

Southwest Clean Air Agency

Board of Directors Minutes

February 4, 2021

The regular meeting of the Southwest Clean Air Agency Board of Directors was held in the Southwest Clean Air Agency office, Vancouver, Washington on February 4, 2021.

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

Excused: Max Vogt, Director, City of Centralia

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

Guests: Kathleen Lovgren, Epidemiologist, Clark County Public Health

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 January 7, 2021 minutes. Dr. Melnick moved and Mr. Stowe seconded that the minutes for the January 7, 2021 Board meeting be approved. Motion passed.

Consent Agenda

Mr. Hamlin asked for approval of the Consent Agenda including voucher numbers 216 through 244 in the amount of \$21,386.92 which have been approved for payment by the Executive Director and the December 2020 Activity Report. Mr. Shumaker moved and Dr. Melnick seconded approval of the Consent Agenda. Motion passed.

Changes to Agenda

None

Info Items & Public Comment

Mr. Papish introduced Kathleen Lovgren, Epidemiologist from Clark County Public Health. He said she was going to present information on the health impacts of wildfire smoke from the smoke event in September 2020. Ms. Lovgreen reviewed the health effects of wildfire smoke with specific emphasis on the respiratory effects for residents of Clark County. Emergency departments saw an uptick of cases with respiratory illness a couple days after the wildfire smoke came into the area. The data was adjusted with consideration of the ongoing pandemic which is also a respiratory illness. Ms. Lovgreen emphasized an increase of sustained wildfires in the region have an increased negative impact on public health, emergency room resources, primary care physicians and air pollution.

The board members thanked Ms. Lovgreen for her presentation.

Mr. Smith suggested this is a forest management issue and asked what role the Agency can play moving forward. Mr. Hamlin said prescribed burning is one solution, but it has been met with resistance from the general public. Mechanical treatment, such as logging, is also a way to manage the forests, but again, it has been met with resistance.

Dr. Melnick added the frequency of wildfires will continue to increase as the region experiences more drought like conditions as well as the impacts of climate change.

Mr. Schumaker asked what authority SWCAA has during these events. Mr. Papish responded the agency has the authority to ban burning and there may be emergency provisions to stop industrial emissions. Limiting industry from operation has a minimal effect in these situations because the wildfire smoke is so overwhelming.

Mr. Smith asked how the agency can be more proactive in the approach to wildfire management. Mr. Papish responded the Department of Natural Resources has a smoke management plan and it is currently being revised to increase prescribed burning. SWCAA has been involved in the process by providing comments to the plan. The Agency encourages mechanical methods, but it is not always cost-effective.

Public Hearing

None

Unfinished Business/New Business

Mr. Hamlin opened discussion on adoption of SWCAA's proposed Travel Policy and recognized Mr. Papish. Mr. Papish said 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.

Mr. Schumaker asked what the difference between the federal rate and the Washington state rates are. Mr. Papish said he was unsure what per diem rates the state of Washington used, but he knew Oregon used the federal rate. Mr. Schumaker said the Office of Financial Management does maintain per diem rates for the state of Washington. He suggested those rates may need to be considered when they are higher than the federal rates.

Mr. Swope wanted to confirm the agency is moving away from using receipts to a per diem system. Mr. Papish confirmed this.

Mr. Hamlin asked how much money is set aside for travel expenses. The FY 20/21 travel budget is \$16,875 which is approximately 1% of the overall budget. The proposed Travel Policy will have a very small impact on the overall budget.

Mr. Smith moved to approve the proposed Travel Policy using the Office of Financial Management rates for in-state travel and the federal rates for out of state travel, Ms. Kendell seconded approval of the Proposed Travel Policy. Motion passed.

Executive Session

None.

Control Officer Report

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

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/>

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>

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>

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

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>

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>

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. March 4, 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 March 4, 2021 at 3:00 p.m., Southwest Clean Air Agency, Vancouver, Washington.

Board Meeting Attendance:

JURISDICTION	J 2021	F 2021	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	+	+	+	+	+	+	C	+	+	+	+	C
Lewis County	+	+	+	+	+	0	C	+	0	+	0	C
Skamania County	+	+	+	+	+	+	C	+	+	0	+	C
Wahkiakum County	+	A	+	+	0	0	C	0	0	+	+	C
Cathlamet	+	0	0	A	+	+	C	+	+	+	+	C
Centralia	0	+	+	+	+	+	C	0	+	+	+	C
Longview	+	+	+	+	+	+	C	+	+	+	0	C
Stevenson	0	+	+	+	0	+	C	+	+	+	+	C
Vancouver	+	+	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 3:52 p.m.

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Bob Hamlin
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 Chair

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Uri Papish
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 Executive Director