

Southwest Clean Air Agency

Board of Directors Minutes

September 3, 2020

The regular meeting of the Southwest Clean Air Agency Board of Directors was held in the Southwest Clean Air Agency office, Vancouver, Washington on September 3, 2020.

Those present were: Bob Hamlin, Chair, Skamania County
Ryan Smith, Vice-Chair, Member at Large
Erik Paulsen, Director, City of Vancouver
Ruth Kendall, Director, City of Longview
Max Vogt, Director, City of Centralia
Joe Gardner, Director, Cowlitz County
Robert Stowe, Director, Town of Cathlamet
Ben Shumaker, Director, City of Stevenson
Dr. Alan Melnick, Director, Clark County

Excused: Mike Backman, Director, Wahkiakum County
Bobby Jackson, Director, Lewis County

Also Present: Staff: Uri Papish, Executive Director
Traci Arnold, Office Administrator

Guests: None

Call to Order

Mr. Hamlin called the meeting to order. A quorum was confirmed to exist.

Board of Directors Minutes

Mr. Hamlin asked for consideration of the August 6, 2020 minutes. Dr. Melnick moved and Mr. Paulsen seconded that the minutes for the August 6, 2020 Board meeting be approved. Motion passed.

Consent Agenda

Mr. Hamlin asked for approval of the Consent Agenda including voucher numbers 76 and 79 in the amount of \$51,872.15 and vouchers 49 through 75, 77, 78 and 80 through 83 in the amount of \$32,952.59 which have been approved for payment by the Executive Director, July 2020 Salaries in the amount of \$111,825.37, July 2020 Benefits in the amount of \$45,037.88, the July 2020 Financial Report and the July 2020 Activity Report. Mr. Paulsen moved and Dr. Melnick seconded approval of the Consent Agenda. Motion passed.

Changes to Agenda

None

Info Items & Public Comment

None.

Public Hearing

None.

Unfinished Business/New Business

Mr. Hamlin opened discussion on SWCAA bringing a CPI fee increase to the Board for consideration on an annual basis and recognized Mr. Papish. Mr. Papish said 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.

Mr. Vogt asked if SWCAA collected public comment before the last fee increase. Mr. Papish responded the agency removed the fees from the individual rules and created a single fee schedule. Now updates to the fee schedule are treated like a rule revision and require public comment as well as a board resolution. Mr. Hamlin pointed out that during the last fee increase, and even during the 20% increase, there were very few comments.

Ms. Kendall asked why the per capita fees were not being included. Mr. Papish explained the per capita fee is paid by each county and city within SWCAA's jurisdiction and is based on the population. The last fee increase proposed did not include per capita because there are sensitivities around some counties and cities with economic hardships.

Mr. Shumaker asked if this motion would include a per capita fee increase. Mr. Papish said the per capita fee increase would be handled in a separate motion. The per capita fee is currently \$0.53 and would increase to \$0.54 based on each city or county population.

Mr. Gardner confirmed this motion is only to collect public comment and not actually approve the fee increase. Mr. Papish confirmed the motion is only to collect public comment on a proposed fee increase, and not a vote to adopt.

Mr. Vogt asked for the proposed fee schedule to be sent to the Board. Mr. Papish said he would forward that information by email.

Mr. Hamlin asked for a motion. Dr. Melnick moved to approve SWCAA to public notice and collect public comment related to raising SWCAA's 2021 fees not including the per capita fees by the Western State's CPI which is equal to 2.8 percent. Mr. Smith seconded the motion. Motion passed.

Mr. Hamlin asked for a motion. Mr. Shumaker made a motion to approve SWCAA to public notice and collect public comment related to raising the per capita fee for 2021 by the Western State's CPI which is equal to 2.8 percent. Ms. Kendall seconded the motion. Motion passed.

Executive Session

None.

Control Officer Report

Mr. Papish summarized and offered to answer questions about the information in the Control Officer Report.

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>

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>

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%20Missed%20Deadlines%20FINAL%20SIGNED.pdf> and <https://www.nrdc.org/sites/default/files/notice-doe-standards-20200810.pdf>

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>

Board Policy Discussion Issues

None.

Issues for Next Meeting

- A. Public Hearing.
 - 1. As Necessary.
- B. New Business/Unfinished Business.
 - 1. As Necessary.
- C. Board Policy Discussion Issues.
 - 1. As Necessary.

D. Meeting Date and Location.

1. September 3, 2020 at 3:00 p.m. Southwest Clean Air Agency, 11815 NE 99th Street, Vancouver, Washington.


The next Board of Directors meeting will be held on October 1, 2020 at 3:00 p.m., Southwest Clean Air Agency, Vancouver, Washington.


Board Meeting Attendance:

JURISDICTION	J 2020	F 2020	M 2020	A 2020	M 2020	J 2020	J 2020	A 2020	S 2020	O 2019	N 2019	D 2019
Clark County	+	+	+	+	+	0	C	+	+	0	+	C
Cowlitz County	+	0	+	+	+	+	C	+	+	+	+	C
Lewis County	+	+	+	+	+	0	C	+	0	0	A	C
Skamania County	+	0	+	+	+	+	C	+	+	0	A	C
Wahkiakum County	+	+	+	+	0	0	C	0	0	+	+	C
Cathlamet	+	A	0	A	+	+	C	+	+	0	+	C
Centralia	0	+	+	+	+	+	C	0	+	+	+	C
Longview	0	A	+	+	+	+	C	+	+	+	0	C
Stevenson	0	+	+	+	0	+	C	+	+	+	+	C
Vancouver	0	A	A	+	+	+	C	+	+	0	+	C
Member-At-Large	+	+	+	+	+	+	C	+	+	+	+	C

+ = regular member present; 0 = unrepresented; A = alternate present; C = cancelled meeting

Mr. Hamlin adjourned the meeting without objection at 3:32 p.m.

DocuSigned by:

 Chair

DocuSigned by:

 Executive Director