstances it will pay employees when inclement weather or natural disaster has caused the Agency to close.

#### 9.5.12 Appearance

YRCAA's image is directly impacted by the appearance and behavior of our employees. Employees are expected to use good judgment in selecting clothing and accessories for the day, and in their grooming. Generally, all clothing should be clean, pressed and properly fitted. This is especially important when the employee's duties will require direct interaction with the citizens and/or businesses in our jurisdiction and where, for safety reasons, poorly fitted clothing may create a hazard. Also, hair should be neat, clean, and well combed. We expect employees to dress in a neat and businesslike manner consistent with job position. Visible tattoos and body piercing are inconsistent with the image we wish to portray to the public and are, therefore, strongly discouraged except under limited circumstances. However, an employee who has a visible tattoo or a visible body piercing (other than an ear piercing) should consult with the Executive Director.

#### 9.5.13 Non Solicitation

To avoid disruption to our work, we do not allow employees to approach fellow employees in the workplace, or any individual doing business with the Agency, regarding activities, organizations, or causes regardless of how worthwhile, important or benevolent the cause may be. Therefore, the following rules regarding solicitation and distribution of written material during working time and entry onto our premises and work areas apply:

- a. No employee shall solicit or promote support for any cause or organization during his or her working time or during the working time of the employee or employees at whom the activity is directed;
- b. No employee shall distribute or circulate any written or printed material in work areas at any time, during his or her working time, or during the working time of the employee or employees at whom the activity is directed; and

- c. Under no circumstances will non-employees be permitted to solicit or to distribute written material for any purpose on YRCAA property.

As used in this policy, "working time" includes all time for which an employee is paid and/or is scheduled to be performing services for YRCAA. It does not include break periods, meal periods, or periods in which an employee is not, and is not scheduled to be, performing services or work for YRCAA. Employees are instructed to direct any non-employees, acting contrary to our non-solicitation policy, off our premises and/or contact local law enforcement officials, as appropriate. In addition, the bulletin boards utilized at our facility are reserved for posting work-related notices and notices that must be posted pursuant to local, state, and federal law. Before posting anything on an Agency provided bulletin board, approval should be obtained from the Executive Director or Office Manager.

#### 9.5.14 Political Activity

We do not allow or require employees to engage in political activity of any kind on agency premises or during operating hours. Under this policy, political activity means campaigning, canvassing, soliciting or otherwise encouraging the support, financial or otherwise, of a political candidate or cause. Any employee who feels pressured to participate in or who observes political activity on Agency premises or during operating hours, is encouraged to report such conduct immediately to the Executive Director.

#### 9.5.15 Job Position and Classification (See also Section 11)

Employees are generally given a position description developed by the Executive Director and are assigned a classification. Each description will identify essential functions of the position, minimum qualifications, and unique requirements. The Executive Director may, but is not required to, reclassify positions for which the duties and responsibilities have changed significantly from an assigned job description, or that have been structurally affected by organizational changes. Proposals to reclassify a position may be initiated by individual employees or by management. All such proposals should be substantiated in writing and should include specific detail regarding how duties and responsibilities have changed, what circumstances caused the changes, and how long the circumstances have existed. The assumption by an employee of duties and responsibilities greater than those required may not, in itself, be sufficient justification for reclassification. Only the Executive Director may reclassify a position.

#### 9.5.16 Performance Evaluations

Agency employees are expected to grow professionally, to learn the technical and regulatory aspects of our industry, and to provide outstanding service to the community. Supervisors and employees are expected to continuously improve their skills and performance. Thus, routine continuous improvement assessments are conducted annually for each employee. However the frequency of performance evaluations may vary depending upon, among other things, length of service, job position, past performance, changes in job duties or recurring performance or behavioral problems. When management identifies a need, an unscheduled performance evaluation or counseling session may be conducted. YRCAA does not engage in progressive discipline, and

reserves the right to determine whether corrective action or disciplinary action is warranted based on an employee's failure to improve either performance or skills.

#### 9.5.17 Rehire of Former Employees

YRCAA may consider for rehire all employees who left the Agency voluntarily and who were in good standing when they left. Employees, however, are not automatically entitled to rehire. When considering a former employee for re-employment, several factors, including the circumstances under which the employee left, the work records of the former employee, and the qualifications required for the available opening, may be considered. All re-hire decisions will be considered and approved by the Executive Director.

#### 9.5.18 Personnel Records

Personnel files belong to the Agency and access to the information contained in such files is restricted. Only authorized individuals are allowed to access personnel files. These individuals generally are the employee in question, his or her immediate supervisor, the Human Resource Manager and the Executive Director. Other individuals who may be granted access on a need-to-know basis include those in a supervisory capacity who may be considering an employee for transfer or promotion. Generally, information contained in an employee's personnel file will not be disclosed to anyone outside the Agency unless we are legally compelled to do so. Employees have the right to examine the contents of their personnel file in the presence of the Executive Director or Human Resource Manager annually. An employee may request copies of any information found in his/her file and may place explanatory or rebuttal information in the file, but may not remove records.

#### 9.5.19 Reporting Improper Governmental Action

Employees are encouraged to report improper governmental action taken by Agency employees or officials.

- a. Improper governmental action means any action by an Agency employee or official that is:
  - i. Undertaken in the performance of the employee's or official's official duties, whether or not the action is within the scope of the employee's duties; and
  - ii. In violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.
- b. Improper governmental action does not include personnel actions such as employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employment, performance evaluations, pay reductions, dismissals, suspensions or demotions.
- c. Employees who become aware of improper governmental action should follow the procedure below:
  - i. Raise the issue first with their supervisor or manager;
  - ii. If the employee believes the supervisor or manager was involved in the improper action, the employee should raise the issue with the Executive

- Director;
- iii. If the employee believes the Executive Director was involved in the improper action, the employee should raise the issue with the Chair of the Agency Board of Directors; and
  - iv. In the case of an emergency, where an employee believes in good faith that damage to persons or property may result if action is not taken immediately, the employee may report the improper action directly to the appropriate governmental agency with responsibility for investigating the improper action.
- d. YRCAA will designate an individual to investigate any complaint of improper governmental action. YRCAA will keep complaints confidential to the extent possible under law unless the employee authorizes disclosure of his or her identity in writing.
  - e. After the investigation has been completed, the employee reporting the improper governmental action will be advised of a summary of the results. However, personnel actions taken as a result of the investigation may be kept confidential.
  - f. If the employee reporting the action believes that an adequate investigation was not conducted by the Agency to address the improper action or believes that for other reasons the improper action is likely to recur, the employee may contact the appropriate government Agency with responsibility for investigating the improper action.
  - g. Employees who fail to make a good-faith effort to follow the procedures contained in this policy to report improper governmental action will not receive the protections provided under state law protecting whistleblowers. Good faith means a deliberate and genuine action taken with confidence in its truth or correctness along with a lack of interest in taking any conscious advantage of another.
  - h. No Retaliation. Agency officials and employees are prohibited from taking retaliatory action against an employee because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures. Retaliatory action means any adverse change in terms and conditions of an employee's employment including:
    - i. Denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or
    - iii. Hostile actions by another employee that were encouraged by a supervisor or senior manager or official.

An employee who believes they have been retaliated against for reporting an improper governmental action should advise the Executive Director in writing as soon as possible, but not later than 30 days after the alleged retaliatory action. YRCAA will designate an individual to initiate an investigation and will respond within 30 days from receipt of the written complaint. The Executive Director will communicate the results of the investigation to the reporting individual. If the investigation does not satisfactorily resolve the complaint that the reporting employee has been retaliated against in violation

of this policy, the employee may obtain protection under this policy and pursuant to state law by providing a written notice to the Chair of the Board of Directors that: (a) specifies the alleged retaliatory action; and (b) specifies the relief requested.

Upon receipt of either the response from the Agency or after the last day upon which YRCAA could respond, the employee may request a hearing to establish that a retaliatory action occurred and to obtain appropriate relief as defined in this section. The request for a hearing shall be delivered to the Executive Director within 15 days of delivery of the response from YRCAA, or within 15 days of the last day on which the YRCAA could respond. Within five working days of receipt of the request for hearing, the Agency will apply to the Washington State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge. A list of agencies responsible for enforcing federal, state and local laws and investigating other issues involving improper governmental action is available by contacting the Human Resource Manager.

#### 9.5.20 Code Of Ethics

YRCAA is committed to maintaining a reputation of integrity in our field and community. We value the responsibility we have to protect air quality now and into the future. Agency employees are expected to make this Code of Ethics an integral part of every personal and/or professional interaction that may reflect on the Agency. As a condition of employment, employees must sign a Code of Ethics Agreement and abide by the following rules at all times. Failure to do so may result in disciplinary action up to and including termination.

##### a. Confidentiality

The protection of confidential business information is vital to the Agency's interest and success. Information about the Agency, its employees, customers, suppliers, and vendors is to be kept confidential and disclosed only to individuals within the Agency who have both a need and authorization to receive the information. If in doubt as to whether information should be disclosed, err in favor of not disclosing the information and discuss the situation with the Executive Director. All records and files maintained by the Agency are confidential and remain the property of YRCAA. Records and files are not to be disclosed to any outside party without the expressed permission of the Records Manager or the Executive Director. Confidential business information includes, but is not limited to the following:

- i. Financial records and information;
- ii. Processes or methods of production unique to an owner or operator or that are likely to adversely affect the competitive position of such owner or operator if released to the public or to a competitor;
- iii. Company technology, formulas, inventions, and processes;
- iv. Personnel and payroll records regarding current and former employees;
- v. The identity of, contact information for, and any other account information on customers, vendors, and suppliers; or
- vi. Any other documents or information regarding the Agency's operations, procedures, or practices.

Confidential business information may not be removed from Agency premises without authorization. Confidential information obtained during or through employment with YRCAA may not be used by any employee for the purpose of furthering current or future outside employment or activities, or for obtaining personal gain or profit. YRCAA reserves the right to pursue all legal or equitable remedies to prevent impermissible use of confidential information or to recover damages incurred as a result of the impermissible use of confidential information.

b. Conflicts of Interest

No employee should represent YRCAA in any transaction where he or she has a material or financial interest. Transactions with relatives or close personal friends or where any Agency employee is a partner or investor in a business in our jurisdiction are examples of circumstances where an employee has a material and financial interest. When there is or may be a potential conflict of interest the employee should bring the matter to the attention of the Executive Director so that another Agency representative can be selected to handle the matter.

c. Outside Activities

Employees must obtain written approval from the Executive Director prior to accepting any outside employment within our jurisdiction. Additionally, employees must refrain from:

- i. Providing air pollution-related consulting, planning or engineering services;
- ii. Using or allowing the use of Agency equipment, supplies or facilities for outside employment purposes;
- iii. Conducting outside employment during regular business hours whether or not on Agency property; or
- iv. Preparing or assisting in the preparation of any documents, materials, or proposals to be presented to YRCAA or to our governing board by an outside entity.

d. Gifts, Fees, Commissions, Loans

No employee should accept a loan from a business within the Agency jurisdiction or a supplier to YRCAA. Loans from financial institutions are an exception to this requirement. No employee should receive any gift, fee, gratuity or anything of value for performing the duties of his/her job. This prohibition does not apply to incidental advertising or promotional materials of nominal value, awards or recognition items for community service. If an employee has questions regarding the acceptance of a gift or determining what constitutes “nominal” value, he/she should consult the Executive Director. No employee should accept a discount, rebate or special pricing from a business in our jurisdiction unless such is also available to other routine customers of the business offering such consideration. In addition, an employee may not permit an indirect violation of these principles to take place. It is equally inappropriate to allow a family member to accept a gift or special consideration from a business in our jurisdiction as it is for an employee.

e. Reporting Obligation

Any employee who becomes aware of a possible violation of our Code of Ethics is required to immediately report such information to the Executive Director. A

complaint may be made orally or in writing. All complaints will be investigated and reasonable attempts to protect the confidentiality of the person making the complaint will be made to the extent possible while conducting the investigation.

f. **No Retaliation**

YRCAA strictly prohibits retaliatory action against any person for reporting a possible ethics violation or assisting or participating in any manner in any investigation, proceeding or hearing. Retaliatory action means any adverse change in terms and conditions of employment including:

- i. Denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or
- ii. Hostile actions by another employee towards an employee that were encouraged by a supervisor or senior manager or official.

## **9.6 Agency Facilities and Property**

### **9.6.1 Drug Free Workplace**

We strive to maintain a drug free workplace in an effort to provide a safe and productive environment for our employees and those with whom we interact professionally.

Therefore, we strictly prohibit the following:

- a. The unlawful manufacture, distribution, dispensation, possession, use or abuse of drugs or alcohol during working hours, on our premises, or while conducting business off our premises;
- b. The possession, use, or trafficking of illegal drugs at any time, on or off the job; and
- c. Being under the influence of alcohol or drugs, legal or illegal, while on Agency premises or time, or while representing YRCAA.

Employees who violate this policy are subject to corrective action up to and including termination. In addition, we will cooperate with law enforcement authorities investigating illegal activity on our premises. The use of legal (over-the-counter or prescription) medication is not a violation of this policy. However, prior to taking medication that may affect ability to safely perform essential job functions or that may cause a direct safety threat, an employee must notify and consult with the Executive Director. Consistent with business necessity and depending on the circumstances, YRCAA may ask for a doctor to certify an employee's ability to safely perform essential job functions.

### **9.6.2 Substance Abuse**

We recognize drug and/or alcohol dependency is an illness and a major health problem.

We also recognize that drug and/or alcohol abuse is a potential safety and security problem. Employees who need help in dealing with such problems are encouraged to use area drug counseling agencies and/or our health insurance plan, as appropriate.

Conscientious efforts to seek such help will not jeopardize an employee's job. However, any employee whose abuse of alcohol or drugs, legal or illegal, results in job performance

problems (e.g., absenteeism, tardiness, poor work) or misconduct is subject to corrective action for the performance problems or misconduct.

#### 9.6.3 Smoke Free Workplace

We comply with state law, which prohibits smoking tobacco products indoors. We also prohibit employees from smoking in Agency vehicles. YRCAA makes available a designated area, outside the building, where employees are permitted to smoke during their rest or lunch breaks.

#### 9.6.4 Violence in the Workplace

Because workplace violence is a growing nationwide problem, YRCAA has a zero tolerance for workplace violence. Consistent with this policy, any act or threat of physical violence, including intimidation, harassment, and/or coercion, which involves or affects YRCAA, or which occurs on Agency property or jobsite, is strictly prohibited. This policy applies to all persons involved in Agency operations including, but not limited to, employees, contract and temporary workers, and anyone else on Agency premises or other site controlled by the Agency. Acts or threats of violence include conduct which is sufficiently severe, offensive, or intimidating to alter employment conditions or to create a hostile, abusive, or intimidating work environment for one or more employees, clients, or members of the public. Examples of workplace violence include, but are not limited to, any threat or act which:

- a. Occurs on Agency premises, regardless of the relationship between the Agency and the party involved in the incident;
- b. Occurs on any Agency-controlled site;
- c. Occurs off Agency premises or Agency-controlled site involving someone who is representing the Agency;
- d. Occurs off agency premises or Agency-controlled site and involves an employee if the threat or act affects any legitimate interest of the Agency; or
- e. Results in the conviction of an Agency employee or agent, or of any individual performing services for YRCAA on a contract or temporary basis, under any criminal code relating to violence or threats of violence, which adversely affects any legitimate interest or goal of YRCAA;
- f. Specific examples of conduct, which may be considered threats or acts of violence, include, but are not limited to, the following:
  - i. Hitting, grabbing or shoving an individual;
  - ii. Physical conduct such as blocking normal movement, threatening gestures, unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment;
  - iii. Threatening an individual or his or her family, friends, associates, or property with harm;
  - iv. Intentionally destroying or threatening to destroy Agency property;
  - v. Harassing or threatening phone calls;
  - vi. Harassing surveillance or stalking;
  - vii. Suggesting or intimating that violence is appropriate; and
  - viii. Possessing or inappropriately using firearms or weapons.



Violations of this policy by any individual while on or off Agency-controlled property, when such actions or threats affect Agency business interests, may lead to corrective and/or disciplinary action up to and including termination, and/or legal action as appropriate.

#### 9.6.5 Domestic Violence in the Workplace

YRCAA will not tolerate domestic violence toward any employee or other person while in any Agency facility or on any Agency property or jobsite, while using an Agency vehicle, or while conducting Agency business. Any employee who perpetrates domestic violence using any Agency resource such as work time, workplace phones, FAX machines, mail, e-mail, or other means may be subject to corrective or disciplinary action, up to and including dismissal. Corrective or disciplinary action may also be taken against employees who otherwise perpetrate domestic violence when such action has a substantial relationship to or impact on Agency operations.

Domestic violence is defined as abusive behavior intended to establish and maintain control over a current or former spouse, intimate partner, family member (including step relations and persons who have a child in common regardless of whether they are married or have lived together), household member, or person with whom the perpetrator has or had a dating relationship. Domestic violence may include any act, threat, tactic or statement that results or may reasonably result in: significant physical, emotional, or economic harm; emotional distress; or significant effect on an employee's productivity. No employee will be penalized or disciplined for being a victim of domestic violence.

#### 9.6.6 Safety (See Section 4 for details)

Safety, Security, and Compliance are the cornerstones of all YRCAA operations. All employees share the responsibilities for maintaining safety, security, and compliance standards established by the agency, and for adhering to all laws established by the state of Washington, the county of Yakima, and any city in which the agency has jurisdiction. Employees are required to report all on-duty accidents/incidents, injuries, or illnesses to the Safety Manager, regardless of how minor the injury, illness, or accident may seem. If needed, the employee should first arrange for any required medical attention or first aid, and then follow those actions by providing the Safety Manager all information about the incident. If medical treatment is required, the employee and/or Safety Manager should inform medical personnel that this is a work-related accident, and have the required Department of Labor & Industries documentation completed and submitted. The Safety Manager will, at a minimum, investigate any unplanned events that result in one or more of the following: injury and occupational illness, damage to YRCAA property, or damage to public or private property incurred while on duty.

Depending on the results of the investigation, the Executive Director may initiate employee discipline up to and including termination. Employees who fail to report a workplace incident are also subject to discipline up to and including termination.

#### 9.6.7 First Aid

As a condition of employment, some employees, depending on their position, must

complete an initial First Aid and CPR course within six months of being hired. Currently, these employees include:

- a. All Inspectors (Air Quality Specialists);
- b. One Monitoring Technician;
- c. Any other field staff; and
- d. One or more of an Administrative Assistant, Administrative Specialist, or Executive Director.

The Human Resource Manager will inform an employee if their position requires First Aid and CPR training. After completing the initial course, employees in the above-designated positions must maintain certification by completing scheduled refresher training.

#### 9.6.8 Use of Equipment (See also Section 3)

All YRCAA property, including desks, storage areas, work areas, lockers, file cabinets, credenzas, computer systems, office telephones, cellular telephones, modems, facsimile machines, duplicating machines, tools, and vehicles must be used properly and maintained in good working order. Employees who lose, steal, damage or misuse Agency property may be personally liable for the cost of replacing or repairing the property and may be subject to discipline, up to and including discharge. YRCAA reserves the right, at all times and without prior notice, to inspect and search any and all its property for the purpose of determining whether this policy or any other agency policy has been violated or when an inspection and investigation is necessary for purposes of promoting safety or compliance with state and federal laws. These inspections may be conducted during or after business hours and in the presence or absence of the employee.

#### 9.6.9 Agency Owned Vehicles (See Subsection 3.1 for details)

Agency vehicles are available for YRCAA business only, and only Agency employees are authorized to drive these vehicles. An employee assigned an Agency vehicle is responsible for assuring routine maintenance to keep the vehicle in good working condition. Employee-performed routine maintenance should be performed while an employee is on duty and this time should be properly recorded as hours worked. Costs for routine maintenance are paid and/or reimbursed by the Agency. Reasonable wear and tear is acceptable. However, each employee should take reasonable precautions to prevent damage to their assigned vehicle.

Generally, Agency vehicles are not used for the commute between the employee's home and our office. Exceptions to this policy require the written consent of the Executive Director and may have income tax consequences. The Executive Director will review a new employee's driving record prior to allowing a new employee to drive an Agency vehicle. In the event of an accident and/or traffic violation while operating an Agency vehicle, the employee must immediately report the incident to the Executive Director. Employees are directed to cooperate with law enforcement officials, obtain all relevant information connected with the accident, refrain from extraneous comment regarding fault, and complete all required accident reports and paperwork. Employees who fail to report traffic accidents or infractions while driving an Agency vehicle may be subject to

appropriate corrective action up to and including termination.

#### 9.6.10 Use of Technology Resources (See Subsection 3.2 for details)

Agency technology resources enable employees quickly and efficiently to access and exchange information. When used properly, we believe these resources greatly enhance productivity and knowledge. Because these technologies are rapidly changing, it is important to explain how they fit within the Agency and within employee responsibilities.

This policy applies to all Agency technical resources that are used on or accessed from Agency premises or are elsewhere used on Agency business. This policy also applies to all activities using any Agency-paid accounts, subscriptions, or other technical services whether or not the activities are conducted from Agency premises.

##### a. Acceptable Uses

Agency technology resources are provided for the sole benefit of the Agency and its' clients, vendors, and suppliers. These resources are provided for use in the pursuit of Agency business and are to be reviewed, monitored, and used only in that pursuit except as otherwise provided in this policy. Employees may be permitted to use Agency technology resources for occasional, non-work purposes with permission from the Executive Director. Employees have no right of privacy as to any information or file maintained in or on Agency property or transmitted or stored through Agency computer, voicemail, email or telephone systems.

##### b. Unacceptable Uses

Agency technology resources should not be used for personal gain or for advancing individual views. Solicitation for any non-Agency business or activities using Agency resources is strictly prohibited. Use of Agency technology resources must not interfere with the productivity of the user, the productivity of any other employee, or the operation of Agency technology resources.

## 9.7 Benefits

This section describes benefits currently offered by the Agency. However, these benefits are subject to change and exception without prior notice at Agency discretion at any time.

### 9.7.1 Holidays

We observe the following paid holidays:

New Year's Day	Labor Day
Martin Luther King Day	Veteran's Day
President's Day	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Fourth of July	Christmas Day

All full-time employees are eligible for holiday pay when hired. Part-time regular employees are eligible for holiday pay after six months continuous employment and on a

pro-rated basis determined by the number of hours actually worked by a part-time employee per week. For details regarding how holiday pay is pro-rated for part-time employees, please see the Executive Director.

If a holiday falls on a Saturday, we will be closed on Friday; if a holiday falls on a Sunday, we will be closed on Monday. If an observed holiday occurs while an eligible employee is out on paid leave (e.g., vacation or sick leave, etc.) the holiday time will be designated as such and the employee will not be charged vacation or sick leave. However, if the eligible employee is on an unpaid leave of absence, he or she is not eligible for holiday pay during the unpaid leave. If an eligible non-exempt employee, whether full-time or part-time, is required to work on an observed holiday by his/her supervisor, he or she will be compensated at one and one-half times his/her regular rate of pay for those hours actually worked on the holiday.

#### 9.7.2 Vacation Leave

Employees benefit from time away from the office to rest, relax and refresh themselves. Full-time and part-time employees are currently eligible for vacation time (sometimes referred to as “annual leave”).

##### a. Accrual

Accrual begins with the first month of active service. Regular part-time employees are eligible for vacation leave pro-rated based on the number of actual hours worked per week. For example, if a part-time employee regularly works 20 hours per week, the employee will accrue approximately half the paid vacation leave that a full-time employee would accrue. Accrual rates change on an employee’s anniversary date per the following schedule:

- i. 8 hours per month for employees with less than three years of service;
- ii. 10 hours per month for employees with three to less than five years of service;
- iii. 12 hours per month for employees with five to less than ten years of service;
- iv. 14 hours per month for employees with ten to less than fifteen years of service;
- and
- v. 16 hours per month for employees with fifteen or more years of service.

##### b. Request, Approval and Use

- i. Prior to using vacation leave employees must submit a Leave Request to their direct supervisor or the Executive Director;
- ii. The supervisor and Executive Director must approve vacation requests in advance;
- iii. Requests for extended vacation of two weeks or more should be submitted to the supervisor and Executive Director at least one month in advance;
- iv. Exceptions to this policy may only be granted at the discretion of the Executive Director; and
- v. Employees may not take accrued vacation leave during their first six months of employment.

##### c. Maximum Accumulation

Employees are encouraged to use leave as it is accrued. However, unused accrued vacation leave may accumulate up to a maximum of 240 hours. When the maximum accrual amount is reached, no additional vacation leave will be accrued until such time as leave is used to allow for accrual.

d. Pay for Unused Vacation Leave

- i. Upon separation from YRCAA an employee (or his/her estate, in the event of death) is eligible to receive pay for unused accrued vacation leave time through the termination date and/or in the event of death, retirement, layoff or discharge. Employees discharged for misconduct are not eligible to receive pay for unused accrued vacation; and
- ii. At the sole discretion of the Executive Director, an employee may receive pay for unused leave, upon request and for just cause.

9.7.3 Sick Leave

We recognize that employees may, from time to time, need time off for illness and medical appointments. Therefore, we provide paid sick leave to all eligible employees for periods of temporary absence due to illness or injury.

a. Accrual

- i. Regular full-time employees accrue sick leave at a rate of eight hours for each month of active service;
- ii. Part-time employees accrue sick leave pro-rated based on the fraction of full-time equivalent; and
- iii. Unused sick leave will accumulate with no maximum.

b. Approval and Use

Employees may use paid sick leave pre-approved, up to their accumulated amount, for their own illness or the illness of an immediate family member where the employee's presence and care are necessary. Employees who wish to use their accrued sick leave to care for an immediate family member should refer to Subsection 9.7.4 below. Additionally, accrued but unused sick time may be used in the event of extended illness or injury or during an employee's leave of absence. For further information regarding leaves of absence refer to Subsection 9.7.12.

c. Pay for Unused Sick Leave

Upon separation from YRCAA an employee (or his/her estate, in the event of death) with ten or more years of service is eligible to receive pay for 25% of unused accrued sick leave time, up to a maximum of 240 hours, through the termination date and/or in the event of death, retirement, layoff or discharge. Employees discharged for misconduct are not eligible to receive pay for unused accrued sick leave time.

9.7.4 Family Care Act

Employees may use their choice of earned sick leave or other earned paid time off (other

than short term or long-term disability plans) to care for:

- a. A child of the employee with a health condition that requires treatment or supervision;
- b. A spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition; or
- c. A spouse, parent, parent-in-law, or grandparent of the employee who has an emergency condition.

A health condition that requires treatment or supervision (for which an employee may use paid leave to care for his or her child) includes any medical condition requiring treatment or medication that the child cannot self-administer, any medical or mental health condition that would endanger the child's safety or recovery without the presence of a parent or guardian, and any condition warranting treatment or preventive healthcare when a parent must be present to authorize and when sick leave may otherwise be used for the employee's preventive healthcare.

A serious health condition (for which an employee may use paid leave to care for a non-child family member) means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility and any period of incapacity or subsequent treatment or recovery in connection with such inpatient care; or that involves continuing treatment by or under the supervision of a health care provider or a provider of health care services and which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities).

An emergency condition (for which an employee may use paid leave to care for a non-child family member) means a health condition that is a sudden, generally unexpected, occurrence or set of circumstances related to one's health demanding immediate action and is typically very short term in nature.

#### 9.7.5 Gifts of Annual or Sick Leave

Employees may donate accrued sick or vacation leave to other employees under certain circumstances. However, the Agency retains the sole discretion to determine whether a gift of leave is appropriate in a particular situation. Generally, the following rules apply to approved, gifts of leave. Employees who wish to make a gift of sick leave must have at least 160 hours of accrued sick leave. Employees who wish to make a gift of vacation leave do not need a minimum number of accrued hours to do so. The recipient employee may be eligible for gifted leave if:

- a. The employee has an illness, injury or impairment, which is severe or life-threatening;
- b. The employee's annual leave, personal holiday, and sick leave balances are inadequate to cover the expected period of disability;
- c. The employee is ineligible for coverage under state industrial insurance for illness, injury or impairment; and
- d. The employee has completed six months of continuous employment with the

Agency before receiving any gifted leave.

An employee who believes they are eligible for gifted leave shall make a request for gifted leave first to their supervisor and then to the Executive Director. The Executive Director and/or the supervisor may require additional relevant information from an employee before making an eligibility determination. Such additional information may include, but is not limited to, medical evaluations or certifications.

Once an employee has been approved as a gifted leave recipient, other employees may donate leave. The donating employee shall make the gift in writing, utilizing a form prescribed by the Executive Director. In making the gift, the donating employee shall acknowledge that the gift is nonrefundable and shall certify that he or she has received no compensation for the gift. YRCAA will keep all gifts confidential, although donating employees are not required to do so. The maximum number of hours an employee can donate is 32 hours of sick leave and 32 hours of vacation leave, for a total of 64 hours per donating employee, per year. The maximum number of hours an employee can receive is 240 hours per calendar year.

Donations and use of leave are on an hour-for-hour basis. The donated hours received are not eligible for retirement benefits. (per Department of Retirement Systems Handbook.) The receiving employee's leave balance will be increased by the number of hours received from donors on the first pay period following the donation. The donors' leave balances will be decreased at the same time. Approval of shared leave for eligible employees will be made in the order of receipt of requests. Employees receiving transfers of shared leave for a complete calendar month will not accrue additional vacation or sick leave when using shared leave. The employee receiving the leave may not bank donated time. Any remaining time will be returned to the donor(s) based on order of receipt. YRCAA retains the sole discretion to terminate this policy at any time and for any reason, including during the time that an employee is using gifted leave. This policy does not establish any right, entitlement, or interest of any kind or nature whatsoever of any employee to use gifted leave or continue to use gifted leave. YRCAA makes no warranties or promises by establishing this policy that any individual employee will have the right, entitlement or ability to use gifted leave or to continue to use gifted leave.

#### 9.7.6 Personal Holidays

Regular full-time employees are eligible for one personal (floating) holiday with pay during each six-month period of each year. Employees may not take a personal holiday during their first six months of employment at YRCAA. When scheduling this personal holiday, employees should consult with their supervisor or the Executive Director. Personal holidays do not accumulate and must be used by the end of each six-month period. Employees will not receive compensation for unused personal holidays upon separation.

#### 9.7.7 Recording Leave

Employees must record all paid or unpaid leave on the Agency Leave Request form and on the Agency timesheet no later than the last Friday of each month. Leave will not be

paid unless approved in writing by a division supervisor or the Executive Director.

#### 9.7.8 Health Insurance

The Agency acknowledges the value of a comprehensive, equitable and responsive employee health insurance program. Within budgetary guidelines, we strive to provide competitive plans that meet the needs of our eligible regular full-time and part-time employees and their dependents. Generally, eligible employees are those persons in budgeted positions of .50 FTE or greater. Insurance programs may include group health, dental, life, and vision coverage. However, these programs may change from time to time. This policy describes our current insurance benefits and employer contribution. It does not constitute a promise or agreement to provide any specific insurance program or benefit or any Agency contribution to the cost of such program or benefit. Moreover, we retain the right to change our policy at our discretion.

##### a. Premium Contribution

Each year, as part of the fiscal year budget process, the Executive Director will recommend employer contribution amounts for the following categories of coverage for the next calendar year: employee; employee and spouse; employee and child(ren); and full family.

For each regular full-time employee who elects coverage, YRCAA will pay that portion of the premium cost approved by the Board of Directors in the fiscal year budget. For each regular part-time employee, YRCAA will pay a fraction of that portion of the premium cost approved by the Board of Directors in the fiscal year budget, based on the employee's FTE fraction. For example, for an employee holding a .5 FTE position, YRCAA will pay 50% of that portion of the premium cost approved by the Board of Directors in the fiscal year budget.

Employees who elect coverage will pay their share of the premium cost via payroll deduction, and are required to authorize payroll deduction in writing in advance.

##### b. Effective Date

Employees who start work on the first day of the calendar month are eligible to participate in YRCAA's group health insurance program on their first day of employment. The one-month waiting period generally applies to employees whose first day of employment is after the first day of the month. This waiting period also applies where an employee becomes eligible to participate because of a schedule or status change. In such a case, the employee is generally covered by our plan on the first day of the month after the status or schedule change. Employees with questions regarding the details of our group insurance program or cost of dependent care should consult with the Human Resource Manager. Summary descriptions of our health care plans are available from the Human Resource Manager. The terms and conditions of our health care plans are governed by the plan documents.

##### c. Changes in Benefits

This policy generally describes the current benefits we offer. YRCAA reserves



the right to terminate or modify the benefits we provide at any time, at our discretion, with or without advance notice. Any changes in benefits will not affect rights that have vested under the terms of any written benefit plan, as determined by law.

d. Other Insurance

Premiums for additional term life insurance, accidental death and dismemberment, and any other elective insurance selected by an employee, which are not included in the basic plans, shall be paid entirely by the employee.

9.7.9 Deferred Compensation

All regular full-time and part-time employees may be eligible to participate in the Deferred Compensation Plan offered by the Agency. Employees should consult the Executive Director for the details of the plan.

9.7.10 Retirement Benefits

YRCAA participates in the Washington State Public Employees Retirement System (PERS). All regular full-time and part-time employees in eligible positions are required to participate in PERS. Employees are encouraged to direct specific questions regarding retirement benefits under PERS to the Plan Administrator or the Human Resource Manager.

9.7.11 Education and Training

Our constituents and colleagues in the air quality world rely on our employees for up-to-date information and knowledge in all aspects of our professional capacity. Therefore, we encourage all employees to continuously improve their job skills and knowledge to better perform their job duties and to prepare for promotional opportunities that may arise within the Agency. We may pay for job-related courses, classes, seminars, workshops or other educational offerings and any required work materials, textbooks or tools if the particular educational endeavor is approved by the Executive Director. Employees must discuss job relatedness, course content and time constraints with the Executive Director prior to enrolling in a class or seminar. Unless specifically approved, employees participating in employer-paid educational opportunities are required to earn at least a passing grade, when grades are awarded. Employees who fail to earn a passing grade (whether due to dropping the class, low test scores, etc.) for reasons within their control must reimburse YRCAA for the cost associated with the class.

9.7.12 Tuition Reimbursement

Educational opportunities, which increase the ability of employees to effectively perform their work and prepare them to take on greater responsibility within YRCAA benefit both the employee and the Agency. It is our policy to encourage employees to seek additional educational opportunities on their own initiative by reimbursing them for tuition expenses.

a. Eligible Programs

This policy provides for tuition reimbursement where courses are taken at an accredited college, university or vocational education institution and may reasonably be applied to the completion of a degree or certification program.

Courses required by the Agency which are taken for the sole purpose of updating and/or maintaining skills or certifications required by the employee's current job, will not be reimbursed by this program but through YRCAA training programs.

b. Employee Eligibility

All regular employees who are meeting and/or exceeding acceptable performance standards for their position may be eligible for tuition reimbursement. The supervisor or Executive Director may deny an employee the opportunity to participate in this program on the basis of an employee's job performance deficiencies.

c. Funding Priorities

The ability to offer educational assistance is subject to availability of funds. If limited funds are available, preference will be given first to courses directly related to the employee's current job, second to courses applicable to a degree program directly related to the employee's current employment and third to courses related to career opportunities reasonably available to the employee within the Agency.

d. Tuition Only

Educational assistance is for tuition reimbursement only. No reimbursement will be allowed for books, lab fees, travel expenses, material costs or other expenses. Moreover, reimbursement will be limited to a pre-established maximum annual amount per individual. We reserve the right to determine the individual maximum amount based on the availability of funding sources. It is expected that employees will select educational opportunities at the least possible expense. Accordingly, YRCAA will pay tuition costs for courses at state of Washington supported Institutions only. Tuition at more expensive private institutions may also be covered. Reimbursement for courses at a private institution will be based on the average rate of state supported institutions in the immediate area (Yakima Valley Community College, Central Washington University, Heritage College). Tuition expenses will not be reimbursed if the employee is receiving tuition reimbursement or educational incentive from any other source.

e. Approval Criteria

Approval of reimbursement will be made on the basis of date of request, compliance with the above criteria, and Executive Director approval. Requests for reimbursement, which have not been approved in advance, are generally considered on a first come, first served basis according to the priorities established, after all prior commitments have been met.

f. Completion Requirements

The employee must successfully complete the course obtaining a C grade or better or a Pass in a Pass/Fail system or as required to retain status in the program if the school imposes a higher standard. For educational institutions that do not offer the option of grades, alternative arrangements to gauge successful completion must be agreed upon by the Agency and the employee prior to the beginning of the school period.

g. Time Off

Courses which are offered only during regular working hours may be approved by the Executive Director, provided time off can be arranged conveniently and

reasonably. Arrangements can be made to make-up time off by using accrued vacation.

h. Non-compensable Hours

Hours spent in courses reimbursable by this program, are not considered as compensable hours.

i. Procedure

We may notify all eligible employees of the availability of the program annually. Notification may include the annual allowable maximum and the credit hour rate for private institution reimbursement. Employees must complete the Request for Educational Assistance form and submit it to their supervisor and/or Executive Director prior to course registration. Upon approval, YRCAA will pay the amount specified for reimbursement at the end of the school period.

Reimbursement will be made when the employee submits documentation showing successful completion of the course. Documentation may include a grade report, receipt for payment of the course, and/or other documentation, which may be required by the Human Resource Manager and Executive Director. If the request is not approved, the employee will be notified immediately. If funds are limited during any part of the year, the Executive Director will notify employees of this fact in sufficient time to make alternate funding arrangements or postpone the class.

#### 9.7.13 Leaves of Absence

We recognize that an employee may have reason to need extended time away from work to deal with personal matters. This policy describes the circumstances in which employees may take time off for such reasons as medical problems, pregnancy disability, family care, jury duty and military service. In most cases these leaves are unpaid, unless applicable accrued leave is available. We offer several types of leaves of absence, each described below. If possible, when requesting a leave of absence, an employee must provide their immediate supervisor or the Executive Director with 30 days advance written notice of a request.

a. Medical Leave of Absence

In situations where paid sick leave is not available, we may allow a regular full-time employee to take an unpaid medical leave of absence in the event of illness or disability. Employees with accrued vacation time may choose to use accrued leave at the beginning of the medical leave of absence. Once eligible accrued paid time is exhausted, the medical leave will be unpaid. We generally limit total medical leave (including paid sick leave) to 12 weeks in any 12-month period.

In the case of disabilities that qualify for protection under federal, state or local disability laws, however, we will provide greater periods of leave if we conclude that doing so is legally required as a reasonable accommodation. We generally will not allow employees to take indefinite leaves of absence unless required to do so by law. Employees who wish to take an unpaid medical leave are required to submit a physician's statement in addition to YRCAA's designated leave of absence form. We may require a second or third opinion at our expense if we

determine that the documentation submitted by the employee's physician is insufficient to substantiate the need for medical leave.

During medical leave, employees should keep their supervisor or the Executive Director apprised of the status of their condition (unless the employee has been given a fixed period of leave) and any changes in their anticipated date of return. Medical leave automatically ends when the employee is physically able to return to work. A physician's statement may be required before return to work if there is reason to believe an employee's ability to perform essential job functions remains impaired and/or a direct threat to the safety of others would be imposed. An employee returning from a medical leave of absence will be reinstated to a position similar to that held by the employee prior to leave if possible. However, reinstatement to the *same* position is not guaranteed. Every effort will be made to return an employee to a position of comparable pay, status and seniority.

b. Pregnancy Leave

As part of our medical leave policy, we provide maternity leave to all female employees for the time they are sick or temporarily disabled because of pregnancy or childbirth. Pregnancy leave is treated the same as medical leave for any other short-term disability, except that we will always grant leave for the entire period of pregnancy or childbirth disability. Maternity leave is for the period of disability only and not for child rearing after the disability ends.

c. Personal Leave of Absence

Unpaid personal time is a privilege that will be considered on a case-by-case basis. Regular full-time employees who have been employed for 12 months or more are eligible for unpaid personal leave of absence up to 30 calendar days annually. Factors that may impact our ability to grant a personal leave of absence include, but are not limited to, the employee's attendance record, the reason for the leave and the impact the employee's absence will have on the productivity of the Agency. Requests for personal leave of absence should be submitted to an employee's supervisor and the Executive Director. Employees may use any currently accrued personal holidays and/or accrued sick or vacation leave at the beginning of the personal leave of absence. Once eligible accrued paid time is exhausted, the personal leave will be unpaid. We cannot guarantee that an employee will be returned to the same position upon return from a personal leave. In the event an employee's position cannot be held open for the duration of the leave, reasonable efforts will be made to return the employee to a position of comparable status, pay and seniority.

d. Military Duty Leave of Absence

Military leaves of absence is available to all employees who serve in the uniformed services as required by the Uniformed Services Employment and Reemployment Rights Act of 1994 and applicable state law. Leave is available for active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and for examinations to determine fitness for duty. Employees serving in the uniformed services are eligible for 15 days paid military leave per calendar year. Employees may also elect to use accrued vacation leave but are not required to do so. Once eligible accrued paid time is exhausted, the military leave will be unpaid. Health plan coverage continuance

can be arranged for up to 24 months during military leave if required premium payments are made by the employee. Total military leave time may not exceed five years during employment, except under special circumstances. Advance notice of leave is required. Employees must inform the Executive Director of anticipated military leave time as far in advance as possible. Employees returning from military leave must report or submit applications for reemployment within the specified time limits below, except in some circumstances.

- i. Employees returning from a leave of fewer than 31 days must report to work at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service (or fitness examination), return travel time, and eight hours;
- ii. Employees returning from a military leave of more than 30 but fewer than 181 days must submit an application for reemployment within 14 days of completion of service; and
- iii. Employees returning from a military leave of more than 180 days must submit an application for reemployment within 90 days of completion of service.

Temporary employees may not be eligible for reinstatement following military leave and reinstatement may not be required for other employees in some circumstances. Employees who provide appropriate notice of his or her military leave obligation, served for a period not exceeding five years, and reapplied for employment within the appropriate time frame are eligible for reinstatement. Employees will be promptly returned to the position the employee would have attained if the employee had not gone on military leave as long as the employee is qualified for the job or can become qualified after reasonable effort. As with other leaves of absence, failure to return to work or to reapply within applicable time limits may result in termination of employment.

e. Jury Duty

Employees are encouraged to be active citizens and to participate in our justice system. Employees called for jury duty should notify the Executive Director as soon as possible and submit the jury summons or subpoena. An employee may be asked to provide written verification from the court clerk of having served. An employee summoned for jury duty will be excused from work for the duration of such duty. Employees called for jury duty are eligible for two weeks, a maximum of 10 workdays, paid leave. When called for jury or other civil duty that may exceed two weeks, regular full-time employees are eligible for a leave of absence for the duration of the jury obligation. However, such employees are free to use accrued vacation time during jury duty. When an employee desires to continue working during jury duty, an alternative work schedule may be provided upon request. During jury duty on workdays for which the court does not require appearance in court for jury duty, the employee must report for work unless excused by his or her immediate supervisor or the Executive Director. Employees shall also report to work on any partial days unless excused by a supervisor or the Executive Director. Upon release from jury duty, the employee must report for work on his or her next regularly scheduled workday.

f. Civic Duty

An employee may also be called as a witness on the Agency's behalf. When this happens, employees are eligible to receive paid time for hours required to fulfill a witness obligation. To receive pay, employees must submit the subpoena, summons, or court order to the Executive Director. If an employee is required to attend court or otherwise participate in a legal proceeding other than testifying on behalf of the Agency, the employee may use accrued annual leave, or may take leave without pay.

g. Bereavement Leave of Absence

An employee may need time off to deal with the loss of a family member. In the event of the death of an immediate family member (e.g., spouse, child, stepchild, parent, sibling, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandchild, grandparent, niece, nephew, or guardian of an employee or a person residing with or legally dependent upon our employee at the time of death) employees are eligible for up to two paid days off. Time away in the event of the death of a non-immediate family member or friend is without pay or the employee may charge the time away to accrued vacation/annual leave time. Additional time may be requested and individual consideration will be given to each situation. Employees requesting bereavement leave shall notify and receive approval from the Executive Director.

h. Family Medical Leave

While YRCAA is covered by the federal Family Medical Leave Act, because the Agency does not employ 50 persons within a 75-mile radius, Agency employees are not eligible for leave under the FMLA. If you wish to take a leave of absence, please review the leave policies discussed above, or consult with the Executive Director.

i. Parental Leave

While YRCAA is covered by the Parental Leave Act, because the Agency does not employ 100 employees within a 20-mile radius, Agency employees are not eligible for leave under this law. If you wish to take a leave of absence to care for a child, please review the leave policies discussed above, or consult with the Executive Director.

j. Domestic Violence Leave Act (DVLA)

YRCAA employee, or an employee's family member, that may be a victim of domestic violence are covered under the DVLA. Those who may need to use domestic violence leave are to give reasonable notice to their Supervisor or the Executive Director of time-off needed. DVLA leave is unpaid, but the employee has the right to utilize any available sick or annual leave. It can be taken intermittent or on a reduced work schedule.

Leave can be taken for the following purpose when related to incident(s) or situations of domestic violence, sexual assault, or stalking:

- a) Seeking legal or police assistance, or to prepare for or participate in a civil or criminal legal proceeding, to ensure the health and safety of the employee or the employee's family member;
- b) Seeking treatment for physical or mental injuries;

- c) Obtaining or assisting a family member to obtain services of a domestic violence shelter, rape crisis clinic, or other social services program;
- d) Obtaining or assisting a family member to obtain mental health counseling; or
- e) Participating in safety planning, relocation, or other safety-related actions.

#### 9.7.14 Workers Compensation

Any employee sustaining an on-the-job injury is immediately required to report the injury or illness to their supervisor or the Executive Director and an accident report must be completed as soon as practical under the circumstances. Employees disabled from working due to a compensable illness or injury connected with employment by YRCAA are entitled to the same leave of absence and other benefits as are provided to employees for other medical leaves or as otherwise required by applicable statute. Leave will run concurrently with other applicable leaves. If the injury necessitates time off work or a restriction in duties, the employee shall present a certificate to his or her supervisor or the Executive Director signed by a physician certifying the following:

- a. The employee's inability to perform the regular job duties;
- b. Whether the employee is capable of performing restricted work duties; and
- c. The date the disability commenced and the date the employee is expected to be released to full or restricted duty.

Any employee who is unable to work because of a compensable on-the-job injury shall have on file with the Agency a current certificate from his or her designated treating physician verifying the employee's inability to return to work and the expected date of return. Employees shall immediately notify the Executive Director upon being released for full or restricted duty. Upon release to return to work following a medically related leave, a physician's release statement must be submitted to the Executive Director. Upon submission of a medical certification satisfactory to YRCAA, the employee will be reinstated in accordance with applicable law. Employees upon request may utilize accrued vacation or other accrued paid time off during the leave. YRCAA will coordinate payments with any wage reimbursement benefit to which the employee may be entitled (i.e., state disability, workers' compensation payments, disability insurance). The total combined compensation from all sources shall not exceed the employee's regular pay.

## 9.8 Termination and Separation

### 9.8.1 Voluntary Termination

If an employee decides to leave employment, YRCAA encourages providing two week's written notice of resignation. This will give opportunity to make the necessary adjustments in our operation. The letter of resignation should:

- a. Clearly state that the employee is resigning;
- b. State the reason for resignation;
- c. Give the effective date of resignation;
- d. Show the current date; and
- e. Contain the employee signature.

Employees must return all property owned by YRCAA (e.g., vehicles, tools, computers, keys, credit cards etc.) prior to departure. Employees who provide two weeks' notice are eligible for rehire.

#### 9.8.2 Retirement

We realize that the transition to retirement is a major change for most employees. Employees planning to retire should provide the Executive Director with three months' written notice if possible. The Agency will make every effort to assist our employees in making the transition to retirement. Employees who are not eligible for Medicare may be eligible for COBRA and will therefore, receive a COBRA notice.

#### 9.8.3 Rehire of Former Employees

Generally, we will consider for rehire those employees who left the Agency voluntarily or through no fault of their own and who were in good standing on the date they exited. Previous employment at YRCAA does not guarantee an applicant renewed employment. In considering a former employee for re-employment we look at several factors, including the circumstances under which the employee left, the work record of the former employee and the qualifications required for the available opening. All rehire decisions must first be reviewed with, and receive the approval of, the Executive Director.

#### 9.8.4 References

All reference requests should be directed to the Executive Director. Generally, no other supervisor or employee is authorized to release references for a current or former employee. Except in special circumstances, in response to a reference request, we will release the employee's position, job duties, dates of employment, whether the employee was in good standing when he or she left, and whether the employee's separation from the Agency was voluntary or involuntary.

#### 9.8.5 COBRA

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provides eligible individuals with the option to continue medical insurance coverage offered by YRCAA at their own expense and for a certain period of time upon termination of employment and in other circumstances.



## **SECTION 10: Budgeting, Accounting and Reporting**

### **10.1 Purpose**

It is the purpose of this section to establish an effective budgeting, accounting, and reporting system for all activities of the Yakima Regional Clean Air Agency (the Agency), including both capital and operating expenditures, per RCW 43.88.010.

### **10.2 Budget**

The budget year shall be the fiscal year (FY) beginning July 1<sup>st</sup> and ending on the following June 30<sup>th</sup>, per RCW 70.94.092. Each year the YRCAA Governing Board of Directors shall adopt a budget for the coming fiscal year prior to the fourth Monday in June.

#### 10.2.1 Development

RCW 43.88.090 discusses the development process for the Budget that will be submitted for approval. YRCAA Program Managers will submit work plans to the Executive Director which include resource estimates for their programs. Items to be included in the FY Budget follow:

- a. Mission statement and established measurable goals for staff with strategies to achieve the goals;
- b. Brief description of Programs and accomplishments and objectives;
- c. Grant information, identified separately per RCW 43.88.032(2); and
- d. Chart of accounts.

#### 10.2.2 Adoption

The FY Budget requires a 30-day public comment period. The criteria for adoption of the FY Budget incorporates the following requirements pursuant to RCW 70.93.092:

- a. Staff will present a “Draft FY Budget” to the Governing Board of Directors at the May Board Meeting, unless circumstances prevent the FY Budget from being completed;
- b. Staff will publicly notice the “Draft FY Budget” prior to the May Board Meeting advising the availability of the document at the YRCAA offices;
- c. The YRCAA Governing Board of Directors will announce and call for public comment on the “Draft FY Budget” at their May Board Meeting;
- d. Based on the extent of public comment, YRCAA staff may conduct public workshops during the open comment period;
- e. The Executive Director may meet with the Board Finance Committee during the public comment period to gather their input;
- f. Staff will incorporate substantive comments, as warranted, into the Proposed Final FY Budget; and
- g. Staff will publicly notice the hearing date for the June Governing Board of Directors Meeting and present the Proposed Final FY Budget for consideration and adoption.

### 10.2.3 Contingency

If necessary, when all information is not available to adequately prepare and adopt a FY Budget by the fourth Monday in June, an “Interim Budget” may be presented to the Board to fulfill fiscal year requirements per RCW 70.94.92.

### **10.3 Measurement Focus**

The YRCAA shall utilize the *Aspending@* measurement focus. This focus requires that only current assets and current liabilities are generally reported on the balance sheet and the operating statement present financial flow information (i.e., revenues and expenditures).

### **10.4 Basis of Accounting**

Financial transactions shall be accounted for on a cash basis, whereby revenues and expenditures are recognized when cash is received or paid.

### **10.5 Revenue and Expenditure Accounts**

The Office of the YRCAA Director shall be guided by separate and distinct revenue and expenditure accounts.

### **10.6 Internal Controls**

Due to the small size of the YRCAA staff it is impossible to separate out all accounting functions. However, in an attempt to separate out duties when at all possible, the YRCAA Director shall organize and assign work duties and responsibilities. In addition, established procedures shall require proper authorizations by designated officials for all actions taken.

### **10.7 Records and Reports**

The YRCAA shall keep and maintain complete and accurate financial records and prepare required reports in accordance with the uniform system of accounts and records, adopted by the Auditor of the State of Washington. The YRCAA shall maintain records and prepare reports as required to reconcile financial information.

### **10.8 Treasurer and Controller**

Unless otherwise set forth, the Yakima County Treasurer shall serve as the Treasurer for the YRCAA.

## 10.9 Capital Fixed Assets

Capital Fixed Assets shall be defined as those items of tangible property which are non-consumable and of \$5,000 value or more, and which have a useful life of at least two fiscal years and shall be capitalized pursuant to Section 10.9.2 below.

### 10.9.1 Purpose

The primary purpose of accounting for capital fixed assets shall be as follows:

- a. To safeguard and track investments;
- b. To assign custodial responsibility;
- c. To aid in scheduling future asset retirement and acquisition;
- d. To supply financial reporting data; and
- e. To assure compliance with applicable local, state and federal requirements.

### 10.9.2 Capitalization

Individual inventory records shall be established and maintained in accordance with the following asset policy.

Equipment: Items of equipment shall include tangible property, which are movable or detachable without causing impairment to the unit to which it is attached; has a useful life of more than two (2) years; and a unit value of \$5,000 or more. Unit value shall be set at an amount equal to the original cost of acquisitions plus any costs associated with bringing the asset to an operating or use condition. Such costs include, but are not necessarily limited to, taxes, freight, installation, testing and related costs. In cases when an asset has been acquired by gift or other means by which costs are not readily available, cost shall be established using an estimate of fair market value.

### 10.9.3 Non-Capitalized Items

For purposes of administrative control, non-consumable assets less than \$5,000, but more than \$150, which have a useful life of two years or greater shall be maintained on an inventory list as non-capitalized memorandum entries.

### 10.9.4 Inventory Numbering

All YRCAA owned equipment shall be tagged or marked with an inventory serial number for proper identification and control. If it is deemed inappropriate or impractical to affix such a tag to an inventory item(s), stenciling AYRCAA@ in a prominent location shall mark each such inventory item.

### 10.9.5 Annual Physical Inventory

The YRCAA Director shall be responsible for, and shall cause to be conducted, an annual physical inventory of all items in the possession of the YRCAA prior to the close of each fiscal year.

#### 10.9.6 Equipment Classification

Equipment shall be classified as follows during the annual physical inventory:

- a. Office Furnishings: Desks, chairs, filing cabinets, tables, partitions, lamps, bookcases, sofas, and similar items;
- b. Office Equipment: Personal computers, calculators, copiers, tape recorders, cameras, video *machines*, typewriters, word processors, printers, lettering machines, televisions and similar items;
- c. Field Equipment: Hard hats, cellular phones, portable computers, projectors and screen, video cameras and similar items; and
- d. Capital Assets: Automobiles and equipment identified pursuant to Subsection 10.9.2 with a unit value of greater than \$5,000 and expected life greater than two (2) years.

#### **10.10 Audit and Payment of Claims against YRCAA**

Fund assets shall be audited and disbursed in accordance with RCW 42.24.80 through 42.24.110 and the following procedures.

##### 10.10.1 Presentation, Audit and Approval

No claim or demand against the Agency shall be paid without authentication and certification. All claims and demands against the Agency shall be audited and approved, before payment, according to the following procedure:

- a. Such claims shall be prepared for audit and payment on a form and in the manner prescribed by the state auditor. The form shall provide for the authentication and certification by the auditing officer or alternate auditing officer that:
  - i. The materials have been furnished;
  - ii. The services have been rendered;
  - iii. The labor has been performed as described; and
  - iv. The claim is a just, due and unpaid obligation against the agency.
- b. Pursuant to RCW 42.24.180(1), the Director is the Agency Auditing Officer and the Fiscal Programs Manager is the Alternate Auditing Officer. Each officer will carry a \$50,000 Named Position Coverage insurance policy, with Faithful Performance of Duty rider. The Auditing Officer or Alternate will authenticate and certify that all claims are just, due and unpaid; and
- c. All claims shall be duly approved, prior to payment, by Board action, except as provided in 10.10.2g and h below.

##### 10.10.2 Payment

Payment for claims against the Agency for materials furnished or services performed will be made according to the following procedures:

- a. All claims shall be forwarded directly to the Fiscal Programs Manager;
- b. Such claims shall be entered into the Fiscal Data System after appropriate review has been accomplished;
- c. After review of each invoice, proper general ledger coding and necessary

- preliminary approvals, warrants/checks are processed once a week, or as needed;
- d. Prior to issuing warrants/checks, they are matched with all original supporting documentation. The Auditing Officer or Alternate will certify that the claim is just, due, and an unpaid obligation against the Agency;
  - e. The warrants/checks, along with the supporting documentation, will be delivered to the Auditing Officer or Alternate for signature;
  - f. Any purchases made by the Auditing Officer or Alternate Auditing Officer shall require an authorizing signature by the other Auditing Officer;
  - g. The Agency may issue warrants or checks prior to the Board of Directors approval of claims. The Board of Directors shall review and approve such claims at its next regularly scheduled public meeting; and
  - h. The Board of Directors shall require that if, upon review, it disapproves any claim, the Auditing Officer and the officer designated to sign the checks or warrants shall jointly cause the disapproved claim to be recognized as a receivable and shall pursue collection of any monies paid.

## **10.11 Requisition, Purchasing and Contracting Procedures**

It is the policy of the Yakima Regional Clean Air Agency to purchase appropriate supplies, equipment, materials, and services necessary for its operation at the least cost of public funds. The Agency shall enter into or utilize existing intergovernmental agreements when available to obtain greater economy and efficiency from larger procurement volume. When possible and feasible, YRCAA shall utilize recyclable materials and purchase goods containing recycled materials. In order to make purchases in a systematic, uniform manner, the following procedures shall be followed:

### 10.11.1 General Responsibility

Except as otherwise specified, the Executive Director shall be deemed responsible for all purchases of, and contract execution for, materials, supplies, furnishings, equipment and services required by YRCAA. Each such purchase shall be made on behalf of the YRCAA. Notwithstanding this responsibility, the YRCAA Director may delegate purchasing activities to selected employees.

### 10.11.2 Expenditure Control

The Board adopted fiscal year annual operating budget shall be the controlling documentary plan of expenditure. As such, purchases and acquisitions shall be processed within the limitations established by the amount of budgeted resources allocated to each account. Budget transfers between accounts may be authorized by the Executive Director.

### 10.11.3 Petty Cash

From time to time there are purchases made that do not meet requirements of this section. Staff maintains two Petty Cash funds, one for YRCAA and one for the Enterprise Program. A Petty Cash fund of \$300 is available for reimbursement of a single purchase

of \$50.00 or less. To be reimbursed for minor purchases of supplies, and with the approval of the Director or designee, an employee may purchase the item and be reimbursed for the cost by submitting a receipt.

The Fiscal Program Manager will verify that the Petty Cash funds and expenditures balance bi-monthly or as needed. The Fiscal Program Manager will retain control over deposits to, and expenditures from, the two accounts.

#### 10.11.4 Change Fund

A change fund of \$105 is maintained for making change to cash customers at the front desk. The fund is accounted for daily to assure the funds remain.

#### 10.11.5 Authorization

All single purchases (other than expendable office supplies) totaling \$150 or more shall have prior approval from the Executive Director. Single purchases of goods or services totaling less than \$150 (other than expendable office supplies) shall have prior approval from a Division Supervisor.

#### 10.11.6 Purchase Orders and Requisition of Supplies

Purchase orders (YRCAA Requisitions) shall be utilized when required by a vendor. A copy is sent to the vendor and copies shall be given to the Fiscal Programs Manager. The Executive Director or his designee, prior to ordering, shall approve all requisitions.

#### 10.11.7 Vendor Selection

When intergovernmental purchasing agreements are not available, vendor selection shall be based on price, reliability, product, and service quality. Purchase from the lowest price vendor is not required for special purpose or unique items that are available from a single source. To assure that funds are expended in a cost-effective manner, the following procedures refer to a single purchase of goods or services:

- a. Purchases of less than \$100 - No price quotes or bids required;
- b. Purchases of \$150 to \$499 - Two verbal price quotations required;
- c. Purchases of \$500 to \$6,999 - Three verbal price quotations required;
- d. Purchases of \$7,000 to \$24,999 - Three written price quotations; and
- e. Purchases exceeding \$25,000 - Formal bid procedures as provided in subsection 10.11.8 shall be followed. (Includes public notice of invitation to bid).

#### 10.11.8 Bidding Procedures

Every effort shall be made to conduct purchasing in a manner that would follow correct bidding procedures per RCW 43.19.1911 to preserve the integrity of the competitive bid system. The bidding procedures for purchasing automobiles, computers, equipment, or any other purchase of fixed assets are as follows:

- a. If the purchase is estimated to cost \$25,000 or less, then the Director, or designee, has the authority to send the award out to bid. In addition, the Director or designee, has the authority to award the contract. While a formal competitive bidding process is not required, it is recommended that three bids be solicited from known vendors;
- b. If the purchase is estimated to cost more than \$25,000 then, unless otherwise authorized by the Governing Board of Directors, formal bid procedures are to be adhered to;
- c. For formal bids, a Notice Inviting Bids will be prepared and published in the two largest newspapers in Yakima County;
- d. The Notice and the instructions to Bidders will also be sent to vendors who have expressed an interest in being considered for competitive bids. Assigned staff will be responsible for maintaining and updating the list of vendors who express interest in being considered for retention by YRCAA, per RCW 43.19.1911; and
- e. In those instances, where only one bidder responds to an RFP, an award can be made to that bidder if it meets the requirements of the RFP or the process may be re-advertised.

#### 10.11.9 Instruction to Bidders

The following instruction will be provided to any prospective bidder:

- a. No bid proposal will be considered for award unless submitted in full satisfaction of Bid Specifications, completely filled out, properly signed by the bidder and delivered on or before the date specified in the Notice Inviting Bids, at which time all bids will be publicly opened and recorded;
- b. Attention of the bidders is directed to all provisions of the Specifications, which, in addition to the Bid Proposal and these instructions will be made a part of any contact with the successful bidder;
- c. The YRCAA Board may make awards within the time stated in the form of Bid Proposal, and no Bid Proposal may be withdrawn prior to award within that time;
- d. Specifications are carefully prepared describing the items or equipment desired. An appropriate addendum will be issued to all bidders, if necessary, stating revisions, deletions, or additions to be made to the Specifications as a result of any inquiries.
- e. The YRCAA reserves the right to reject any and all bids;
- f. The YRCAA reserves the right to waive any informality or irregularity that does not have monetary consideration when it is in the best interest and advantage of the YRCAA to do so;
- g. Any discrepancy, which offers a bidder an unfair advantage, will cause the bid to be non-responsive;
- h. In all instances where an exception is taken to the Specifications that doesn't meet the minimum requirement, the bid will be considered non-responsive;
- i. In the event equal bids are received from two or more bidders, the YRCAA shall utilize a tie breaker to establish the lowest reasonable bidder. Unless otherwise agreed upon by all participating parties, the tie breaker utilized shall be a coin toss to be administered by a third party chosen by the mutual consent of the

participants. Such coin toss shall take place within seven (7) working days from date of bid opening. If the YRCAA determines that a tie breaker is necessary, and any bidder refuses to participate, or to indemnify the YRCAA in any litigation resulting from the utilization of the tie breaker, his/her bid shall be rejected;

- j. The YRCAA reserves the right to decrease quantities to stay within budget limitations;
- k. The YRCAA reserves the right to evaluate any product or type of equipment offered in the Bid Proposal and will determine acceptability as an approved equal or equivalent;
- l. All bid proposals must be accompanied with pertinent information that will provide sufficient technical data on the time or goods offered. The information may consist of specifications or brochures that will provide sufficient detail to evaluate the items;
- m. The decision of acceptability as an approved equal or equivalent shall be at the YRCAA=s discretion;
- n. Solicitation of bids in no way obligates the YRCAA to purchase any or all of the described equipment prior to bid award by the YRCAA Board; and
- o. All bid proposals will be valid for thirty (30) days from the submittal deadline.

## **10.12. Professional Service Provider Selection Procedure**

The purpose is to establish an open, fair and competitive process for selection of qualified professional service providers to perform work for YRCAA. A request for proposals (RFP) will be issued whenever there is a need for work to be performed by other than YRCAA staff. In general the RFP process shall be followed for any project expected to exceed \$25,000 and where the project has not been otherwise approved through incorporation in the YRCAA=s annual budget, or where the YRCAA Board has otherwise given the YRCAA Director the authority to award the contract. The YRCAA Board will award the contract to the successful bidder following the RFP process.

### **10.12.1 Form and Content for RFP**

RFP's shall be drafted according to following form and content:

- a. Introduction. This section should set forth and describe the agency requesting the services, the amount and source of funds that are available for the project (note, however, that in some instances it may be desirable not to state the amount of funds available), the general parameters of the work product, the deliverable projects or services, and the time for completion of the project. In addition, the deadline for submission of the RFP, address and YRCAA staff contact person should be included;
- b. Background. In this portion of the RFP, discuss the events, which have taken place that have made the project desirable;
- c. Problem Statement. The problem that must be solved or issue to be addressed specifically defined for the proposed contractors;
- d. Objectives of the Project. The objectives should be clearly set forth, and where appropriate, the objectives should be stated on quantifiable terms to facilitate



- evaluation of the contractual effort;
- e. Scope of Work. This section should describe the tasks, schedules, and intermediate products, which are expected. The description of work should be as unambiguous as possible so that comparison of proposals based upon it is possible. The focus will usually be on types of activities and results expected so as to allow some creativity in design of an approach;
- f. Deliverable Products. This will be the expected end result of the work effort. Examples are a manual, a seminar, management analysis, etc;
- g. Proposal Evaluation Criteria. If the criteria to be used are known, contractors should be informed of them. This information could be shared with consultants during a pre-proposal conference;
- h. Proponent=s Conference. Time and place of pre-proposal conference;
- i. Form of Proposal. Proposals must include at least the following:
  - i. Introduction. Determined by bidder;
  - ii. Technical Approach. Describe the technical manner in which the problem will be addressed;
  - iii. Problem. Statement of the problem as a bidder understands it;
  - iv. Project Objectives. Outline the objectives the bidder feels will, when fully achieved, constitute an effective and reliable solution to the problem;
  - v. Key Factors. Describe any factors or issues whose resolution the bidder feels will be essential to solving the problems or would otherwise influence the course of the project;
  - vi. Approach. The managerial and technical approach the bidder will follow if selected. Describe the various phases or steps the bidder would take during the project, the point where key decisions will be required, and the timing of the interactions between consultant and YRCAA personnel, the techniques the bidder would employ in deriving solutions to the problems presented; and
  - vii. Work Plan. Outline and describe in detail all project tasks.

### **10.13 Sole Source or Proprietary Procurements**

Occasions may arise when competition among potential vendors is not possible or practical for a particular procurement. Purchases may be made directly from a sole source vendor without soliciting other bids or quotes, per RCW 43.19.1906(1) and (3).

#### 10.13.1 Criteria

The following criteria dictate situations when sole-source procurements may be made:

- a. When there are special facilities or market conditions that result in only one source;
- b. In the event of emergencies; and
- c. When there is only one source capable of supplying the subject matter in a timely fashion such that seeking competitive prices would be impractical.

#### 10.13.2 Procedure

In the event the material, equipment, vehicles, supplies, or services are available from only one supplier:

- a. Written documentation demonstrating the appropriateness of sole source procurement where the expected cost exceeds ten thousand dollars (\$10,000) will be submitted to and approved by the Executive Director;
- b. When the total expected cost exceeds twenty-five thousand (\$25,000), the Board of Directors will also approve sole source justifications;
- c. Except in the event of an emergency, the contract and the basis for the exception from competitive procurement must be recorded and open to public inspection immediately after its award;
- d. When circumstances or events are beyond the control of the Agency which present a real, immediate, and extreme threat to the proper functions or which may reasonably be expected to result in excessive loss or damage to property, an emergency purchase may be made, RCW 43.19.200(2);
- e. The Fiscal Programs Manager shall submit, on an annual basis, the written notifications required by subsection (2) of RCW 19.200, to the Governing Board of Directors, per RCW 19.200(4); and
- f. Written justification will be documented of forms entitled, "YAKIMA REGIONAL CLEAN AIR AGENCY REQUEST FOR SOLE SOURCE" and "SOLE SOURCE JUSTIFICATION," as shown on the subsequent pages of this subsection.

**YAKIMA REGIONAL CLEAN AIR AGENCY REQUEST FOR SOLE SOURCE**

<b>To:</b>	Executive Director		
<b>From:</b>			
	Name of Division Supervisor	Division	
<b>Subject:</b>	Sole Source Request for the Purchase Of: _____		
	_____		
	_____		

*REQUESTED SUPPLIER:*

*CLEAN AIR REQUISITION NUMBER:*

***COST ESTIMATE:***

Sole source purchases are defined as clearly and legitimately limited to a single supplier. Sole source purchases are normally not allowed except when based upon strong technological grounds such as operational compatibility with existing equipment and related parts or upon a clearly unique and cost effective feature requirement. The use of sole source purchases shall be limited only to those specific instances which are totally justified to satisfy compatibility or technical performance needs.

***STATEMENT OF NEED:***

My division's recommendation for sole source is based upon an objective review of the product/service required and appears to be in the best interest of the Agency. I know of no conflict of interest on my part or personal involvement in any way with this request. No gratuities, favors or compromising action have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist. Refer to the attached sole source justification as prepared by our section, to the attached review of available products/services and to my completed Purchase Requisition.

Requestor     <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Signature of Requestor <span style="float: right;">Date</span>	Division Supervisor  <input type="checkbox"/> Approved <input type="checkbox"/> Rejected  <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Signature of Supervisor <span style="float: right;">Date</span>
--	--

If Purchase is \$10,000 or more:

If Purchase is \$25,000 or more:

Executive Director  <input type="checkbox"/> Approved <input type="checkbox"/> Rejected  <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Signature of Executive Director <span style="float: right;">Date</span>	Board of Directors  <input type="checkbox"/> Approved <input type="checkbox"/> Rejected  <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Signature of (one) Board Member <span style="float: right;">Date</span>
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**YRCAA SOLE SOURCE JUSTIFICATION**

Requisition Item: \_\_\_\_\_

YRCAA Requisition Number: \_\_\_\_\_

Prior Requisition Number (if item had been approved previously): \_\_\_\_\_

Please describe the item and its function: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

This is a sole source\* because:

- sole provider of a licensed or patented good or service.
- sole provider of items that is compatible with existing equipment, inventory, systems, programs or services.
- sole provider of goods and services for which YRCAA has established a standard\*\*
- sole provider of factory-authorized warranty service.
- sole provider of goods or services that will meet the specialized needs of YRCAA or perform the intended function (please detail below).
- the vendor/distributor is a holder of a used item that would represent good value and is advantageous to the Agency (please explain price, availability, etc.).

What necessary features does this vendor provide which are not available from other vendors?  
Please be specific. \_\_\_\_\_

\_\_\_\_\_

What steps were taken to verify that these features are not available elsewhere? \_\_\_\_\_

\_\_\_\_\_

Other brands/manufacturers were examined (please list phone numbers and names, and explain why these were not suitable). \_\_\_\_\_

\_\_\_\_\_

Other vendors were contacted (please list phone numbers and names, and explain why these were not suitable). \_\_\_\_\_

\_\_\_\_\_

\*Sole Source: only one vendor possesses the unique and singularly available capability to meet the requirement of the solicitation.

\*\*Procurements of items for which the Agency has established a standard by designating a brand or manufacturer shall be competitively bid if there is more than one vendor of the item.

## 10.14 Debts Owed to YRCAA

As a steward of public funds, it is imperative that YRCAA make every reasonable effort to collect monies owed to the agency. The purpose of this section is to establish policy for the collection of such debts.

### 10.14.1 Notification to Debtor

Written notice of any debt due YRCAA must be served to the debtor. Typically, the Notice will be in the form of an invoice but, may be in the form of a Notice of Penalty or letter. The notice will state the debt is due and payable on the day it is received by the debtor or shall specify a due date. The notice will also indicate the date the debt will become past due and specify that failure to pay the debt by that date may result in additional costs of collection. The notice shall state we will pursue any legal remedy to secure payment.

### 10.14.2 Claims against Municipal Corporations and Political Subdivisions

Claims against any county, city district or other municipal corporation or political subdivision shall be presented to the auditing officer of such entity on forms provided by the entity as prescribed by the state auditor. Such claims shall be made after the sixty-first day following the original invoice.

### 10.14.3 Accounting

Once the notification has been served to the debtor, it shall be entered as an account receivable, tracked for payment and acted upon according to the following schedule of days which the debt is unpaid beyond the due date.

- a. 31<sup>st</sup> day - notice shall be served to the debtor advising of intent to pursue legal action if not paid within 10 days.
- b. 45<sup>th</sup> day - the case shall be referred to the Control Officer for a determination if the debt should go to collection, to counsel for judgment and lien, or dismissed as bad debt.
- c. 60<sup>th</sup> day - notice of the Control Officer's decision and action shall be served to the debtor and the action(s) shall be commenced.
- d. On a monthly basis a report shall be furnished to the Control Officer showing the status of all delinquent debts.
- e. On an annual basis all past due debts shall be evaluated for dismissal. Debts which qualify for dismissal shall be presented to the Board of Directors for dismissal by Board Resolution.

### 10.14.4 Payment Schedules

YRCAA may accept a payment schedule for good cause. Any such payment schedule agreement shall be in writing, signed by the Director and the debtor. Such debts shall be tracked for timely payment according to the schedule and failure to comply with the terms of payment shall result in referral for collection under 10.14.2 of this section.

Any failure to pay on time for debts resulting from enforcement action shall be communicated to the Compliance Division Supervisor promptly. Delinquent debt for violation of regulation shall comply with applicable statutory and administrative law.

#### 10.14.5 Criteria for Evaluating Debts Owed to YRCAA

The following options for collecting past due debts will be considered according to the assigned criteria. The criteria are intended to indicate the least burdensome and most effective means for dealing with past due debts. Reconsideration and decisions will be made on a quarterly basis on which option to pursue.

- a. Assign to Collection Agency if:
  - i. The debtor has shown no intent to pay;
  - ii. The whereabouts of the debtor are known;
  - iii. The debtor owns no real or personal property subject to lien;
  - iv. The debtor has apparent ability to pay; and
  - v. The costs of judgment and lien are not practical.
- b. File the Claim in Small Claims Court if:
  - i. Collection Agency refuses to pursue the claim;
  - ii. The amount of debt is less than the small claims court limit;
  - iii. The debtor has shown no intent to pay;
  - iv. The whereabouts of the debtor are known;
  - v. The debtor owns real or personal property subject to lien;
  - vi. The debtor has apparent ability to pay; and
  - vii. The costs of judgment and lien do not exceed the debt amount.
- c. Refer to Counsel for Judgment and Lien if:
  - i. The debtor has shown no intent to pay;
  - ii. The whereabouts of the debtor are known;
  - iii. The debtor owns real or personal property subject to lien;
  - iv. The debtor has apparent ability to pay; and
  - v. The costs of judgment and lien do not exceed the debt amount.
- d. Dismiss as Uncollectible if:
  - i. The whereabouts of the debtor are not known; and/or
  - ii. The debtor owns no real or personal property subject to lien.; and/or
  - iii. The debtor has demonstrated inability to pay; and/or
  - iv. The debtor has filed bankruptcy and YRCAA has not been assigned as a creditor due payment.

#### 10.14.6 Interest Rate for Debts Owed to YRCAA

Interest may be charged at the rate of one per cent per month on past due debts owed to YRCAA. For the purpose of this section, past due shall mean any debt owed for more than thirty days past the due date. This section does not apply to:

- a. Any circumstance where such interest rate would conflict with the provisions of a contract or with the provisions of any other law; or
- b. Debts to be paid by any other governmental agency.

#### 10.14.7 Late Fees

In addition to the above options for collecting past due debts, a late fee of 15% of the fee amount may be imposed for any application, permit, notification or registration fee, which is not paid by the due date.

### **10.15 Cash Reserves**

The purpose of this subsection is to establish policy for the establishment and maintenance of cash reserves to be appropriated toward, and expended from, only for their dedicated purpose. The funds shall be maintained in an investment account administered by the Yakima County Treasurer's Office or as otherwise directed by the Governing Board of Directors.

#### 10.15.1 Operating Costs

To cover costs in the event of unexpected shortfall or absence of anticipated revenues, as a matter of prudence, YRCAA shall, when a fund balance is available, by Board approval of annual budget, appropriate funds toward cash reserves until such time as reserves have accumulated in the amount of 25% of the current budget operating costs for the following:

- a. Salaries and Benefits;
- b. Services; and
- c. Supplies

#### 10.15.2 Capital Replacement

As a matter of prudence, YRCAA shall, when a fund balance is available, by Board approval of annual budget, appropriate funds annually toward cash reserves equal to 10% of the replacement costs of all capital assets which are scheduled for replacement as defined in Subsection 10.9 of this Section. Such appropriations shall continue until such time as the total funds in reserve equal the cost to replace all capital assets scheduled for replacement. To determine estimated replacement year and cost for any such equipment, YRCAA shall utilize a Capital Asset Equipment Inventory / Replacement Schedule as follows:

- a. Replacement cost shall be estimated by adding 5% per year to the purchase cost of the equipment;
- b. Current value and salvage value shall be estimated by depreciating the purchase cost by using a straight-line method of depreciation;
- c. Salvage value shall be estimated at 5% of the purchase cost;
- d. Scheduled replacement year shall be the latter of the year in which the equipment reaches the end of its useful life, the equipment has depreciated to its salvage value, and the equipment has ceased to serve its intended function; and
- e. No equipment shall be replaced, regardless of extending beyond its estimated useful life or scheduled replacement year, if the equipment continues to

adequately serve its intended function.

### 10.15.3 Accounting and Reporting

The appropriations toward, expenditure from, and balances of, such cash reserves shall be accounted for and reported as separate accounts within each annual Fiscal Year Budget, as approved by the Governing Board of Directors. Transactions shall also be reported to the Governing Board of Directors in the Budget Verification Analysis reports at each Board meeting.

## 10.16 Credit Card Use

It is the policy of YRCAA to use credit cards as an economical business practice when the use of such cards will improve cash management, reduce costs, and/or increase efficiency. As used in this Subsection, "credit card" means a card or device issued under an arrangement pursuant to which the issuer gives to a card holder the privilege of obtaining credit from the issuer. All credit card use shall be conducted in accordance with Subsection 10.11 of this Section.

### 10.16.1 Purpose

The purpose of this Subsection is to define how YRCAA will issue, use, control the use of, and reconcile the use of Agency credit cards.

### 10.16.2 Issuance

Cards may be issued by the Director or Fiscal Programs Manager to any staff member who has a need to make credit card purchases, according to the following:

- a. Card numbers shall be recorded for each cardholder;
- b. The card may be used only by the cardholder;
- c. A card may be withdrawn at the discretion of the Director or Fiscal Programs Manager;
- d. Upon termination of any employee, final payroll shall be withheld until such time as a card is surrendered;
- e. Any lost, stolen or damaged card must be reported immediately to the Supervisor and the Director, Fiscal Programs Manager or Office Manager; and
- f. It is the sole responsibility of the cardholder to safeguard against loss, theft and unauthorized use.

### 10.16.3 Authorization and Control

A cardholder may only use his/her card with approval of his/her Supervisor, the Director or the Fiscal Programs Manager, within the following guidelines:

- a. A cardholder may not use a card for any of the following:
  - i. To obtain cash;
  - ii. When the payee is a member of the cardholder's immediate family;
  - iii. For any purchase restricted by policy, guidelines or contractual agreement;



- iii. For personal gain; or
- iv. Any use which would place the Agency at risk.
- b. A cardholder may only use a card to improve cash management, reduce costs, or increase efficiency, according to the following:
  - i. To purchase airfare only with the approval of the Director;
  - ii. To purchase vehicle fuel, lodging, auto rentals, Agency vehicle maintenance, or Training/Registration Fees;
  - iii. To purchase office supplies approved by the Office Manager;
  - iv. To purchase computer goods approved by the IT Program Manager;
  - v. For any emergency, when the failure to use a card would place the cardholder in harm's way or place the Agency at greater risk than not using the card; and
- c. Unauthorized use of a card shall result in disciplinary action upon the cardholder, in addition to the requirements of 10.16.6 of this section.

#### 10.16.4 Credit Limits

Reasonable credit limits shall be set and enforced by the Fiscal Programs Manager for the use of all cards issued according to the following:

- a. An aggregate limit for each provider of multiple cards;
- b. An individual limit for each cardholder; and
- c. An aggregate Agency limit totaling the limits set for each card provider.

#### 10.16.5 Payment and Reconciliation

Payment and reconciliation of all credit card transactions shall be the responsibility of the Fiscal Programs Manager, according to the following guidelines:

- a. Each credit card provider shall provide to YRCAA a detailed monthly statement of which includes, for each transaction processed for each cardholder:
  - i. Dollar amounts for each transaction;
  - ii. Description of goods and/or services purchased for each transaction; and
  - iii. The total amount owed for the month.
- b. No later than the next business day after a cardholder has made a purchase, and returned to the office, he/she shall provide the Fiscal Programs Manager an expense voucher of all transaction(s) which includes the following:
  - i. Dollar amounts for each transaction;
  - ii. Description of goods and/or services purchased for each transaction; and
  - iii. Attached, itemized receipts for each transaction. Transactions not accompanied by itemized receipts will be disallowed as provided in 10.16.6 of this Subsection.
- c. The Fiscal Programs Manager shall, within five working days of receiving a statement of charges from a card provider, process payment of all outstanding charges.

#### 10.16.6 Disallowed Charges

Charges made by an employee which are found to be disallowed under the terms of this section shall be paid by the employee according to the following guidelines:

- a. Any charges against the charge card not properly identified on the expense voucher, referenced in 10.16.5b above, shall be paid by the employee;
- b. Charges found to be not allowed following the audit required under RCW 42.24.080 shall be paid by the employee;
- c. Payments by the employee shall be made by check, United States currency, or salary deduction;
- d. If, for any reason, disallowed charges are not repaid before the charge card billing is due and payable, YRCAA shall have a prior lien against and a right to withhold any and all funds payable or to become payable to the employee up to an amount of the disallowed charges and interest at the same rate as charged by the company which issued the charge card;
- e. Any employee who has been issued a charge card by YRCAA shall not use the card if any disallowed charges are outstanding and shall surrender the card upon demand of the auditing officer; and
- f. YRCAA shall have unlimited authority to revoke use of any charge card issued under this section, and, upon such revocation order being delivered to the charge card company, shall not be liable for any costs.

### **10.17 Business Expense Reimbursement**

This section addresses reimbursement of costs incurred by persons in the conduct of official business of the Agency. It is not intended to contradict or supplement any statutory provisions either existing or adopted in the future.

#### 10.17.1 Agency Responsibilities

The Agency Director or Fiscal Programs Manager shall:

- a. Ensure that any incurred costs submitted for reimbursement are:
  - i. Directly work related;
  - ii. Obtained at the most economical price; and
  - iii. Both critical and necessary for Agency business.
- b. Exercise prudent judgment in approving costs for reimbursement.
- c. Establish and maintain effective systems for management and control over reimbursement of costs incurred.

#### 10.17.2 Employee Responsibilities

For purposes of this subsection “employee” means an Agency officer, employee, volunteer or any other person whom the Agency has legal authority to utilize in the conduct of official Agency business. An employee is responsible for:

- a. Being familiar with Agency policies which apply to incurring and being reimbursed for costs;
- b. Exercising prudent judgment in incurring Agency business costs;
- c. Paying any excess costs and any additional expenses incurred for personal preference or convenience;
- d. Securing prior authorization for expenditures when required; and
- e. Preparing and submitting a Business Expense Voucher and providing receipts and documentation as required in this subsection.

### 10.17.3 Types of Costs Eligible for Reimbursement

The following types of expenses incurred in the conduct of official Agency business are eligible for reimbursement subject to the requirements and restrictions of this subsection.

#### a. Local Expenses

Local expenses are defined as expenses incurred within the greater of a fifty-mile radius of the Agency offices or within Yakima County borders. The following are local expenses eligible for reimbursement.

- i. Meal expenses, not to exceed the rates as specified in 10.17.8, if:
  - Provided at a breakfast or noon meeting of official YRCAA Executive Board of Directors, citizen advisory boards or other special purpose groups; or
  - Associated with special staff events, such as departmental retreats and in-house training sessions, are reimbursable if approved by the Director in advance. Special events are by definition, infrequent activities (i.e., annual or semi-annual vs. weekly or monthly events).
- ii. Use of a privately owned vehicle, at the rate specified in 10.17.8, if:
  - No Agency vehicle is available for use; and
  - The use is approved by the Director prior to use.
- iii. Miscellaneous expenses necessary to the completion of duties or emergency services if the Agency credit card cannot be used for payment.

#### b. Travel Expenses

Travel expenses are defined as expenses incurred when traveling outside the areas where local expenses apply.

- i. Lodging, costs not to exceed the rates as specified in 10.17.8. Employees shall be reimbursed for actual costs, as evidenced by a receipt. The cost of taxes may be added in addition to the rates specified in 10.17.8.
- ii. Meal costs shall be reimbursed on an allowance basis, not to exceed the rates as specified in 10.17.8. If necessary to determine the amount to reimburse for individual meals, the following portions of the daily meal allowance will be used: 25% breakfast; 30% lunch and 45% dinner. Meal allowances cover the following costs:
  - The basic cost of the meal;
  - Applicable sales tax; and
  - Tip or gratuity up to 15% of the basic meal cost.

- iii. Transportation costs shall be reimbursed for travel on railroads, airlines, ships buses, privately owned vehicles and other usual means of conveyance, as follows:
  - Reimbursement for the use of a privately owned vehicle, when no Agency vehicle is available for use, shall be at the mileage rate specified in 10.17.8;
  - Reimbursement for the use of a privately owned vehicle, when an Agency vehicle is available for use, shall be at a mileage equal to one-half the rate specified in 10.17.8; and
  - Commercial carrier transportation costs shall be reimbursed based on actual costs as evidenced by a receipt.
- iv. Miscellaneous travel expenses shall be reimbursed based on actual costs as evidenced by a receipt. Eligible miscellaneous expenses include:
  - Taxi or shuttle fares, vehicle rentals, parking fees, and ferry and bridge tolls;
  - Registration fees for conferences, training workshops and official meetings;
  - Costs of laundry and dry cleaning when traveling for more than five consecutive days; and
  - Charges for checked baggage, excluding overweight fees, for up to the first two bags on domestic airline flights.

#### 10.17.4 Types of Costs Not Eligible for Reimbursement

The following types of expenses shall not be reimbursed.

- a. Alcoholic beverage expenses;
- b. The cost of the daily commute between an employee's residence and the Agency offices;
- c. Personal travel expenses not essential to the conduct of official Agency business, such as:
  - i. Valet services;
  - ii. Entertainment expenses, including the cost of transportation to and from places of entertainment;
  - iii. Cost of personal trip insurance;
  - iv. Cost of personal phone calls;
  - v. Tips or gratuities associated with personal expenses; or
  - vi. Traffic or parking fines received for infractions during the operation of a vehicle on Agency business.
  - vii. Expenses incurred on a combined business/personal trip will be reimbursed to the extent of the business component. Additional expenses for family members or others traveling with the employee will not be reimbursed.

#### 10.17.5 Authorization, Claims, Approval and Reimbursement

Authorization, approval and reimbursement shall comply with the following procedures:

- a. Authorization  
Employees must obtain prior authorization from the Director or Division Supervisor to incur travel costs and any other costs greater than \$50.00.
- b. Claims  
All claims for reimbursement of costs must be submitted on the Business Expense Voucher as follows.
  - i. The employee must sign and certify that all costs submitted for reimbursement are directly work related, obtained at the most economical price, and both critical and necessary for Agency business;
  - ii. Receipts must be provided for all costs, except meals. Monthly bank or credit card statements are not acceptable. However, credit card receipts will be accepted if they contain the required itemization;
  - iii. A copy of a commercial carrier ticket must be provided for reimbursement of fare. Receipts containing the name and address of other forms of service providers are required;
  - iv. Lodging receipts itemizing the room rate and tax are required;
  - v. If a restaurant or hotel will not provide an itemized receipt or a receipt is lost, a sworn statement by the employee requesting reimbursement, stating the cost of the meal or the room, taxes and gratuity, an explanation of why the receipt is not available, and a statement that no alcoholic beverages or personal costs are included in the claim may be substituted; and
  - vi. When reasonable, claims for reimbursement of less than \$100.00 should be accumulated for payment on a monthly or quarterly basis, but must be requested not later than January 15<sup>th</sup> of the following calendar year in which the expenses were incurred.
- c. Approval and Payment  
All claims for reimbursement of business costs must be approved by the Director or Fiscal Programs Manager as follows.
  - i. Upon receipt of a completed Business Expense Voucher and required receipts and documentation will review the claim and either approve the voucher, request additional documentation, deny the claim or approve the claim;
  - ii. Claims submitted by either the Director or Fiscal Programs Manager must be reviewed, approved and signed by both persons prior to payment.
  - iii. Upon approval, the Director or Fiscal Programs Manager will sign the voucher and specify from which budget expense accounts the reimbursement will be paid; and
  - iv. The Fiscal Programs Manager will process the claim for payment.

#### 10.17.6 Reimbursement Rates

This subsection provides allowable lodging, meals and privately owned vehicle mileage rates for employees conducting official Agency business. Agency rates shall be those furnished by the Washington State Office of Financial Management (OFM) and the U.S. General Services Administration (GSA). These rates change periodically and shall be furnished to employees on a routine basis and when any changes occur.

- a. For locations within Washington state, refer to the per diem rates map found on OFM's website at:  
<http://www.ofm.wa.gov/resources/travel.asp>
- b. For locations outside Washington state, refer to the GSA website at:  
[www.gsa.gov](http://www.gsa.gov). Select U.S. per diem rates to view rates for the continental USA.

## **SECTION 11 – Classifications and Positions**

### **11.1 Purpose**

This policy establishes classifications, positions and compensation for each classification and position. Each classification description defines required knowledge, skill and experience levels. Each position description defines roles, responsibilities and typical duties.

Established classifications and positions will enable employees to identify opportunities for upward mobility, lateral transfer and advancement among classifications. Employee compensation will be based on classification and thus, skills, knowledge experience, and performance of duties.

### **11.2 Classifications**

The following describes classifications for YRCAA employees. Each classification contains four levels of required knowledge, skill and experience. It is expected that, with increased experience, an employee will gain knowledge and skill in meeting the duties and responsibilities of the position(s) he/she fills.

- X Temporary Employee – An interim or special assignment for a specific project; and
  - Level I – Trainee, consisting of less than six years experience; and
  - Level II – Journeyman, consisting of six to 15 years experience; and
  - Level III – Master (Longevity), consisting of more than 15 years of experience.

#### **11.2.1 Division Supervisor**

A Division Supervisor (DS) exhibits skills in supervision in his/her field(s) of expertise in Engineering/Planning, and/or Compliance/Air Monitoring. All Supervisors report directly to the Executive Director/Air Pollution Control Officer (Director).

- a. Temporary (DS)

The Temporary DS, on an interim basis, has one or more years of supervisory experience or training in supervision. He/she may have experience in a regulatory or related field for the position he/she has been selected for, and exhibit communication and supervisory skills. This supervisor receives guidance and training from the Director for this interim or temporary assignment.
- b. Level I, Trainee (DS I)

The DS I has one or more years of supervisory experience or training in supervision. He/she may have experience in a regulatory or related field for the position he/she has been selected for, and exhibit communication and supervisory skills. This supervisor receives guidance and training from the Director.
- c. Level II, Journeyman (DS II)

The DS I has six or more years experience and capability to supervise others. This supervisor will better communicate with co-workers and make decisions with

- little or no input from the Director.
- d. Level III, Master (DS III)  
The DS III has 15 or more years supervisory experience and is established in his/her skills and capabilities. This supervisor is capable of working and making decisions independent of direct supervision of the Director.

#### 11.2.2 Engineering Specialist

The Engineering Specialist (ES) works under the general direction of the engineering/Planning Division Supervisor. The ES performs duties in the field of air quality engineering and sciences.

- a. Temporary (ES)  
The Temporary ES has a Bachelor=s Degree in Civil Engineering and engineering experience and/or an equivalent combination of education, experience, knowledge, skills, and abilities sufficient to successfully perform the essential duties within this classification. The Temporary ES will receive guidance and direction from the Engineering/Planning Division Supervisor for this interim or temporary assignment.
- b. Level I, Trainee (ES I)  
The ES I has a Bachelor=s Degree in Civil Engineering and less than six years engineering experience and/or an equivalent combination of education, experience, knowledge, skills, and abilities sufficient to successfully perform the essential duties within this classification. The ES I will receive guidance and direction from the Engineering/Planning Division Supervisor.
- c. Level II, Journeyman (ES II)  
The ES II has a Bachelor=s Degree in Civil Engineering and six or more years of technical experience in air quality engineering, researching and processing permits and/or an equivalent combination of education and experience, knowledge, skills, and abilities sufficient to successfully perform the essential duties within this classification. The ES II is capable of working with only minimal guidance and supervision from the Engineering/Planning Division Supervisor.
- d. Level III, Master (ES III)  
The ES III has a Bachelor=s Degree in Civil Engineering and more than 15 years of experience, having achieved greater capabilities to: quality assure all technical data, calculations and conclusions; prepare, approve and issue permits; and work independently, with little or no supervision from the Engineering/Planning Division Supervisor.

#### 11.2.3 Air Quality Specialist

The Air Quality Specialist (AQS) works under direction and supervision of the Compliance/Air Monitoring Division Supervisor. The AQS conducts work to assure compliance with air quality laws, regulations, permits and National Ambient Air Quality Standards.



- a. Temporary AQS  
The Temporary AQS has a working knowledge of air quality principles as they apply to compliance, planning and/or monitoring. The Temporary AQS will receive training and guidance from the Compliance/Air Monitoring Division Supervisor for this interim or temporary assignment.
- b. Level I, Trainee (AQS I)  
The AQS I has less than six years experience and has a working knowledge of air quality principles as they apply to compliance, planning and/or monitoring. The AQS I will receive training and guidance from the Compliance/Air Monitoring Division Supervisor.
- c. Level II, Journeyman (AQS II)  
The AQS II has a thorough knowledge of air quality laws, regulations, emission units and control methods, with six or more years experience in a regulatory field. The AQS II is capable of making decisions and will require only moderate guidance and supervision.
- d. Level III, Master (AQS III)  
The AQS III has more than 15 years of experience and performs increasingly more difficult and technical work in the area of compliance assurance. The AQS III is capable of working and making decisions independently and will require little or no supervision from the Compliance/Air Monitoring Division Supervisor.

#### 11.2.4 Administrative Assistant

The Administrative Assistant (AA) works under the direction of the Office Supervisor and provides clerical and administrative support services. The AA serves as a clerk, receptionist and secretary, performing a variety of clerical, secretarial and administrative tasks.

- a. Temporary AA  
The Temporary AA has a high school diploma, G. E. D. equivalency or satisfactory completion of a recognized job-related training course at a high school, trade school, or college. The Temporary AA will receive guidance and training from the Office Supervisor, a Division Supervisor and/or Program Manager for this interim or temporary assignment.
- b. Level I, Trainee (AA I)  
The AA I has less than five years administrative experience. The AS I has a high school diploma, G.E.D. equivalency or satisfactory completion of a recognized job-related training course at a high school, trade school, or college. The AA I will receive guidance and training from the Office Supervisor, a Division Supervisor and/or Program Manager.
- c. Level II, Journeyman (AA II)  
The AA II has five to 15 years administrative experience with job-related training courses graduating from high school, or college courses in business. The AA II will have greater capabilities with only moderate supervision by the Office Supervisor.
- d. Level III, Master (AA III)  
The AA III has more than 15 years of experience in office administration and

customer service, has completed business classes and achieved a degree through an accredited college and/or equivalent training and experience. The AA III has a variety of secretarial and administrative skills and works independently, reporting to the Office Supervisor or Director.

#### 11.2.5 Administrative Specialist

The Administrative Specialist (AS) works under the direction of the Director and provides administrative support services for a specific program, acting as the Program Manager. The AS has a high degree of technical knowledge, skills and experience, adequate to effectively manage a program with little direction.

a. Temporary AS

The Temporary AS has technical experience and has completed business courses, achieving a degree through an accredited college and/or equivalent training and experience. The Temporary AS will receive guidance from the Director for this interim or temporary assignment.

b. Level I, Trainee (AS I)

The ASI has less than five years technical experience and has completed business courses, achieving a degree through an accredited college and/or equivalent training and experience. The AS I will receive guidance from the Director.

c. Level II, Journeyman (AS II)

The ASII has five to 15 years technical experience and has completed business courses, achieving a degree through an accredited college and/or equivalent training and experience. The AS II will have greater capabilities with only moderate supervision by the Director.

d. Level III, Master (AS III)

The ASIII has more than 15 years technical experience and has completed business courses, achieving a degree through an accredited college and/or equivalent training and experience. The AS III has a variety of secretarial and administrative skills and works independently, reporting to the Office Supervisor or Director.

### 11.3 Positions

The following position summaries are consistent with other local air authorities and describe duties and responsibilities of staff positions at YRCAA. Each position falls within one of five classifications described in 11.2 above. A staff member may occupy, and fulfill the duties of, more than one position.

#### 11.3.1 Supervisor Positions

a. Executive Director

The Director is responsible for overseeing the administration of the Agency and assuring compliance with the Federal Clean Air Act, the Washington Clean Air Act, and all regulations promulgated thereunder. The Director maintains the Agency in good operational status with municipalities, the regulated community, the Governing Board of Directors, the Department of Ecology, the US EPA, and

the Washington State Auditor. The Director provides guidance and leadership to staff for the lawful and effective management of the various activities performed and programs implemented by YRCAA.

The Director prepares and monitors the agency budget, oversees Board meeting preparation and presentations by Staff, and sets (and monitors attainment of) goals for each year. The Director acts as CEO for the agency enterprise, Northwest Opacity Certification, and any other Enterprise programs YRCAA may have. The Director represents the agency in any interaction with Federal, State or Local government and with the Washington Air Quality Managers Group, the National Association of Clean Air Agencies. The Director reports directly to the Governing Board of Directors.

b. Compliance/Air Monitoring Division Supervisor

The Compliance/Air Monitoring Division Supervisor provides leadership and is responsible for overseeing all staff conducting compliance assurance, ambient air monitoring and enterprise operation work. This work includes: compliance inspections, technical and business assistance, asbestos and demolition, air pollution complaints, air monitoring, and Northwest Opacity Certification. The Supervisor: reviews Notices of Violation prior to issuance; issues Notices of Penalty; represents YRCAA at the Pollution Control Hearings Board; and conducts Mutual Settlement Meetings with violators to consider all information regarding Notices of Violation or Penalty.

The Supervisor conducts Continuous Improvement Program reviews with division staff; provides guidance for improvement action plans; monitors progress of action plans; and acknowledges achievements.

The Supervisor represents the agency on compliance and monitoring issues to the regulated community, State, Federal and Local government, and to the Washington Air Quality Compliance Forum. The Supervisor reports directly to the Director.

c. Engineering/Planning Division Supervisor

The Engineering/Planning Division Supervisor provides leadership and is responsible for overseeing all staff conducting engineering, permitting and planning work. This work includes: reviewing, drafting and issuing orders of approval (permits) for new sources of air pollution; outdoor burning permits; asbestos and demolition notifications, dust control plans, State Environmental Policy Act (SEPA) reviews and determinations, minor source registration, emission inventories, attainment and maintenance plans, Air Operating Permit Program, and rule development.

The Supervisor conducts Continuous Improvement Program reviews with division staff; provides guidance for improvement action plans; monitors progress of action plans; and acknowledges achievements.

The Supervisor represents the agency on engineering, permitting and planning issues to the regulated community, State, Federal and Local government, and to the Washington Air Permit Writers group. The Supervisor reports directly to the Director.

#### 11.3.2 AQS Positions

Under the direction of the Compliance/Air Monitoring Division Supervisor, an AQS manages and conducts work to implement the compliance, enterprise and air monitoring programs. Staff classified as AQS fulfill the duties and responsibilities of the following positions:

- a. Program Managers

AQS Program Managers are responsible for managing and effectively attaining the goals and objectives of programs that make up the overall agency operations.
- i. Enterprise Program Manager

The Manager is responsible for the successful carrying out of the Northwest Opacity Certification (NOC) enterprise and any future enterprise. NOC provides training and testing events to certify regulatory and industry personnel for visible emissions evaluation initially and once every six months. NOC charges a fee for this service. The Manager is responsible for managing all work necessary to meet the objective of providing significant revenue to the agency, supplementing the more traditional revenue sources. That work includes: acquiring and scheduling event sites; mailing out and receiving registration forms; receiving and accounting for fee payments; maintaining a customer database; operating, maintaining and calibrating equipment in good working order; traveling to and conducting events twice yearly at many sites in Washington and Oregon; providing certificates of completion to customers; maintaining financial books; and reporting routinely to the Division Supervisor any issues or recommendations.
- ii. Inspection Program Manager

The Manager is responsible for managing all work necessary to meet the objective of conducting routine evaluations of qualifying facilities to assure compliance with applicable laws, regulations and permits. This includes: preparing inspection schedules; ensuring that inspections of facility operations, maintenance, monitoring, record keeping and reporting requirements are completed in a timely and proper manner; providing compliance assistance; completing and filing inspection reports; observing and documenting violations; initiating enforcement actions for violations that are not corrected immediately; recommending civil penalty; and reporting routinely to the Division Supervisor any issues or recommendations.
- iii. Complaint Program Manager

The Manager is responsible for managing all work necessary to meet the objective of receiving, addressing and resolving citizen complaints alleging violations of applicable Federal, State or Local laws or regulations. This includes: maintaining a database record of all complaints and all agency actions and findings regarding complaints; evaluating and assigning an appropriate response level to each complaint; assigning the complaint to an

AQS for response; taking the appropriate response action; investigating the complaint; completing and filing inspection reports; observing and documenting violations; initiating enforcement actions for violations that are not corrected immediately; recommending civil penalty; and reporting routinely to the Division Supervisor any issues or recommendations.

iv. Monitoring Program Manager

The Manager is responsible for managing all work necessary to meet the objective of sampling, analyzing, quality assuring, documenting and reporting the concentrations of certain air pollutants in the ambient air. The data gathered is then used to: demonstrate compliance with the National Ambient Air Quality Standards; provide real-time data for determining whether indoor and outdoor burning must be prohibited; identify trends to aid in agency planning; and inform the public of health concerns. The work includes: selecting appropriate sampling sites; acquiring and locating sampling equipment; operating, maintaining and quality assuring the equipment and data gathered by the equipment; connecting the equipment to telemetry systems and assuring the proper operation of the systems; gathering and transporting samples to the laboratory for analysis; receiving and recording sample analysis data; and reporting routinely to the Division Supervisor any issues or recommendations.

b. Duty Positions

i. Compliance Inspector

The inspector conducts work to evaluate registered facilities and regulated activities and operations for compliance with Federal, State and Local laws and regulations. The work includes investigating, providing compliance assistance, documenting findings and actions, and making recommendations for: citizen complaints; commercial and industrial facilities; asbestos, renovation and demolition sites; and reporting routinely to the Inspection Program Manager and Division Supervisor any issues or recommendations.

ii. Enterprise Specialist

The Specialist conducts work in support of the Enterprise Program Manager for the successful carrying out of the Northwest Opacity Certification (NOC) enterprise and any future enterprise. The work includes: maintaining and calibrating equipment in good working order; operating equipment during field events; setting up and breaking down equipment for field tests; proctoring field tests; preparing and presenting classroom training materials; traveling to and conducting events twice yearly at many sites in Washington and Oregon; and reporting routinely to the Enterprise Program Manager and Division Supervisor any issues or recommendations.

iii. Monitoring Specialist

The Specialist conducts work in support of the Monitoring Program Manager for the sampling of certain air pollutants in the ambient air. The work includes: locating sampling equipment; operating, maintaining and quality assuring the equipment and data gathered by the equipment; connecting the equipment to telemetry systems and assuring the proper operation of the systems; gathering and transporting samples to the laboratory for analysis; receiving and recording sample analysis data; and reporting routinely to the Monitoring Program Manager Division Supervisor any issues or

recommendations.

### 11.3.3 ES Positions

Under the direction of the Engineering/Planning Division Supervisor, an ES manages and conducts work to support the Engineering Division. Staff classified as ES fulfill the duties and responsibilities of the following positions:

a. Engineer

The Engineer performs engineering research, emission calculation and permit work to assure compliance with clean air standards, rules and regulations. This work includes: reviewing, drafting and issuing orders of approval (permits) for new sources of air pollution; issuing outdoor burning permits; reviewing asbestos and demolition notifications and dust control plans; conducting State Environmental Policy Act (SEPA) reviews and determinations; processing minor source registrations; processing and quality assuring emission inventories; preparing attainment and maintenance plans, Air Operating Permit Program, and rule development. The Engineer also provides technical expertise to other agency work and reports routinely to the Division Supervisor any issues or recommendations.

b. Planner

The planner conducts work to gather and analyze information and data in development of rules, regulations, decisions and plans to ensure compliance with federal, state and local laws and regulations. This work includes: analyzing air monitor data; preparing area source emission inventories; quality assuring stationary source emission inventories; processing comments for SEPA projects; determining burn ban status; allocating agricultural and other burning; drafting rules and plans; and providing information and data to the Director and Division Supervisors to improve the effectiveness of agency programs.

### 11.3.4 AS Positions

Under the direction of the Director or a Supervisor, an AS manages and conducts administrative work to support the Executive, Compliance/Air Monitoring and Engineering/Planning Divisions. Staff classified as AS fulfill the duties and responsibilities of the following positions:

a. Program Managers

Program Managers are responsible for managing and effectively attaining the goals and objectives of administrative systems and programs that make up the overall agency operations.

i. Fiscal Programs Manager

The Manager is responsible for managing all work necessary to meet the objective of maintaining agency accounting books and records and assuring all fiscal activities comply with legal and policy requirements. The work includes: overseeing employee timekeeping; processing payroll; receiving and accounting for accounts receivable; disbursing and accounting for accounts payable; maintaining asset inventories; assuring accounting software is up-to-date; assisting in budget preparation; establishing and updating accounting policies and procedures. The Manager reports directly to the Director.

ii. Public Information Program Manager

The Manager is responsible for managing all work necessary to meet the objective of providing accurate information to the public regarding air pollution and its effects on public health and the environment, including woodstove education, and stressing pollution prevention, waste reduction, and recycling. The work includes: liaison with the media, local and public agencies, and the community as a whole; seeking grant opportunities that will enable air quality improvement; coordinating grant implementation; creating and distributing brochures, newsletters, and media releases; setting up and operating a public display booth at local events; distributing daily burn information and other advisories; and responding to citizen inquiries.

The Manager represents the agency on public information, education and outreach issues to the regulated community, State, Federal and Local government, and to the Northwest Air Communicators group. The Manager reports directly to the Director.

iii. Information Technology Manager

The Manager is responsible for managing all work necessary to meet the objective of developing, installing and maintaining computer systems and applications to enhance the effectiveness of agency programs. The work includes: establishing and maintaining computer work stations for all staff; establishing and maintaining a local area network and central server; installing and updating system software; installing and maintaining internal and external hardware; maintaining automated phone system; development and maintenance of agency website; and providing user help.

The Manager represents the agency on information technology issues to the regulated community and to State, Federal and Local government. The Manager reports directly to the Director.

iv. Office Manager

The Office Manager provides leadership and is responsible for overseeing all staff conducting administrative and clerical work in the front office. This includes: processing incoming and outgoing mail; attending to phone and in-person contact with the public; implementing good office practices; maintaining central files; maintaining office equipment inventory; routing public to appropriate staff; assuring procurement is in accordance with requirements for public agencies; maintaining currency of mail, fax and email lists; and maintaining receipt and recording of cash. The Manager also has duties and responsibilities as: the Clerk of the Governing Board of Directors; preparing printed materials for Board Meetings, assuring compliance with the Open Public Meetings Act, and acting as liaison for the Board of Directors; Human Resource Manager; assuring policies and procedures comply with State and Federal law; and Public Records Officer; assuring maintenance of public records according to public records retention requirements and making

public records available according to the Public Disclosure Act.

The Manager conducts Continuous Improvement Program reviews with front office staff; provides guidance for improvement action plans; monitors progress of action plans; and acknowledges achievements. The Manager reports directly to the Director.

#### 11.3.5 Administrative Assistants

The Assistant conducts work in support of a specific program or Division, in addition to conducting front office duties for all agency business. The Assistant performs administrative functions in a variety of skilled secretarial and administrative tasks for their program or Division and for other staff. The assistant is often the initial point of contact for the public, projecting a pleasant, helpful image of the agency.

- a. **Compliance/Air Monitoring Division Assistant**  
The Assistant conducts administrative work to support the objectives of programs within the Compliance/Air Monitoring Division. The work includes: maintaining a database; receiving and routing mail, phone calls, faxes and email; responding to citizen inquiries; processing permit applications, notices and plans; processing and tracking enforcement actions; receiving and routing citizen complaints. The Assistant also acts as back-up for the other Assistants in their absence and reports to the Division Supervisor and Office Manager.
- b. **Engineering and Planning Division Assistant**  
The Assistant conducts administrative work to support the objectives of programs within the Engineering/Planning Division. The work includes: maintaining a database; receiving and routing mail, phone calls, faxes and email; responding to citizen inquiries; processing permit applications, notices and plans; processing and receiving and routing citizen complaints. The Assistant also acts as back-up for the other Assistants in their absence and reports to the Division Supervisor and Office Manager.
- c. **Enterprise Program Assistant**  
The Assistant conducts administrative work to support the objectives of the Enterprise Program. The work includes: acquiring and scheduling event sites; mailing out and receiving registration forms; receiving and accounting for fee payments; maintaining a customer database; receiving and routing mail, phone calls, faxes and email; responding to customer inquiries; processing permit applications, notices and plans; receiving and routing citizen complaints. The Assistant also acts as back-up for the other Assistants in their absence and reports to the Division Supervisor and Office Manager.
- d. **Office Assistant**  
The Assistant conducts administrative work to support the objectives of programs within the Executive Division. The work includes: maintaining a database; receiving and routing mail, phone calls, faxes and email; responding to citizen inquiries; processing permit applications, notices and plans; receiving and routing citizen complaints; maintaining filing systems; processing receipts and deposits; and relieves the Office Manager of simple administrative tasks. The Assistant also acts as back-up for the other Assistants in their absence and reports to the Office Manager.