

SOUTHWEST CLEAN AIR AGENCY

Board of Directors Meeting  
February 1<sup>st</sup>, 2024, 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/82154159897>

Meeting ID: 821 5415 9897

Or call in by phone (669) 900-9128

AGENDA

- I. Call to Order  
SWCAA Chair Alan Melnick
- II. Roll Call/Determination of Quorum  
SWCAA Chair Alan Melnick
- III. Board of Directors Minutes  
Board of Directors Minutes - January Meeting
- IV. Changes to the Agenda  
SWCAA Chair Alan Melnick
- V. Consent Agenda
  - A. Approval of Vouchers
  - B. Financial Report
  - C. Monthly Activity Report
- V. Info Items & Public Comment  
**Southwest Clean Air Agency Office Relocation Update**  
SWCAA is considering relocating near the Vancouver Mall which could result in significant cost savings for the agency while providing reduced travel time and better freeway access for conducting fieldwork and responding to air pollution complaints. SWCAA will provide an update regarding the options and need for relocation.
- VII. Public Hearing  
None
- VIII. Unfinished Business/New Business  
None

## IX. Executive Director's Report

### **A. Senate Bill 6121 Introduced in the Washington Legislature (January 10, 2024) -**

Senate Bill 6121 concerning biochar production from agricultural and forestry biomass would provide the Department of Natural Resources (DNR) authority to permit and assess permit fees to produce biochar in small units from the burning of clean cellulosic biomass from forestry operations. It would establish permit fees for Ecology for biochar production on from agricultural waste. This bill would address permitting, and fees related to the production of biochar in small units from clean cellulosic biomass from forest and agricultural sources. Section 1 of the bill establishes the legislative intent to reduce greenhouse gas emissions, store carbon, and minimize air quality impacts from open burning. Section 2 of the bill amends RCW 70A.15.1030 to add definitions of biochar, biochar micro unit, biochar mini unit, and clean cellulosic biomass. Section 3 specifies that fees charged by Ecology, local air agencies, or a local entity with delegated authority for biochar product on from agricultural waste be set at \$1 per ton of agricultural waste consumed. Section 4 provides DNR authority to issue and regulate burn permits, as well as assess permit fees for the product of biochar with biochar micro units or biochar mini units from the burning of clean cellulosic biomass from forestry operations. Section 5 amends the list of alternative acceptable disposal methods that DNR should encourage to reduce the need for burning to include production of biochar using biochar micro and biochar mini units. For more information

<https://app.leg.wa.gov/billsummary?billnumber=6121&year=2024>

### **B. U.S. Government and California Propose Consent Decrees to Settle Claims Against Cummins for Use of Illegal Vehicle Emission Control Defeat Devices (January 10, 2024) -**

The U.S. Department of Justice (DOJ), EPA, California Attorney General's (AG's) Office and California Air Resources Board (CARB) announced a joint consent decree and California announced an additional proposed partial consent decree, both with Cummins, Inc., to settle claims that the engine manufacturer violated the Clean Air Act and California law by installing illegal "defeat devices" on 630,000 Dodge Ram pickup trucks as well as undisclosed and unapproved auxiliary emission control devices on those trucks plus and an additional 330,000. This "cheating" by Cummins took place between 2013 and 2023 and resulted in tremendous quantities of excess, harmful NOx emissions from the affected vehicles. DOJ has indicated that preliminary estimates suggest these excess NOx emissions amount to thousands of tons for some truck engines. Under the proposed consent decrees, Cummins will pay a \$1.675-billion civil penalty to EPA – the largest-ever civil penalty under the Clean Air Act – and, at an estimated cost of \$325 million, conduct a recall program to remove and replace the illegal devices and conduct various mitigation measures. To settle claims by California, Cummins will pay \$164 million in penalties to CARB, \$33 million to the California AG's Office for committing environmental violations and engaging in unfair business practices and an additional \$175 million to CARB for mitigation programs to reduce the excess NOx emission. For further information: <https://www.epa.gov/enforcement/2024-cummins-inc-vehicle-emission-control-violations-settlement>

**C. EPA Adds Seven PFAS to TRI Reporting List (January 9, 2024)** - EPA has announced that it is adding seven per- and polyfluoroalkyl substances (PFAS) to the list of those required to be reported to the Toxics Release Inventory (TRI) for 2024. These additional substances bring the list of PFAS included in the TRI to 196. The inclusion of the substances is mandated under the FY 2020 National Defense Authorization Act, which calls for the automatic addition of PFAS to the TRI list each year. Specifically, as EPA finalizes toxicity values for PFAS, they are to be added to the TRI, which is the case for six of the seven substances being included for the reporting year 2024. The seventh substance is one that was previously excluded because it was protected under confidential business information provisions. That substance is no longer confidential, so it is being added to the list. Affected facilities must begin tracking their manufacture, processing, use and releases of the seven PFAS as of January 1, 2024, with reporting forms due by July 1, 2025. For further information: <https://www.epa.gov/newsreleases/epa-requires-toxics-release-inventory-reporting-seven-additional-pfas>

**D. EPA Expects Final Rule on PM NAAQS Reconsideration to be Ready for Signature by End of January (January 2, 2024)**- In a motion filed in the U.S. Court of Appeals for the District of Columbia Circuit EPA moved to continue to hold in abeyance, until January 30, 2024, consolidated cases challenging EPA's December 18, 2020, decision to retain, without revision, the existing National Ambient Air Quality Standards (NAAQS) for particulate matter (PM) that were established in 2015. In 2021, when EPA, under a new Administration, announced that it would reconsider the 2020 PM NAAQS decision, the agency moved to hold the cases in abeyance until March 2023, pending completion of the reconsideration. After several extensions, at EPA's request, the most recent end date of the abeyance was January 2, 2024. In this week's motion, EPA seeks to extend the abeyance until January 30, 2024, "to allow EPA to bring the reconsideration to a close," explaining that "the draft final rule has continued to undergo inter-agency review. EPA had expected that that review process would conclude and the rule would be signed by the end of 2023. Currently, however, EPA expects that the rule will be finalized and ready for signature by the end of January 2024. After signature, it will be published in the Federal Register, which could take several weeks."

XI. Issues for Upcoming Meetings  
ED Evaluation (April)  
Staff COLA Decision (April)  
SWCAA 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.