

Southwest Clean Air Agency

Board of Directors Minutes

September 7, 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 September 7, 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
Richard Mahar, Director, Skamania County
Kim Harless, Director, City of Vancouver

Excused: Sean Swope, Director, Lewis County

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

Guests: Matthew Sonneby, Law, Lyman, Kamerrer & Boddanovich, P.S.

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 August 3, 2023 minutes. Mr. Stowe moved and Mr. Tisher seconded that the minutes for the August 3, 2023 Board meeting be approved. Motion passed.

Consent Agenda

Dr. Melnick asked for approval of the Consent Agenda including voucher numbers 56 through 82, 84 through 90 and 92 through 99 in the amount of \$17,456.09 which have been approved for payment by the Executive Director, voucher 83 and 91 in the amount of \$45,897.71, July 2023 Salaries and Benefits in the amount of \$181,170.27.

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Mr. Shumaker moved and Mr. Mortensen seconded that the Consent Agency be approved.
Motion passed.

Changes to Agenda

Mr. Papish said he had a short presentation on calling air advisories in response to Mr. Swope's questions. Dr. Melnick suggested holding off on the presentation until the October meeting since Mr. Swope was unavailable for today's meeting.

Info Items & Public Comment

Mr. Papish introduced SWCAA's revised activity report. He said SWCAA's new activity report has performance reporting metrics, including summaries and reports on trends. The new activity report provides graphs showing trends rather than tables showing the current month's activities.

Dr. Melnick and Mr. Shumaker commented that they liked the trend data now showing on the activity report. Dr. Melnick asked if there is a way to graph the air advisories with the monitor data. Mr. Papish said he would look into it.

Mr. Papish read a comment received from Don Steinke, Climate Action of Southwest Washington regarding the Growth Management Act at the September 7, 2023 for the record.

Hello, my name is Don Steinke.

I'm a retired science teacher. I taught mostly at Fort Vancouver and Camas High Schools.

The Growth Management Act was amended on May 3 this year. The amendment applies to the 11 fastest growing counties such as Clark and in those counties all cities with a population > 6000.

Also known as The Climate Amendment to the GMA, this law requires jurisdictions to reduce ghg emissions and per capita vehicle miles traveled.

I'm here to encourage you to look for ways to support that effort.

The task is huge and all of us need to do what we can.

As I understand it, your authority is for only health harming air pollutants and stationary sources, not greenhouse gases and not mobile sources.

However, many stationary sources emit both types of pollutants (ghg and criteria pollutants)

What can you do?

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I've noticed on your website that sometimes you report the greenhouse gas emissions on some facilities. Maybe try to do that on all the facilities you monitor, and make the results much more public.

I highly encourage you to use social media to bring much more awareness to the public about health harming emissions, such as from burning yard debris and trash and from idling vehicles as well as from facilities you monitor.

Educate the public about the health harms of the emissions from vented gas boilers and gas water-heaters.

Educate the public about the health harms of gas cook stoves in unvented spaces.

Educate the restaurant industry about all-electric-options to gas cooking.

Talk about the health harms of living near a gas station.

Twenty years ago, I asked your staff about the legality of burning yard debris and trash. Staff provided the RCWs.

I know you do a few education and outreach events to small groups every year but our population is growing faster than the number of people you reach. Maybe authorize your communications and outreach staff and board members to do more.

Do this outreach not only in Clark County, but in all other counties in your territory.

According to the Berkley-Lawrence Livermore Lab, the air pollution level in a home with a gas range would be illegal if at the fence line of a power plant.

We've spent billions of dollars reducing NOx from tailpipes and power plants, but we have no emissions controls on gas heaters and furnaces.

I apologize for not speaking verbally during your meeting, but I have a conflict this Thursday.

Thanks for all you do.

Ms. Harless said Mr. Steinke seems to be asking for public outreach, more monitoring and a social media presence. The requests are for both indoor and outdoor air quality. SWCAA does not regulate indoor air quality but can connect Mr. Steinke with the correct resources. Dr. Melnick agreed that all Mr. Steinke's concerns are valid public health issues. Mr. Papish said EPA is generally the agency for resources related to indoor air quality. SWCAA had a designated public outreach position, but the position was cut several years ago. Ms. Harless expressed concern that residents get shifted from agency to agency without getting their issues addressed. She would like to see SWCAA engage in more deliberate public outreach, and perhaps in the future there will be resources for a designated public outreach position.

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Public Hearing

None

Unfinished Business/New Business

Dr. Melnick opened discussion on a CPI fee increase proposal and recognized Mr. Papish. Mr. Papish said SWCAA's Board of Directors has requested SWCAA bring a CPI fee increase to the Board for consideration on an annual basis. The Board has recommended revising 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 several years. SWCAA's Board has been adopting annual CPI fee increases to SWCAA's fees since 2019. Last year the Board adopted a 6.1 percent fee increase and raised the per capita fee by three cents (from 55 to 58 cents). The three-cent per capita fee increase equaled to 5.45 percent instead of 6.1 percent due to rounding to the nearest cent.

Mr. Mortensen asked if the Board will discuss the increase after receiving public comment or should they be discussing the 7.5 percent increase now. Mr. Papish suggested talking about the increase percentage now so the public notice goes out with accurate information. Mr. Mortensen expressed concern that using CPI as the inflator rather than using some type of cost of doing the work analysis. Mr. Papish said SWCAA has historically used the CPI since the largest cost to the agency is salaries and benefits. Dr. Melnick reminded the board that SWCAA has historically used the Western State's CPI for fee increase proposals.

Dr. Melnick asked for a motion to approve SWCAA to public notice and solicit public comment related to raising SWCAA's 2024 fees by last year's Western State's CPI which is equal to 7.5 percent and raising the per capita fee by four cents (from 58 to 62 cents). The four-cent per capita fee increase would be 6.9 percent instead of 7.5 percent due to rounding to the nearest cent. Mr. Smith made a motion. Mr. Shumaker seconded the motion. Motion passed.

Executive Session

Dr. Melnick asked for the Board to go into Executive Session for the purpose of discussion related to litigation or potential litigation with legal counsel representing the agency. He said the Executive Session will be utilized for discussion related to the litigation in accordance with RCW 42.30.10(1)(g). Any decision will be made during the open public meeting following the Executive Session. He requested Mr. Papish and Mr. Sonneby, the agency's legal counsel to remain in the meeting and the general public to leave during the Executive Session which he estimated would begin at 3:22 and last 15 minutes.

Dr. Melnick reconvened the general meeting at 3:38 and estimated an additional 10 minutes was necessary.

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Dr. Melnick reconvened the general meeting at 3:49 and estimated an additional 5 minutes was necessary.

Dr. Melnick reconvened the general meeting at 3:55.

Mr. Papish and the Board members thanked Mr. Sonneby for his time.

Executive Director's Report

Mr. Papish summarized the information provided in the Executive Director's Report and offered to answer any questions.

EPA OECA Releases 2024-2027 National Enforcement Priorities; Adding Climate Change And PFAS, Dropping Mobile Source Tampering (August 17, 2023) EPA's Office of Enforcement and Compliance Assurance (OECA) has released its national enforcement and compliance initiatives (NECIs) for Fiscal Years (FY) 2024 to 2027. The NECIs represent priorities that EPA uses to focus its resources on issues of significant noncompliance and that have national scope. In this round of NECIs, EPA added three new program areas: Climate Change, Per- and Polyflouryl Alkyls (PFAS), and Coal Ash Contamination. EPA will continue to advance two NECI areas, focused on Drinking Water Standards and Chemical Accidents. EPA combined and modified NECIs focused on air pollution, NAAQS compliance, industrial facility emissions into a single NECI focused on preventing air toxics emissions. EPA also dropped its NECI that focused on preventing emissions from mobile sources and aftermarket tampering. EPA said that its revised NECI list for 2024-2027 aligns their actions with two overarching Strategic Plan goals: Tackle the Climate Crisis and Take Decisive Action to Advance Environmental Justice. The new Climate Change NECI will address three emission source types: "methane emissions from oil and gas facilities; methane emissions from landfills; and the use, importation, and production of hydrofluorocarbons (HFCs)". This aligns with NACAA's recommendation to OECA in our March 13, 2023 comments on the proposed NECIs, which state that "if EPA proceeds, existing regulations regarding HFC, methane and mobile source CO2 emissions already present opportunities for action." The Air Toxics NECI will focus on all HAPs, particularly in overburdened communities, and particularly calls out "benzene, ethylene oxide, and formaldehyde" as priorities. EPA said that it was returning the mobile source emissions initiative to the core program because it had met the goals of this program area by FY 2023. "OECA and the Regions will continue to investigate and pursue enforcement against upstream manufacturers and distributors of defeat devices to leverage the greatest benefits for human health and the environment, as well as continue to provide training and coordinate with states and maintain outreach and compliance assistance to industry groups," the memorandum says. NACAA had called for the retention of this initiative in our comments, documenting our concerns that this remains an area of widespread and significant violations, and flagging that the EPA's Office of Inspector General had issued a Jan. 25, 2023, report titled "The EPA Is Not on Track to Reach Its National Compliance Initiative Goals to Stop Aftermarket Defeat Devices and Tampered Vehicles." The new NECIs take effect October 1, 2023. For further information: <https://www.epa.gov/system/files/documents/2023-08/fy2024-27necis.pdf>

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U.S. DOT Proposes New Fuel Efficiency Standards for Passenger Cars, Light Trucks and Heavy-Duty Pickup Trucks (July 28, 2023)- The U.S. Department of Transportation’s National Highway Traffic Safety Administration (NHTSA) proposed new Corporate Average Fuel Economy (CAFE) standards for MY 2027 through 2032 passenger cars and light trucks and MY 2030 through 2035 heavy-duty pickup trucks. Under the fuel efficiency proposal 1) the standards for passenger cars increase at a rate of 2 percent per year; 2) the standards for light trucks increase at a rate of 4 percent per year; and 3) the standards for heavy-duty pickup trucks increase at a rate of 10 percent per year. At this time, NHTSA projects that its proposed standards would require an industry-wide fleet average for passenger cars and light trucks of about 58 miles per gallon in MY 2032 and an industry-wide fleet average for heavy-duty pickup trucks of about 2.6 gallons per 100 miles in MY 2038. With respect to benefits, NHTSA projects that the proposed standards would reduce average fuel costs over the lifetime of a passenger car or light truck by \$1,043 and of a heavy-duty pickup truck by \$439 and, overall, will save consumers over \$50 billion on fuel over the lifetime of affected vehicles and conserve more than 88 billion gallons of gasoline through 2050. NHTSA states that the proposed standards “are directly responsive to the agency’s statutory mandate to improve energy conservation and reduce the nation’s energy dependence on foreign sources.” In addition, NHTSA estimates the proposed standards will prevent over 900 million tons of carbon dioxide emissions, which equates to taking over 233 million vehicles off the road from 2022 through 2050. For further information: <https://www.nhtsa.gov/sites/nhtsa.gov/files/2023-07/CAFE-2027-2032-HDPUV-2030-2035-NPRM-web-version.pdf> and <https://www.nhtsa.gov/laws-regulations/corporate-average-fuel-economy#75896>

EPA Announces Availability Of \$115 Million In Funding For DERA Grants (August 2, 2023) - EPA announced a Notice of Funding Opportunity (NOFO) for grants under the 2022-2023 Deisel Emissions Reduction Act (DERA) program, intended “to accelerate the upgrade, retrofit, and turnover of the legacy diesel fleet.” The agency expects to award a total of about \$115 million under this program, contingent upon, among other things, the availability of funding (about half of which will come from FY 2022 funds and half from FY 2023 funds) and the quality and number of applications received. Applications for these DERA funds must be submitted to EPA by December 1, 2023. For technical support on grants.gov (the online portal through which applications for DERA funds are to be submitted) contact (800) 518-4726 or support@grants.gov. To receive ongoing information about this funding program, sign up to receive EPA’s DERA News emails. For further information: <https://www.epa.gov/newsreleases/biden-harris-administration-announces-availability-115-million-grants-cut-harmful> and <https://www.epa.gov/dera/national#NOFO>

Board Policy Discussion Issues

None.

Issues for Next Meeting

A. Public Hearing.

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- 1. As Necessary.
- B. New Business/Unfinished Business.
 - 1. Documentation of follow-up/implementation of previous Board actions/decisions
 - 2. CPI fee increase decision
- C. Meeting Date and Location.
 - 1. October 5, 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 October 5, 2023 at 3:00 p.m., Southwest Clean Air Agency, Vancouver, Washington.

Board Meeting Attendance:

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

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

Dr. Melnick adjourned the meeting without objection at 4:24 p.m.

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 Chair

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 Executive Director