

SOUTHWEST CLEAN AIR AGENCY

Board of Directors Meeting
February 4, 2021 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 - January 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

Clark County Public Health - Impacts of Wildfire Smoke on Respiratory Illness and
Emergency Room Visits
- VII. Public Hearing
None
- VIII. Unfinished Business/New Business

A. Adoption of SWCAA’s Proposed Travel Policy

Summary – SWCAA’s travel policy has not been updated in many years and has become

outdated. The proposed policy is being presented to the Board for approval since it impacts staff reimbursement rates. For example, the current meal reimbursement rate referenced in SWCAA's Employee Handbook (without a receipt) is \$7 for breakfast, \$11 for lunch, and \$18 for dinner regardless of travel location. The proposed new policy aligns with reimbursement rates used by the federal government which accounts for different rates in different cities and is periodically updated on the federal travel reimbursement website <http://www.gsa.gov/>. For example, the current federal travel reimbursement rate for the City of Spokane is \$14 for breakfast, \$16 for lunch, and \$26 for dinner. The full proposed travel policy can be found in Attachment A.

Recommendation – Approve SWCAA's Proposed Travel Policy found in Attachment A.

IX. Control Officer Report

A. Far-Reaching Executive Orders Issued on Biden's First Day (January 20, 2021) – In a barrage of executive actions signed on his first day in office, President Joseph R. Biden, Jr. took steps to rejoin the Paris Climate Accord, identify recent EPA regulatory actions related to air pollution and climate change for review and potential reversal, change federal regulatory review procedures and policies, block fossil fuel infrastructure and address racial justice issues raised by federal actions. The first of six Executive Orders pertinent to clean air agencies reads: "I, Joseph R. Biden Jr., President of the United States of America, having seen and considered the Paris Agreement, done at Paris on December 12, 2015, do hereby accept the said Agreement and every article and clause thereof on behalf of the United States of America." A second Executive Order, titled "Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," has profound impacts for agencies addressing clean air and climate change. It creates an interagency task force on the "Social Cost of Greenhouse Gases" to establish interim economic instruments for evaluation of the impacts of carbon, methane, and NOx within 30 days, and to promulgate final values by February 2022. The Executive Order also identifies a wide range of recent EPA actions taken between January 20, 2017 and January 20, 2021 to be targeted for reconsideration. These include reviews of the August 13, 2020 rule titled "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review"; the April 30, 2020 "Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks" rolling back tailpipe carbon dioxide limits and the September 27, 2019 "Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program" revoking California's special regulatory waiver by July 2021. In addition, the May 22, 2020 "National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units—Reconsideration of Supplemental Finding and Residual Risk and Technology Review," which found that mercury limits for power plants were not "appropriate and necessary," will be reviewed by August 2021. Other rules targeted for reconsideration include the "Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process," finalized December 23, 2020, and 3 "Strengthening Transparency in Pivotal Science Underlying Significant Regulatory Actions and Influential Scientific Information," finalized January 6, 2021, with the reviews to be completed "as soon as possible." The Executive Order also directs the heads of federal agencies to submit lists of federal actions to be undertaken by 2025 that affect air pollution, climate change and racial equity to the National Climate

Advisor. It also directs the Administrator of EPA to consider proposing “new regulations to establish comprehensive standards of performance and emission guidelines for methane and volatile organic compound emissions from existing operations in the oil and gas sector.” It proposes that the Administrator initiate Federal Implementation Plans for California, Connecticut, New York, Pennsylvania and Texas by January 2022 responding to EPA’s November 16, 2020 findings of failure to submit state plans. Finally, the Executive Order revokes the March 2019 Permit for the Keystone XL Pipeline. In a third action, a memorandum to the heads of federal agencies titled “Modernizing Regulatory Review,” President Biden directs changes in how interagency review is conducted by the Office of Management and Budget (OMB), including ensuring “that regulatory initiatives appropriately benefit and do not inappropriately burden disadvantaged, vulnerable, or marginalized communities.” In a fourth Executive Order titled “Revocation of Certain Executive Orders Concerning Federal Regulation,” President Biden revokes a number of orders signed by his predecessor that were influential for federal agencies undertaking rulemakings relating to clean air and climate change, including the Two-For-One rule (Executive Order 13771 of January 30, 2017, “Reducing Regulation and Controlling Regulatory Costs”), Executive Order 13777 of February 24, 2017 (“Enforcing the Regulatory Reform Agenda”), Executive Order 13891 of October 9, 2019 (“Promoting the Rule of Law Through Improved Agency Guidance Documents”) and Executive Order 13892 of October 9, 2019 (“Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication”). A fifth Executive Order, titled “Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,” identifies a number of mechanisms that federal agencies and actions can use to advance “equity, civil rights, racial justice, and equal opportunity.” It also revokes President Trump’s September 22, 2020 Executive Order 13950 (“Combating Race and Sex Stereotyping”) which had resulted in a number of federal programs addressing racial equity issues (including at EPA) being cancelled in 2020. A sixth action, a memorandum from Ronald Klain, President Biden’s Chief of Staff, titled “Regulatory Freeze Pending Review,” calls on OMB to issue no further regulations, immediately withdraw rules that are not yet effective, and add an additional 60 days to the effective dates of any rule published in the Federal Register but not yet effective, until after an agency head “appointed or designated by the President after noon on January 20, 2021, reviews and approves the rule.” During this 60-day review, acting agency heads are instructed to open “a 30-day comment period to allow interested parties to provide comments about issues of fact, law, and policy raised by those rules, and consider pending petitions for reconsideration involving such rules.” For further information:

<https://www.whitehouse.gov/briefing-room/>

B. D.C. Circuit Strikes Down Affordable Clean Energy Rule (January 19, 2021) – In a 147-page opinion, the U.S. Court of Appeals for the District of Columbia Circuit vacated EPA’s 2019 Affordable Clean Energy (ACE) Rule, the rule that rescinded and replaced the Obama Administration’s Clean Power Plan (CPP) regulating greenhouse gas (GHG) emissions from power plants. The court held, in a 2-1 panel decision, that the ACE Rule and its embedded repeal of the CPP hinged on a fundamental misconstruction of Section 111(d) of the Clean Air Act: the erroneous legal premise that the statutory text expressly foreclosed consideration of GHG reduction measures other than those that apply at and to individual power plants. This interpretation “is simply not supported by the text, let alone plainly and unambiguously required by it,” the court determined. EPA solely relied on the

contention that Section 111 is clear and unambiguous in constraining it to use only improvements at and to existing sources in its “best system of emission reduction”; as a result, the court did not decide the issue of whether that approach is a “permissible” reading of the statute as a matter of agency discretion. Because EPA “failed to rely on its own judgment and expertise, and instead based its decision on an erroneous view of the law,” the court held that it must vacate and remand the rule to the agency to “consider the issue afresh.” It wrote: “The EPA’s new reading of Section 7411 would atrophy the muscle that Congress deliberately built up. The EPA asserts it lacks authority to curb a pollutant that the Agency itself has repeatedly deemed a grave danger to health and welfare but that eludes effective control under other provisions of the Act. We do not believe that Congress drafted such an enfeebled gap-filling authority in Section 7411.” The court further held that regulation of power plants under CAA Section 111 is not precluded by the fact that they are already regulated under Section 112. It also vacated EPA’s amendments to the implementing regulations that extend the timeline for complying with Section 111(d) emission guidelines. The court’s opinion was issued by Judges Millett and Pillard. Judge Walker wrote a 38-page dissent in which he opined that EPA was required to repeal the CPP and wrong to replace it with the ACE Rule because Section 111 excludes from its scope power plants regulated under Section 112. For further information: <http://www.4cleanair.org/sites/default/files/resources/ACE%20decision.pdf>

C. Led by New York and California, States and Cities File Slew of Lawsuits Challenging Air-Related Trump Administration Rules (January 19, 2021) – Led by the attorneys general of New York and California, coalitions of states and cities filed lawsuits in federal court challenging an array of rules that were promulgated under the Clean Air Act and/or implicate future clean air regulations and finalized in the last few weeks of the Trump Administration. Attorney General Letitia James of New York and Attorney General Xavier Becerra of California characterized the challenged rules as “rollback” regulations designed to benefit polluting industries or to hinder future efforts to regulate air pollution. New York is leading state and local government coalitions in lawsuits against the following rules:

- “Science Transparency” Rule
- Retention of the Ozone NAAQS
- Cost-Benefit Rule for Clean Air Act Rulemaking
- Rule Setting 3% Contribution Threshold for Regulating GHG Emissions Under CAA
- “Major MACT to Area” Once in Always In Rule. For further information:

<https://oag.ca.gov/news/press-releases/attorney-general-becerra-leads-challenge-trump-administration-rule-relaxing>

D. Sale of Non-Compliant Residential Wood Heaters No Longer a “Low Enforcement Priority,” EPA Announces (January 19, 2021) – On the final full day of the Trump Administration, outgoing EPA Assistant Administrator for the Office of Enforcement and Compliance Assurance Susan Parker Bodine sent a memorandum to the EPA Regional Administrators confirming that EPA will no longer consider the sale of non-compliant, “Step 1”-certified residential wood heating (RWH) devices to be a “low enforcement priority.” EPA’s 2015 New Source Performance Standards (NSPS) for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces established a two-step compliance approach for RWHs, in which certain Step 1 standards became effective on May 15, 2015, and more stringent Step 2 standards would become

effective on May 15, 2020. But in proposed NSPS amendments published on May 22, 2020, EPA proposed to allow retailers of RWHs to sell Step 1 devices until November 30, 2020 – an action the agency said was to help make up for “significant losses in retail sales” of RWHs due to COVID-19. In the preamble to the proposal, EPA stated that it would treat the sale of Step 1-certified devices as a low enforcement priority during the pendency of the rulemaking. “Given the fact that the date of the proposed extension has passed, EPA has determined that a statement of low enforcement priority is no longer appropriate,” Bodine stated in her January 19 memorandum. Therefore, the statement is no longer in effect with respect to sales after January 19, 2021. For further information:

http://www.4cleanair.org/sites/default/files/Documents/Clarification_Regarding_Sale_of_Step1-certified_Residential_Wood_Heating_Devices_1-19-21.pdf

E. EPA Solicits Applications for 2021 DERA Grants; Sets March 16 Submittal

Deadline (January 14, 2021) – EPA announced that it will make available approximately \$46 million in competitive grants for regional, state, local and tribal agencies, and some nonprofit organizations, deploying projects aimed at reducing emissions from older diesel engines under the federally appropriated Diesel Emission Reduction Act (DERA) National Grants program. Programs using funding to upgrade or replace engines to reduce emissions from highway freight trucks, locomotives, commercial marine vessels, non-road equipment, school buses and other sources are eligible to compete for grant funding. EPA notes the following: “Priority for funding is given to fleets operating in areas designated as having poor air quality and fleets which service goods movement facilities. Further priority for funding is given to projects with outcomes that benefit affected communities, those that engage affected communities in the design and performance of the project, and those which demonstrate the ability to promote and continue efforts to reduce emissions after the project has ended.” The deadline to apply for DERA awards is March 16, 2021. For further information: <https://www.epa.gov/dera/national>

F. Researchers Conclude Wildfire Smoke Responsible for as Much as Half of PM2.5 in Western U.S. (January 12, 2021)

– A study, in which researchers from Stanford University and the University of California San Diego conclude that wildfire smoke makes up a quarter of PM2.5 concentrations nationwide and up to half in the Western U.S., was published in the Proceedings of the National Academies of Science of the United States of America. To conduct the research that led to the study, titled “The changing risk and burden of wildfire in the United States,” satellite-based fire and smoke data were used; the researchers also concluded that pollution from wildfires has increased significantly over the past decade. In their abstract, the authors write, “Recent dramatic and deadly increases in global wildfire activity have increased attention on the causes of wildfires, their consequences, and how risk from wildfire might be mitigated. Here we bring together data on the changing risk and societal burden of wildfire in the United States. We estimate that nearly 50 million homes are currently in the wildland–urban interface in the United States, a number increasing by 1 million houses every 3 years. To illustrate how changes in wildfire activity might affect air pollution and related health outcomes, and how these linkages might guide future science and policy, we develop a statistical model that relates satellite-based fire and smoke data to information from pollution monitoring stations.” For further information: <https://www.pnas.org/content/118/2/e2011048118>

X. Board Policy Discussion Issues

As Necessary

XI. Issues for Upcoming Meetings

A. Cost of Living Adjustments - April

B. Merit Pool - April

C. Budget - May

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.



Memo

To: Southwest Clean Air Agency Staff

From: Uri Papish, Executive Director

Date: February 4th, 2021

Re: Proposed SWCAA Travel Policy

The purpose of this policy is to update SWCAA's travel and reimbursement guidelines contained in the SWCAA Employee Handbook with approval from SWCAA's Board of Directors. The following language updates will be used to amend Chapter 2 of the SWCAA Employee Handbook.

291 Mileage. The purpose of this section is to minimize the agency's mileage reimbursement expenses. Therefore, SWCAA owned vehicles should be used when traveling by automobile on SWCAA business. If, however, there is reason to use a privately owned automobile and the employee expects to be compensated for expenses (i.e., mileage allotment), there are several steps that must be followed. First, prior written approval to use a personal car must be obtained from his/her immediate supervisor. Second, one of two mileage reimbursement options will be available. If a SWCAA owned vehicle is available and the employee chooses to use his/her personal vehicle, then a mileage reimbursement rate equal to one half of the most recent mileage reimbursement rate approved by the U.S. Internal Revenue Service will be used for the personal vehicle on agency business. The difference between this reimbursement rate and the IRS rate may be tax deductible. On the other hand, if a SWCAA vehicle is not available then the rate of mileage reimbursement for an employee's use of his/her personal vehicle will be based on the most recent mileage reimbursement rate approved by the U.S. Internal Revenue Service. A deviation from these criteria may be approved by the Executive Director if the request demonstrates that strict adherence to the above policy will not yield the lowest total expense for the agency.

292 Lodging. Under normal circumstances, payment for lodging is only allowed when traveling outside of Clark County. Exceptions may be made by the Executive Director under extenuating circumstances. The actual cost of commercial lodging facility accommodations is eligible for payment or reimbursement up to the maximum lodging rate allowed for the area of travel as established by the Office of the General Services Administration (GSA). Additional taxes added to the cost of lodging are also eligible for reimbursement. The most current maximum lodging rates can be found at the following web address: <http://www.gsa.gov> under "Per Diem Rates." An original, itemized, paid

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hotel bill is required. If a family member or guest accompanies the employee, the employee shall pay for any additional amount over that of a single accommodation.

293 Exceptions to the maximum allowable lodging rates. In the following situations, the maximum allowable lodging amounts may not be adequate, and the Executive Director may approve payment of lodging expenses that exceed the allowable amount. Approval must be made in advance of the travel.

- When costs in the area have escalated for a brief period either during special events or disasters.
- When lodging accommodations in the area of travel are not available at or below the maximum lodging amount, and the savings achieved from occupying less expensive lodging at a more distant site are consumed by an increase in transportation and other costs.
- The traveler attends a meeting, conference, convention, or training session where the traveler is expected to have business interaction with other participants in addition to scheduled events. Further, it is anticipated that maximum benefit will be achieved by authorizing the traveler to stay at the lodging facilities where the meeting, conference, convention, or training session is held.
- To comply with provisions of the Americans with Disabilities Act, or when the health and safety of the traveler is at risk.
- When meeting room facilities are necessary, and it is more economical for the traveler to acquire special lodging accommodations such as a suite rather than to acquire a meeting room and a room for lodging.

294 Meals. Individuals on travel status may be reimbursed for meal expenses using per diem rates as established by the Office of the General Services Administration (GSA) for the area of travel. (No meal receipts are required.) The most current per diem rates can be found at the following web address: <http://www.gsa.gov>. Under normal circumstances, payment for travel status meals is only allowed when traveling outside of Clark County.

In addition, the employee must be in travel status for the entire SWCAA-defined meal period to be eligible for payment of a particular meal expense. Meal periods are defined as follows: Breakfast: 6:30 – 7:30 am Lunch: 12:00 – 1:00 pm Dinner: 5:30 – 6:30 pm Note: It is not a requirement that the meal be consumed during the meal period, only that the employee is in official travel status for the entire meal period to qualify for per diem for that particular meal. The employee may not stop for a meal or depart earlier than necessary just to meet the meal period requirement. An allowance for incidental expenses is included within the per diem rates for the area of travel. Incidental expenses include fees and tips given to porters, baggage carriers, hotel and restaurant staff, and others for personal services performed and are not a miscellaneous expense. Per diem rates include the costs of tax and gratuity, and no additional reimbursement is authorized more than per diem rates. Meal allowances will be reduced by the amount of any meal not related to the travel, provided as part of the conference or training, or paid for by SWCAA through any other

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means. For these purposes, a meal does not include a complimentary meal served on an airline, or a "continental breakfast" which normally consists of pastries, juice and coffee.

Example 1: An employee attends a conference in Olympia that begins at 8:30 am on Tuesday and ends at 12:00 pm on Wednesday. Tuesday's lunch is included with the registration fee. The employee leaves their home in Vancouver at 6:00 am on Tuesday and arrives back to SWCAA at 3:00 pm on Wednesday. The employee could receive per diem for breakfast and dinner on Tuesday, and breakfast and lunch on Wednesday. (Tuesday's lunch has already been paid for with the registration fee.)

Example 2: An employee attends a conference in Olympia that begins at 10:00 am on Tuesday and ends at 3:00 pm on Wednesday. No meals are included with the registration fee. The employee leaves their home in Vancouver at 7:30 am on Tuesday and arrives home at 5:30 pm on Wednesday. This employee could receive per diem only for lunch and dinner on Tuesday, and breakfast and lunch on Wednesday. (The employee may not stop for dinner on the way home just to extend their travel time past 6:30 pm to qualify for dinner per diem.)

- 295 Laundry and Valet Service. The actual cost of reasonable laundry and/or valet service are allowable expenses when employees are required to be away from the home for more than six days at one time or the conditions under which they are required to work while away from home create a more than normal need for such services.
- 296 Ineligible Expenses. None of the following expenses shall be paid by SWCAA:
- Travel expenses paid for by any other organization
 - Alcoholic beverages
 - Meals, lodging accommodations or any other expenses for family or guests
 - Fees for sightseeing tours
 - Mileage if traveling as a passenger in a privately owned car
 - Trip insurance
 - Any other personal expenditure for entertainment or other purposes
 - Room Service or any in-room charges for mini-bar items, movies, etc.
 - Fines or Traffic Tickets
- 297 Extended Personal Stay. If an employee extends a business trip or travels early for personal reasons any additional cost associated with travel is the responsibility of the employee.
- 298 Alternate Airport. If an employee's travel requires a flight and the employee wishes to travel from, or return to, a location other than Portland International Airport (PDX) it must be approved in advance by the Executive Director and the employee may be responsible

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for any difference in air fare between PDX and the alternate airport from which travel is initiated or ends.

299 Cancellations. If travel/training is canceled, any travel credits, travel advancement, or advanced purchases will be identified and promptly returned to or credited to SWCAA.