

Southwest Clean Air Agency

Board of Directors Minutes

February 2, 2023

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 2, 2023.

Those present were: Dr. Alan Melnick, Chair, Clark County  
Ryan Smith, Vice-Chair, Member at Large  
Ben Shumaker, Director, City of Stevenson  
Lee Tisher, Director, Wahkiakum County  
Robert Stowe, Director, Town of Cathlamet  
Ruth Kendall, Director, City of Longview  
Max Vogt, Director, City of Centralia  
Arne Mortensen, Director, Cowlitz County  
Sean Swope, Director, Lewis County  
Richard Mahar, Director, Skamania County

Excused: Kim Harless, Director, City of Vancouver

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

Guests: None

Call to Order

Dr. Melnick called the meeting to order. A quorum was confirmed to exist.

Board of Directors Minutes

Dr. Melnick asked for consideration of the January 5, 2023 minutes. Mr. Shumaker moved and Ms. Kendall seconded that the minutes for the January 5, 2023, Board meeting be approved. Mr. Mortensen and Mr. Mahar abstained. Motion passed.

Consent Agenda

Dr. Melnick asked for approval of the Consent Agenda including voucher numbers 238 through 263, 265 through 267, 269 and 270 in the amount of \$14,880.32 which have been approved for payment by the Executive Director, voucher 264 and 268 in the amount of \$33,692.36. Mr. Mortensen moved and Mr. Shumaker seconded that the Consent Agency be approved. Motion passed.

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### Changes to Agenda

None

### Info Items & Public Comment

None.

### Public Hearing

None

### Unfinished Business/New Business

Dr. Melnick opened discussion on the Executive Director performance review and recognized Mr. Papish. Mr. Papish said there was a discussion at his last review about the process and how it could be modified. The current process is for the director to complete a list of accomplishments for the agency and his position. That document is submitted to board members along with an evaluation form which each board member fills out and sends to the Chair of the Board who then compiles the information. There is discussion at an upcoming board meeting using executive session and then decisions regarding pay adjustments are made in general session. Board members have expressed concerns about filling out detailed evaluation forms about the Director when they don't have enough information, particularly when they are new to the Board.

Mr. Papish said the other air agencies were contacted to survey what process they use. Some of the other agencies use a sub-committee to conduct the evaluation. Some of the agencies appear to have a less formal process where the Director is evaluated on goals set by the Board. Mr. Papish is recommending a sub-committee be developed to discuss the process and determine the best process for SWCAA. The sub-committee would not make any salary adjustments, rather they might recommend adjustments to the full board during an open meeting.

Mr. Mortensen said he thought a sub-committee would be a good idea to focus the review process and become more familiar with the agency. Dr. Melnick agreed that the board would benefit from more interaction with the director and the agency.

Mr. Shumaker asked if other agencies had a staff component to the director evaluation process. Mr. Papish said Puget Sound did this, however, they have a new Director, and she has not yet gone through the full evaluation process. Dr. Melnick expressed concern with a staff perspective since the agency is so small, the staff might be afraid to speak openly. Mr. Mortensen felt the staff perspective is important to the process because the director could be performing great in the view of the board, but staff may have a different view.

Dr. Melnick asked for volunteers to join the sub-committee. Ryan Smith, Ben Shumaker, Arne Mortensen and Dr. Melnick volunteered to join.

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Mr. Stowe recommended standards be set by the committee. He said the only interaction he has with Mr. Papish is the board meetings which is not enough to evaluate his performance. Dr. Melnick said this committee would work to bridge that gap for all the board members.

Mr. Mahar said there really needs to be a staff component to the process. He said staff are who work with the director on a day-to-day basis. Mr. Mortensen said at some point he would like to come to the SWCAA office and interact with staff.

Mr. Papish said he would arrange for the scheduling of the sub-committee.

### Executive Session

None.

### Control Officer Report

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

**OECA Proposes 2024-2027 National Enforcement Initiatives in The Federal Register (January 12, 2023)** - EPA has published a notice in the *Federal Register* (88 Fed. Reg. 2093) proposing its National Enforcement and Compliance Initiatives for 2024 through 2027, that will serve as crosscutting priorities for the agency's Office of Enforcement and Compliance Assurance (OECA) to target its resources to the most serious environmental violations. OECA has six initiatives underway from its 2020-2023 list of priorities, which include 1) reducing emissions of harmful air pollutants from stationary sources; 2) reducing emissions from hazardous waste facilities; 3) reducing "significant noncompliance" with national pollution discharge elimination system (NPDES) permits; 4) reducing noncompliance with drinking water standards at community water systems; 5) reducing risks of accidental releases at industrial and chemical facilities; and 6) stopping aftermarket defeat devices for vehicles and engines. OECA proposes to continue Initiatives 1 through 4, and conclude national initiatives on 5 (air emissions from hazardous materials facilities) and 6 (mobile source emissions tampering). OECA asserts that it has met its goals for Initiative 5, and that the "Agency has made significant progress on [initiative 6], addressed serious violations through enforcement actions reducing pollution and improving air quality, and raised awareness of the concerns." For 2024-2027, EPA is proposing two new National Enforcement and Compliance Initiatives, "Mitigating Climate Change" and "Addressing PFAS Contamination." The agency also seeks comment on whether two additional initiatives, "Reducing Exposure to Lead" and "Addressing Coal Combustion Residuals", should warrant consideration as new initiatives. EPA will be accepting public comment on the proposed 2024-2027 National Enforcement and Compliance Initiatives until March 13, 2023. For further information: <https://www.govinfo.gov/content/pkg/FR-2023-01-12/pdf/2023-00500.pdf> and <https://www.epa.gov/enforcement/national-enforcement-and-compliance-initiatives>

### **EPA Proposes to Revise Primary Annual PM2.5 NAAQS, Retain 24-Hour NAAQS**

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**Without Revision (January 6, 2023)** - Administrator Michael S. Regan announced a proposed rule to revise the particulate matter (PM) National Ambient Air Quality Standards (NAAQS) based on the agency's 2021-2022 reconsideration of a December 18, 2020, EPA decision to retain without revision the existing PM NAAQS. The agency proposes to revise the current 12-micrograms-per-cubic-meter ( $\mu\text{g}/\text{m}^3$ ) primary annual  $\text{PM}_{2.5}$  standard to a level within the range of 9-10  $\mu\text{g}/\text{m}^3$  and is seeking comment on an annual standard as low as 8  $\mu\text{g}/\text{m}^3$  and as high as 11  $\mu\text{g}/\text{m}^3$ . For the primary 24-hour  $\text{PM}_{2.5}$  standard, EPA proposes to retain the current 35- $\mu\text{g}/\text{m}^3$  standard without revision and is seeking comment on lowering the standard to as low as 25  $\mu\text{g}/\text{m}^3$ . The agency further proposes to retain without revision the secondary annual and 24-hour  $\text{PM}_{2.5}$  standards and the primary and secondary  $\text{PM}_{10}$  standards; EPA seeks comment on revising the level of the secondary 24-hour  $\text{PM}_{2.5}$  standard to as low as 25  $\mu\text{g}/\text{m}^3$ . "EPA also proposes updates to the Air Quality Index for  $\text{PM}_{2.5}$ . Although the proposal does not address area designations the package includes maps identifying which areas would violate a 10- $\mu\text{g}/\text{m}^3$  primary annual standard and a 9- $\mu\text{g}/\text{m}^3$  primary annual standard based on current data, as well as maps depicting the impact of other standards scenarios EPA considered. EPA believes a vast majority of areas will be in attainment of the proposed range of standards based on current data and that forthcoming federal rules, as well as investments made with funding under the Inflation Reduction Act and Bipartisan Infrastructure Law, will allow many areas to attain a revised standard. In terms of annual benefits and costs, in 2032 under a 10- $\mu\text{g}/\text{m}^3$  annual standard EPA estimates 1,700 avoided premature deaths, 110,000 avoided lost workdays, \$17 billion in net benefits and \$95 million in costs. Once the proposal is published in the *Federal Register* there will be a 60-day public comment period, including a public hearing. The agency anticipates finalizing a PM NAAQS rule by early 2024. For further information: <https://www.epa.gov/pm-pollution/proposed-decision-reconsideration-national-ambient-air-quality-standards-particulate> and <https://www.epa.gov/newsreleases/epa-proposes-strengthen-air-quality-standards-protect-public-harmful-effects-soot>

**White House Issues New Regulatory Agenda (January 4, 2023)** -The White House Office of Management and Budget (OMB) issued its Fall 2022 Agenda of Regulatory and Deregulatory Actions on January 4, 2023. The latest regulatory agenda includes 2,651 rule changes in various states of action and consideration by the Federal Government, including 212 from EPA that are related to clean air agencies' work. The White House said the Fall 2022 Regulatory Agenda "advances the Administration's ambitious climate and clean energy agenda with ongoing efforts to promote clean air and clean water, improve energy security and efficiency, and help mitigate the dangers of climate change." The last regulatory agenda was released in June 2022. The planned dates for the issuance and finalization of several EPA rules have been pushed back since the previous regulatory agenda, including a one-month delay for proposals for greenhouse gas (GHG) emissions from new and existing power plants; final methane rules, and reconsideration of National Ambient Air Quality Standards for  $\text{PM}_{2.5}$  and ozone. Also included in the regulatory agenda are GHG emissions standards for heavy-duty engines and vehicles (Phase 3), with a notice of proposed rulemaking (NPRM) expected in March 2023; NESHAPS for Ethylene Oxide from commercial sterilization and fumigation, whose NPRM is expected in March 2023; revisions to Minor New Source Review (NSR) Program Requirements for State Implementation Plans, with an NPRM date of October 2023; and updates to the Air Emission Reporting Requirements (AERR) with an NPRM expected in May 2023. Also, on EPA's list are plans to publish an advance notice of proposed rulemaking in February 2023 seeking input on future

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regulations addressing certain PFAS chemicals under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), according to the agenda. In addition, the Securities and Exchange Commission intends to delay its issuance of climate disclosure regulations for the financial sector by six months, to April 2023; and the Government Services Administration, which procures federal property, logistics, and services, has also delayed its proposed rule aimed at reducing emissions from federal buildings. For further information: <https://www.whitehouse.gov/omb/briefing-room/2023/01/04/2022-unified-regulatory-agenda-and-regulatory-plan/>

Mr. Papish updated the board on the lawsuit involving 350 Seattle. The case that involves SWCAA has been dismissed by the court. There is still an open case with 350 Seattle suing Puget Sound Clean Air Agency in the appeals court. SWCAA filed an amicus brief on this case to say the permit issued by Puget Sound is valid.

Mr. Papish announced he will be bringing recommended adjustments of SWCAA's penalty and enforcement guidance for review by the Board at an upcoming meeting. He said penalty amounts have not been updated in ten years.

Mr. Mortensen asked questions about the underspending on asbestos expenses as shown on the November 2022 Financial Statement. Mr. Papish explained the budget is an estimate and there is a seasonal flow to asbestos work. The agency has a practice of collecting fees during the fiscal year and holding them for use in the next fiscal year. This is a very conservative practice and allows for increased certainty when budgeting expenses.

Dr. Melnick asked for a motion to adjourn the meeting. Mr. Smith made a motion to adjourn and Mr. Vogt seconded the motion. Motion passed unanimously.

#### Board Policy Discussion Issues

None.

#### Issues for Next Meeting

##### A. Public Hearing.

1. As Necessary.

##### B. New Business/Unfinished Business.

1. COLA decision for FY 23/24
2. SWCAA Budget
3. Air Toxics Rulemaking Proposal

##### C. Board Policy Discussion Issues.

1. As Necessary.

##### D. Meeting Date and Location.

1. March 2, 2023 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 2, 2023 at 3:00 p.m., Southwest Clean Air Agency, Vancouver, Washington.

Board Meeting Attendance:

JURISDICTION	J 2023	F 2022	M 2022	A 2022	M 2022	J 2022	J 2022	A 2022	S 2022	O 2022	N 2022	D 2022
Clark County	+	+	+	+	+	+	C	+	+	+	+	C
Cowlitz County	A	+	+	+	+	+	C	0	+	+	0	C
Lewis County	0	0	+	0	0	+	C	+	+	+	0	C
Skamania County	+	+	+	+	+	+	C	+	+	+	+	C
Wahkiakum County	A	+	0	0	+	+	C	A	+	+	+	C
Cathlamet	+	+	+	+	+	0	C	+	+	A	+	C
Centralia	+	+	+	+	0	+	C	0	+	0	+	C
Longview	+	+	+	+	+	0	C	+	+	0	+	C
Stevenson	0	+	+	+	+	A	C	+	+	+	+	C
Vancouver	+	+	+	+	+	0	C	+	+	+	+	C
Member-At-Large	+	0	+	+	+	+	C	+	+	+	+	C

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

Dr. Melnick adjourned the meeting without objection at 4:09 p.m.

DocuSigned by:  
  
 Chair

DocuSigned by:  
  
 Executive Director