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Southwest Clean Air Agency

Board of Directors Minutes

November 5, 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 November 5, 2020.

Those present were: Bob Hamlin, Chair, Skamania County
Ryan Smith, Vice-Chair, Member at Large
Erik Paulsen, Director, City of Vancouver
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
Mike Backman, Director, Wahkiakum County

Excused: Bobby Jackson, Director, Lewis County
Ruth Kendall, Director, City of Longview

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 October 1, 2020 minutes. Mr. Paulsen moved and Mr. Gardner seconded that the minutes for the October 1, 2020 Board meeting be approved. Motion passed.

Consent Agenda

Mr. Hamlin asked for approval of the Consent Agenda including voucher numbers 105 through 146 in the amount of $33,253.57 which have been approved for payment by the Executive Director, September 2020 Salaries in the amount of $110,708.31, September 2020 Benefits in the amount of $45,597.28, the September 2020 Financial Report and the September 2020 Activity Report. Mr. Gardner moved and Mr. Shumaker seconded approval of the Consent Agenda. Motion passed.

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Changes to Agenda

None

Info Items & Public Comment

None.

Public Hearing

None

Unfinished Business/New Business

Mr. Hamlin opened discussion on Southwest Clean Air Agency proposing to raise its 2021 fees by the Western State's Consumer Price Index (CPI) and recognized Mr. Papish. Mr. Papish said on September 3, 2020 SWCAA's Board of Directors approved SWCAA to public notice and collect public comment related to raising SWCAA's 2021 fees by the Western State's CPI (equal to 2.8 percent) including a one cent increase to the Per Capita fee (from 53 to 54 cents). The Per Capita increase is rounded to the nearest cent, resulting in a 1.9 percent instead of 2.8 percent increase. The proposed fee increases would become effective January 1, 2021.

SWCAA conducted a public notice on the fee proposal from September 21st until October 22nd and a public hearing was held at 6 pm on October 20th via a call-in phone line. Notice was posted on SWCAA's website and notifications were mailed to every registered and permitted source and affected local government informing them of the proposed increase. SWCAA received two public comments which are attached and summarized in SWCAA's Hearings Officer Report.

SWCAA's Board of Directors has recommended SWCAA propose incremental fee increases to keep up with inflation annually rather than doing larger increases every several years to maintain services provided by the agency. SWCAA's last CPI fee increase was adopted by the Board in November 2019 and became effective in January 2020.

Mr. Shumaker asked if the fee increase takes into account the production or lack there of during the pandemic. Mr. Papish responded part of the registration fee is based on emissions, so if production is down the emissions will be lower resulting in a lower fee.

Mr. Hamlin asked for a motion. Mr. Smith moved to approve Resolution 2020-02 amending SWCAA's Consolidated Fee Schedule to increase fees by the Western State's CPI and increase the Per Capita fee by one cent. D. Melnick seconded the motion. Motion passed unanimously.

Mr. Hamlin opened discussion on Southwest Clean Air Agency proposing to add Martin Luther King Jr's Birthday, the third Monday of January, as a SWCAA recognized holiday. Mr. Papish explained the Washington legislator under RCW 1.16.050 recognizes the third Monday of January, celebrated as the anniversary of the birth of Martin Luther King Jr as a

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state legal holiday. Clark, Cowlitz, Lewis, Skamania, and Wahkiakum Counties also each recognize the birthday of Martin Luther King Jr as a holiday.

Mr. Stowe asked if the additional holiday would impact SWCAA's budget. Mr. Papish said is would not affect the budget because staff would have been working and receiving pay that day. The impact would be a reduction in productivity caused by staff having the day off.

Mr. Hamlin asked for a motion. Dr. Melnick moved to approve the addition of Martin Luther King Jr's Birthday, the third Monday of January, as a SWCAA recognized holiday. Mr. Smith seconded the motion. Motion approved.

Executive Session

None.

Control Officer Report

Mr. Papish summarized the following Control Officer Report and offered to answer questions.

Report Identifies Clean Air Strategies Cities Can Implement as Part of COVID-19 Recovery Plans (October 7, 2020) – The Rocky Mountain Institute (RMI) released a report in which it focuses on a set of strategies that cities can put into place as part of their COVID-19 recovery plans to improve air quality, mitigate the impact of the recession and promote an equitable recovery that ensures related actions "disproportionately benefit historically marginalized communities." The four strategies include 1) phasing out use of fossil fuels in residential and commercial building, 2) improving access without reliance on single-occupant vehicles and accelerating vehicle electrification, 3) investing in urban greening and 4) engaging utilities in cleaning up the grid. According to RMI, the first three strategies can be implemented by local governments on their own and yield direct air quality benefits in the community. The fourth strategy, to influence upstream emissions, often benefits from collaboration with other cities or businesses. "All of these strategies have, and will continue to have, lasting utility and can be part of local government planning and actions for years to come. However, they have a heightened relevance currently, given the various health and economic benefits they can provide to help communities build back better." RMI is an independent, nonpartisan nonprofit organization founded in 1982. For further information: https://rmi.org/insight/breathing-life-back-into-cities/

CA Governor Announces Plans for 100 Percent Zero-Emission Vehicles Beginning in 2035 (September 23, 2020) – California Governor Gavin Newsom issued Executive Order (EO) N-79-20 calling on the state's Air Resources Board (CARB) to develop and propose regulations for achieving 100 percent in-state sales of zero-emission new light-duty vehicles by 2035 and 100 percent zero-emission on-road medium- and heavy-duty vehicles by 2045 "for all operations where feasible" and by 2035 for in-use drayage trucks. In addition, CARB is to develop and propose strategies, in coordination with other state agencies, EPA and local air districts, to achieve 100 percent zero-emissions from off-road vehicles and equipment operations in the state by 2035. The Governor states in the EO that in implementing the directives, CARB "shall act

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consistently with technological feasibility and cost-effectiveness" and also makes clear that the EO will not prevent Californians from owning gasoline-powered cars or selling them on the used car market. Governor Newsom further includes in the EO requirements for state agencies to partner with the private sector to accelerate deployment of affordable fueling and charging options "in ways that serve all communities and in particular low-income and disadvantaged communities." Additionally, he directs state agencies to develop strategies that build toward an integrated, statewide rail and transit network and incorporate safe and accessible infrastructure into projects to support bicycle, pedestrian and micro-mobility options, especially in low-income and disadvantaged communities. The Governor's office reports that the transportation sector is responsible for more than half of all of California's carbon pollution, 80 percent of ozone precursors and 95 percent of toxic diesel emissions. In a statement announcing this action Governor Newsom is quoted as follows: "This is the most impactful step our state can take to fight climate change. For too many decades, we have allowed cars to pollute the air that our children and families breathe. Californians shouldn't have to worry if our cars are giving our kids asthma. Our cars shouldn't make wildfires worse – and create more days filled with smoky air. Cars shouldn't melt glaciers or raise sea levels threatening our cherished beaches and coastlines." For further information: https://www.gov.ca.gov/2020/09/23/governor-newsom-announces-california-will-phase-out-gasoline-powered-cars-drastically-reduce-demand-for-fossil-fuel-in-californias-fight-against-climate-change/

EPA Administrator Urges California Governor to "Step Away" from ZEV Commitment; California Leaders Respond (September 28 & October 1, 2020) – EPA Administrator Andrew Wheeler sent a letter to California Governor Gavin Newsom taking aim at the Governor's September 23, 2020 Executive Order (EO) calling on the state's Air Resources Board to develop and propose regulations to achieve 100 percent in-state sales of zero-emission new light-duty vehicles by 2035 and 100 percent zero emission on-road medium- and heavy-duty vehicles by 2045 "for all operations where feasible" and by 2035 for in-use drayage trucks. In his letter, Wheeler alleges that the EO "raises serious questions regarding its legality and practicality." Citing EPA's 2019 withdrawal of the waiver of federal preemption it previously granted to California for the state's light-duty vehicle greenhouse gas emission standards and Zero-Emission Vehicle Program, Wheeler opined that "while the EO seems to be mostly aspirational and on its own would accomplish very little, any attempt by the California Air Resources Board to implement sections of it may require California to request a waiver to U.S. EPA." Wheeler then sought to juxtapose the EO with what he referred to as EPA's "pragmatic and thoughtful approach to fulfilling our mission [of a modern, more efficient and environmentally friendly future]." Wheeler urged Newsom "to step away from commitments to singular technologies," stating, "While it is tempting for federal or state agencies to regulate with a particular technology in mind, it is far more productive to provide innovators the freedom to develop the technologies of tomorrow." Wheeler closed by offering that EPA "stands ready to assist so the 40 million residents of California too can enjoy a better environmental future without enduring any unintended harm." California leaders replied in kind in a letter to Wheeler from California EPA Secretary Jared Blumenfeld and CARB Chair Mary Nichols. They opined that under Wheeler and his immediate predecessor "the federal government has abdicated its role in protecting human health and the environment." The two California leaders admonished the Administration for failing to fulfill its obligation to regulate GHGs as air pollution, defended the state's waiver authority under Section 209 of the Clean Air Act and countered assertions made by Wheeler about California's environmental initiatives, adverse impacts on the economy and

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lack of compatibility between renewable energy and grid reliability. They concluded by vowing that "California will continue to lead the fight against climate change" and expressed their hope that Wheeler and EPA will "redirect [their] attention to working collaboratively with states to address the very real climate emergency." For further information: http://www.4cleanair.org/sites/default/files/Documents/Wheeler_Letter_to_Newsom-CA_ZEV_EO-092820.pdf and http://www.4cleanair.org/sites/default/files/Documents/California_Response_to_Wheeler_re_ZEV_EO-100120.pdf

Court Rejects NHTSA Plan To Weaken Fuel Economy Penalties (August 31, 2020) - The U.S. Court of Appeals for the Second Circuit has rejected a plan by the National Highway Traffic Safety Administration (NHTSA) to reduce the penalties that automakers would need to pay if they fail to comply with fuel efficiency standards for vehicles. The decision came in New York, et al. v. National Highway Traffic Safety Administration, et al (case no. 19-2395-ag L). In 2015, Congress ordered federal agencies to adjust a wide range of civil penalties to account for inflation. In response, in 2016 NHTSA issued rules to raise fines from $5.50 to $14 for every 0.1 mile per gallon new cars and trucks consume in excess of required standards. On July 26, 2019, subsequently NHTSA issued a rule to suspend its 2016 regulation, saying that the meaning of "civil monetary penalty" was ambiguous under statute. The states of New York, California, Connecticut, Delaware, Illinois, Maryland, Massachusetts, New Jersey, Oregon, Rhode Island, Vermont, Washington, and Maine were joined by the District of Columbia, the Natural Resources Defense Council and the Sierra Club in a suit challenging the 2019 NHTSA rule. The court found that there is "no ambiguity in the statute" that requires adjustment of penalties for inflation. For further information: http://4cleanair.org/sites/default/files/resources/19-2395_opn.pdf

Mr. Vogt asked if it is a huge stretch for the majority of vehicles to be electric by 2035. Mr. Papish responded it probably isn't far from a reality because the battery technology is evolving incredibly fast. It's possible new gas vehicles will be limited in production at some point, but legacy gas powered vehicles will continue to be around.

Mr. Papish reported a renewed three-year lease with the current office building. The base lease rate will only be 1% over the previous lease rate and the agency will receive two months free rent in the coming year. Additionally, some updates will be made to the bathrooms paid for by the building owner.

Mr. Papish reported having issues with one of the woodstove replacement vendors participating in the current grant. The vendor was sending in reimbursement requests before the job was completed. A letter was issued to the vendor ending the contract and further investigation will be conducted to ensure all the stove replacements were done as reported.

As a reminder the December 2020 board meeting has been cancelled.

Board Policy Discussion Issues

None.

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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. January 7, 2021 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 January 7, 2021 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 2020	N 2020	D 2020
Clark County	+	+	+	+	+	0	C	+	+	+	+	C
Cowlitz County	+	0	+	+	+	+	C	+	+	+	+	C
Lewis County	+	+	+	+	+	0	C	+	0	+	0	C
Skamania County	+	0	+	+	+	+	C	+	+	0	+	C
Wahkiakum County	+	+	+	+	0	0	C	0	0	+	+	C
Cathlamet	+	A	0	A	+	+	C	+	+	+	+	C
Centralia	0	+	+	+	+	+	C	0	+	+	+	C
Longview	0	A	+	+	+	+	C	+	+	+	0	C
Stevenson	0	+	+	+	0	+	C	+	+	+	+	C
Vancouver	0	A	A	+	+	+	C	+	+	+	+	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 3:31 p.m.

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Bob Hamlin
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Chair

DocuSigned by:
Uri Papish
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Executive Director