

SOUTHWEST CLEAN AIR AGENCY

Board of Directors Meeting  
September 3rd, 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. CPI Fee Increase Proposal

**Issue** – SWCAA’s Board of Directors has requested SWCAA bring a CPI fee increase to the Board for consideration on an annual basis.

**Background** - On May 4th, 2017, SWCAA’s Board of Directors approved a 20% fee increase. Fees had not been previously raised since 2008. The Board recommended SWCAA consider revising its fees on an annual basis equal to the Consumer Price Index (CPI) to keep up with inflation. The purpose of incremental CPI fee increases is to avoid having to do larger (catch-up) fee increases every 7 to 10 years. On November 7, 2019 the Board adopted a 3.3 percent CPI fee increase, which became effective for calendar year 2020 fees. The 2020 CPI fee increase applied to permitting fees only and not to Per Capita dues. The Board is asked to consider if SWCAA should propose a CPI fee increase for 2021 and if that increase should apply only to permitting fees or to both permitting fees and per capita fees.

**Recommendation** - Approve SWCAA to public notice and collect public comment related to raising SWCAA’s 2021 fees by the Western State’s CPI which is equal to 2.8 percent.

## IX. Control Officer Report

- A. EPA Finalizes Two Rules Weakening Oil and Gas Sector NSPS (August 13, 2020)** – EPA issued two final rules revising the New Source Performance Standards (NSPS) for the Oil and Natural Gas Industry. In the first rule, which includes policy amendments to the 2012 and 2016 NSPS for the sector, EPA removes the transmission and storage segment from the rule, rescinds volatile organic compound and methane emissions standards for that segment and rescinds methane emissions standards for the production and processing segments. The agency also introduces an interpretation of Section 111 of the Clean Air Act that requires that before pollutants from new source categories can be regulated, they must undergo a special “significant contribution” finding. In the second rule, in which EPA makes a number of technical amendments to the 2016 NSPS, the agency, among other things, changes the leak monitoring and repair schedules for gathering and boosting compressor stations and low-production wells, revises recordkeeping and reporting requirements for fugitive emissions and allows industry to meet certain states’ requirements instead of complying with EPA’s requirements. The oil and gas sector is the largest industrial source of methane emissions in the U.S. In 2019, a 23-percent increase in leaks and flaring in the U.S. resulted in a global increase in emissions. For further information: <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/epa-issues-final-policy-and-technical>
- B. Former EPA Administrators Say It Is Time to “Reset the Future Course” of EPA (August 12, 2020)** – Six former EPA Administrators from both Republican and Democratic administrations wrote a letter of support for a report issued by the nonpartisan Environmental Protection Network (EPN) in which they urge EPA to recommit to its mission of protecting public health and the environment. In the report, EPN presents a comprehensive set of recommended policy priorities for the years ahead. “As EPA approaches its 50th anniversary this December, we believe the time has come to reset the

future course for EPA in a new, forward looking direction to address the environmental challenges we face today and those that lie ahead,” the former Administrators state in their letter. In “Resetting the Course at EPA,” EPN makes six overarching recommendations that it says are critical to “creating a renewed EPA”: 1) EPA must reaffirm its commitment to fully protect public health and the environment; 2) EPA must conduct its scientific and economic analysis free from political interference; 3) EPA must incorporate environmental justice in every aspect of its work in order to address and resolve inequitable environmental conditions; 4) EPA must focus on the most significant and pervasive public health and environmental risks, prioritizing actions that provide the greatest health benefit for the greatest number of people, including vulnerable populations; 5) EPA must innovate and collaborate with states, tribes, local governments and federal agencies as coregulators, as well as with stakeholders, including the private and non-profit sectors and community groups, to build an effective and resilient system of public health and environmental protections; and 6) EPA must earn and maintain broad public trust by demonstrating the best ethical behavior, transparently considering all stakeholder viewpoints and providing objective environmental information. EPN makes a number of specific recommendations for all major EPA programmatic areas. With respect to air, EPN focuses on reducing air pollution from mobile sources and reducing emissions from stationary sources. The group recommends pursuing measures to advance electrification of light- and heavy-duty vehicles, affirming California’s authority to set motor-vehicle standards and rebuilding EPA’s Office of Transportation and Air Quality (OTAQ) as “a national and global leader in sustainable transportation,” among other mobile source-related goals. In discussing stationary-source regulation, EPN observes, “The Office of Air and Radiation (OAR) has a massive to-do list, a huge amount of pressure from outside groups, a demoralized and diminished career staff to tend to, and an incredible sense of urgency. Like no other time in history, it will be essential to make hard choices about priorities.” All of the priority areas discussed by EPN in the report, including in the Air section, contain links to additional reports with more detailed policy recommendations. The former EPA Administrators conclude in their supporting letter, “We have successfully risen as a nation to confront past threats to our health and environment. We are at an environmental crossroads, and we are hopeful that America will again muster the resolve, the will, and the action needed to protect public health, the environment, and our economy.” The signatories are: Lee Thomas (EPA Administrator 1985-89), William Reilly (1989- 93), Carol Browner (1993-2001), Christine Todd Whitman (2001-03), Lisa Jackson (2009-13) and Gina McCarthy (2013-17). For further information: <https://www.environmentalprotectionnetwork.org/wp-content/uploads/2020/08/Bipartisan-Administrators-Support-to-Reset-the-Course-of-EPA.pdf> and <https://www.environmentalprotectionnetwork.org/wp-content/uploads/2020/08/Resetting-the-Course-of-EPA-Report.pdf>

- C. States Intent to Sue DOE for Tardy Efficiency Standards (August 10, 2020)** – A group of Attorneys General (AG), led by New York AG Letitia James, filed a notice of intent to sue the U.S. Department of Energy (DOE) citing the Department’s failure to meet legal deadlines for updating energy efficiency standards for 25 products as required by the Energy Policy and Conservation Act (EPCA). In their notice, the AGs indicate that unless DOE complies with its non-discretionary duty within 60-days they will use legal action to force the Department to take immediate action to update the standards, which cover consumer, commercial and industrial products. The AGs charge that “DOE’s failure to timely review and update efficiency standards violates EPCA, frustrates Congress’ energy

conservation goals and harms public, state, and local governmental interests. Without the benefit of updated standards, electricity and natural gas consumption will increase, as will energy bills for states, municipalities, and their residents and businesses. Additionally, increases in fossil fuel consumption resulting from reduced efficiency lead to increased emissions of air pollutants that negatively impact public health and the environment, including emissions of carbon dioxide and other gases that contribute to climate change.” In addition to AG James, the notice is signed by the 7 AGs of California, Colorado, Connecticut, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, North Carolina, Oregon, Vermont, Washington, the District of Columbia and New York City. In a separate action, a coalition of six environmental and consumer groups, including the Natural Resources Defense Council, Sierra Club and Consumer Federation of America, also filed a notice of intent to sue on the same grounds, citing DOE’s failure to update standards for 26 products, including what it said were some of the largest energy users. For further information: <https://oag.ca.gov/system/files/attachments/press-docs/2020%2008%2010%20Notice%20of%20Intent%20to%20Sue%20DOE%20re%20Missions%20Deadlines%20FINAL%20SIGNED.pdf> and <https://www.nrdc.org/sites/default/files/notice-doe-standards-20200810.pdf>

**D. Legislation to Expand Air Quality Monitoring Introduced in House and Senate (July 29, 2020)** – Air quality monitoring would be expanded and reoriented with significant new resources devoted to communities affected by air toxics under bills introduced in the Senate and House of Representatives. The Public Health Air Quality Act, S. 4369 and companion bill H.R. 7822, would require EPA to implement immediate fenceline monitoring for air toxics, including ethylene oxide, chloroprene and formaldehyde, at a minimum of 50 stationary sources within four months, for at least a two-year period. The monitoring data and any actions taken using the data would be made publicly available, and EPA must update test methods and emission factors, if necessary, based on the data. EPA would also be required to issue rules under CAA Section 112 requiring high-threat sources to implement best available forms of continuous emission monitoring and fenceline monitoring for air toxics and establish corrective action levels at the fenceline for the top risk-driving hazardous air pollutants. In addition, the existing NCore multipollutant monitoring network would be expanded with the addition of at least 80 new NCore stations in communities that experience the highest levels of asthma and other health conditions, including COVID-19. The bill also would require EPA to deploy, within six months, at least 1,000 air quality sensors in communities with per capita death rates from COVID-19 that are at least 10 percent higher than the national average. To pay for these measures, the legislation would authorize up to \$169 million in new spending in fiscal year 2021. For further information: <https://www.congress.gov/bill/116th-congress/senate-bill/4369>, <https://www.congress.gov/bill/116th-congress/house-bill/7822>

X. Board Policy Discussion Issues

As Necessary

XI. Issues for Upcoming Meetings

- CPI fee increase decision
- Revisions to SWCAA 400 Rules

- Employee Handbook Revisions

## 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.