

SOUTHWEST CLEAN AIR AGENCY

Board of Directors Meeting
August 6th, 2020 at 3:00 PM
Southwest Clean Air Agency
11815 NE 99th St. Suite 1294
Vancouver, Washington

This meeting will be held by video conference using Zoom:

<https://us02web.zoom.us/j/81677716119>

Meeting ID: 816 7771 6119

Or call in by phone (669) 900-9128

AGENDA

- I. Call to Order
SWCAA Chair Bob Hamlin
- II. Roll Call/Determination of Quorum
SWCAA Chair Bob Hamlin
- III. Board of Directors Minutes
Board of Directors Minutes - June Meeting
- IV. Changes to the Agenda
SWCAA Chair Bob Hamlin
- V. Consent Agenda
 - A. Approval of Vouchers
 - B. Financial Report
 - C. Monthly Activity Report
- VI. Info Items & Public Comment
None
- VII. Public Hearing
None
- VIII. Unfinished Business/New Business

A. Adoption of SWCAA's Electronic Signature Policy

Issue - The Southwest Clean Air Agency (SWCAA) does not currently have a formal electronic signature policy.

Summary: Beginning in 2016, local agencies were specifically authorized to use electronic signatures by [Chapter 19.360 RCW](#), and effective June 11, 2020, Chapter 19.360 RCW was repealed and replaced by the [Uniform Electronic Transactions Act](#) (UETA). UETA provides for essentially the same authority as Chapter 19.360 RCW with respect to a local agency's use of electronic signatures: Unless state or federal law requires a wet signature, an electronic signature can be used and must be given the same legal effect as a wet signature. Therefore, typical local government records requiring a signature - such as contracts, meeting minutes, and claim vouchers - can utilize electronic signatures in lieu of wet signatures. However, to use electronic signatures the agency must first adopt a policy.

Recommendation - Approve SWCAA's proposed Electronic Signature Policy found in Attachment A.

IX. Control Officer Report

A. NACAA asks EPA Administrator to Withdraw PM NAAQS Proposal (June 29, 2020)

– The National Association of Clean Air Agencies (NACAA) submitted comments to EPA on the Administrator's proposed decision to retain the current particular matter (PM) National Ambient Air Quality Standards (NAAQS) without revision. In the comments, NACAA expresses its views that 1) the PM NAAQS review process was flawed, 2) this flawed process resulted in a flawed proposed decision, particularly with respect to the primary NAAQS for fine PM (PM_{2.5}); and 3) highly credible parties find that the scientific evidence supports strengthening the primary PM_{2.5} standards. Among the flaws of the process identified by NACAA are that the "Back-to-Basics Process for Reviewing National Ambient Air Quality Standards" memorandum issued in May 2018 by then-Administrator Pruitt resulted in a truncated process that sacrificed thoroughness, deliberation and scientific integrity for the sake of expediency; CASAC lacked the expertise needed to conduct the PM NAAQS review and the WASHINGTON UPDATE June 27 – July 3, 2020 www.4cleanair.org 2 Administrator's October 2018 dismissal of the expert PM Review Panel exacerbated this deficit; CASAC did not consider the latest science; and CASAC's approach to making a causal determination of mortality due to PM_{2.5} exposure demanded an unreasonable and unnecessary burden of proof. Based on these findings and others, NACAA has recommended that the Administrator withdraw the proposal, reappoint the former PM Review Panel, reconvene CASAC and allow for a revised review process that corrects the flaws of the previous review. For further information:

http://www.4cleanair.org/sites/default/files/Documents/NACAA_CommentsPM_NAAQS_Proposal-06292020-lh.pdf

- B. Study Further Bolsters Evidence of Causal Link Between PM2.5 Exposure and Premature Death (June 26, 2020)** – In a study published in Science Advances researchers at the Harvard T.H. Chan School of Public Health provide “the most comprehensive evidence to date” of the causal link between long-term exposure to PM2.5 at levels below the current annual 12-microgram-per-cubicmeter health-based National Ambient Air Quality Standard and premature mortality among older Americans. In conducting their study, the researchers examined 16 years’ worth of data on deaths and PM2.5 exposures among 68.5 million Medicare enrollees, adjusting for such factors as body mass index, smoking, ethnicity, income and education and taking into consideration such factors as satellite data, land-use information and weather variables. Based on this study, they found that an annual decrease in PM2.5 pollution would result in a 6- to 7-percent decrease in mortality risk. This, in turn, led them to estimate that strengthening the annual PM2.5 NAAQS to 10 µg/m³ would save over 143,000 lives in one decade. In a press statement, a co-author of the study said, “The Environmental Protection Agency has proposed retaining current national air quality standards. But, as our new analysis shows, the current standards aren’t protective enough, and strengthening them could save thousands of lives. With the public comment period for the EPA proposal ending on June 29, we hope our results can inform policymakers’ decisions about potentially updating the standards.” For further information: <https://advances.sciencemag.org/content/early/2020/06/26/sciadv.aba5692> and <https://www.hsph.harvard.edu/news/press-releases/more-evidence-of-causal-linkbetween-air-pollution-and-early-death/>
- C. EPA Releases Annual Air Quality Trends Report (June 8, 2020)** – EPA released its annual report summarizing information about trends in and the status of air quality in the U.S. Our Nation’s Air – EPA Celebrates 50 Years! includes data through 2019 and documents dramatic improvements in air quality across America since 1970, during a time when the country experienced economic growth and increases in population, energy use and vehicle miles traveled. The report, which is online and interactive, focuses primarily on criteria pollutants, but includes information about certain hazardous air pollutants as well. According to EPA, from 1970 to 2019 emissions of criteria pollutants and their precursors decreased 77 percent, while the economy grew 285 percent. Emissions of hazardous air pollutants between 1990 and 2017 dropped 74 percent. Specifically, between 2017 and 2019, emissions of criteria pollutants and their precursors decreased 7 percent and the number of days listed as unhealthy for sensitive groups in the Air Quality Index dropped by 34 percent. For further information: <https://gispub.epa.gov/air/trendsreport/2020/#home>
- D. EPA To Terminate COVID-19 Enforcement Discretion Policy by August 31, 2020 (June 29, 2020)** – In a new memorandum, Assistant Administrator Susan Bodine, head of EPA’s Office of Enforcement and Compliance Assurance (OECA), has announced that the temporary pandemic enforcement policy outlined in a March 26, 2020 memo, will terminate on August 31, 2020. In the memo, EPA notes that “Nothing herein limits the ability of the EPA to exercise enforcement discretion on a case-by-case basis regarding any noncompliance, including noncompliance caused by the COVID-19 public health emergency, before or after the temporary policy is terminated.” The memorandum also notes that the policy could end prior to that date, with seven days’ public notice. For further information: <https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf>

E. President Signs Executive Order to Expedite Environmental Review of Infrastructure Projects (June 4, 2020) – Citing his March 13th declaration of a national emergency attributed to the COVID-19 pandemic, President Trump signed an executive order directing federal agencies to use their “emergency authorities and other authorities” to expedite the review and permitting of infrastructure investments such as highways, civil works, energy and transportation projects, as well as projects on federal lands. The president has determined these interventions are necessary in order to help prevent “a potentially protracted economic recovery with persistent high unemployment.” The order, titled “Accelerating the Nation’s Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities,” instructs federal agencies to use, “to the fullest extent possible,” emergency procedures, statutory exemptions, categorical exclusions, existing analyses and other measures to expedite the review of these projects under the National Environmental Policy Act, the Endangered Species Act and the Clean Water Act, and to identify other authorities that may provide for emergency or expedited treatment of agency actions pertinent to infrastructure, energy, environmental or natural resources matters. In the introductory section of the order, the President states, “From the beginning of my Administration, I have focused on reforming and streamlining an outdated regulatory system that has held back our economy with needless paperwork and costly delays. Antiquated regulations and bureaucratic practices have hindered American infrastructure investments, kept America’s building trades workers from working, and prevented our citizens from developing and enjoying the benefits of world-class infrastructure.” The order requires the heads of federal agencies to provide status reports on their actions to advance the order’s directives every 30 days for the duration of the national emergency. For further information: <https://www.whitehouse.gov/presidential-actions/eoaccelerating-nations-economic-recovery-covid-19-emergency-expeditinginfrastructure-investments-activities/>

X. Board Policy Discussion Issues

As Necessary

XI. Issues for Upcoming Meetings

Revisions to SWCAA 400 Rules

XII. Adjourn

Notes:

(1) Served by C-TRAN Routes: 7, 72 and 76.

(2) Accommodation of the needs for disabled persons can be made upon request. For more information, please call (360) 574-3058 extension 110.

Attachment A

Date: August 6th, 2020

Subject: SWCAA Electronic Signature Policy

Purpose:

- To establish an electronic signature policy for the Southwest Clean Air Agency (SWCAA) designed to:
- Promote efficiency in order to conserve public resources;
- Establish guidelines for the use of electronic signatures for certain SWCAA transactions;
- Provide reasonable assurance of the integrity, authenticity, and nonrepudiation of electronic documents when electronic signatures are used by the SWCAA; and
- Mandating SWCAA's use of the electronic signature software as the approved method for affixing an electronic signature to an electronic record.
- Reducing SWCAA's reliance on paper-based transactions will further improve information security and sharing, allow faster approval of and access to documents, and reduce costs and environmental impact. Streamlining the processes described herein that require wet signatures and replacing them with electronic signatures, when practicable, is consistent with the intent of Washington State law to promote electronic transactions and remove barriers that might prevent the use of electronic transactions by governmental entities.

References:

Chapter 19.360 RCW

Electronic Signatures and Records

Definitions:

Electronic Signature: An electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.

Record: (1) Unless specifically provided otherwise by law or unless the context clearly indicates otherwise, whenever the term "writing" is used in this policy, the term means a record. (2) "Record", as used above, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, except as otherwise defined for the purpose of SWCAA record retention, preservation, or disclosure.

Wet Signature: A signature created when a person physically marks a document with the intent to sign the record.

Policy:

1. SWCAA encourages electronic transactions and the use of electronic signatures, and recognizes electronic signatures as legally binding and equivalent in force and effect as a wet signature.
2. SWCAA Board of Directors authorizes the use of electronic signature software meeting the requirement in state law (such as DocuSign, AdobeSign, or SignX) as selected by the Executive Director, to affix electronic signatures to SWCAA records.
3. The SWCAA Executive Director is authorized to use the electronic signature platform, to affix electronic signatures to SWCAA records as provided in this policy.
4. The electronic signature software may be used to affix electronic signatures to the Minutes of SWCAA Board of Directors Meetings, Vouchers, Resolutions and any and all contracts and agreements to which SWCAA is a party.
5. Electronic signatures may be used on SWCAA records requiring execution by a third party and other official documents.
6. This policy may be modified, rescinded, or replaced at any time by the SWCAA Board of Directors.
7. Electronic signatures cannot be applied using another employee's name. Records signed on behalf of the SWCAA Board of Directors shall use their own electronic signature.
8. An electronic signature is an acceptable substitute for a wet signature on records requiring the signature of any record whenever the use of a wet signature is authorized or required, except as provided herein.
9. Digital images of a wet signature are acceptable in lieu of an electronic signature for use on routine or generic letters and documents such as reminder letters and public notices, as approved by the Executive Director.
10. If an electronic signature is used for interstate transactions or for documents required by the US Federal government, the electronic signature shall comply with the requirements of the Electronic Signatures in Global and Electronic Commerce Act.
11. This policy in no way affects the SWCAA's ability to conduct a transaction using a physical medium and shall not be construed as a prohibition on the use of wet signatures.