

Southwest Clean Air Agency

Board of Directors Minutes

February 1, 2024

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 1, 2024.

Those present were: Dr. Alan Melnick, Chair, Clark County
Ryan Smith, Vice-Chair, Member at Large
Ben Shumaker, Director, City of Stevenson
Lee Tischer, Director, Wahkiakum County
Ruth Kendall, Director, City of Longview
Arne Mortensen, Director, Cowlitz County
Richard Mahar, Director, Skamania County
Kim Harless, Director, City of Vancouver
Sean Swope, Director, Lewis County

Excused: Robert Stowe, Director, Town of Cathlamet
Max Vogt, Director, City of Centralia

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

Guests:

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 4, 2024 minutes. Mr. Tisher moved and Mr. Smith seconded that the minutes for the January 4, 2024 Board meeting be approved. Motion passed.

Consent Agenda

Dr. Melnick asked for approval of the Consent Agenda including voucher numbers 258 through 291 and 294 through 298 in the amount of \$50,511.04 which have been approved for payment by the Executive Director, and voucher 292 and 293 in the amount of \$29,918.65.

Mr. Smith moved and Mr. Mortensen seconded that the Consent Agenda be approved. Motion passed.

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Changes to Agenda

None

Info Items & Public Comment

Dr. Melnick opened discussion on potential relocation of Southwest Clean Air Agency's office and recognized Mr. Papish. Mr. Papish said SWCAA's building lease is up for renewal on March 1, 2024. SWCAA has been negotiating a new lease agreement while also exploring options for other more cost-effective and centrally located office space. SWCAA is considering relocating to an office location 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.

Mr. Papish said since the last meeting a better option for relocation has become available only a few blocks from the location discussed last week. The space is approximately \$2,000.00 less than the current location and they are offering five months free rent. The current tenant is also offering to leave all the furniture, so the space is basically move-in ready. As with the first location, there are significant savings over the term of the lease.

Mr. Swope made a motion to authorize the Executive Director to investigate and enter into a new building lease at the second location. Mr. Smith seconded the motion. Motion passed unanimously.

Mr. Papish told the board the agency will have to move because our current location has been rented out from underneath us by the landlord. SWCAA will be able to stay in the current space until March 31, 2024.

Dr. Melnick asked for an update on the EV charging station situation. Mr. Papish said he has had three electricians visit both locations to provide bids on installation. The installation of charging stations is very expensive. This project will be put on hold during the moving process so the agency can apply for grants to assist in the cost. Mr. Swope said the Department of Transportation has several billion dollars set aside for this purpose. Ms. Harless added Clark Public Utilities also has programs to help cover the cost of EV charging stations. Mr. Papish said the Vancouver Mall has fast charge stations that could be used to charge the agency vehicle while sorting out the details for installing our own charging station.

Public Hearing

None

Unfinished Business/New Business

None

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Executive Session

None

Executive Director's Report

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

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/billssummary?billnumber=6121&year=2024>

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 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

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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>

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>

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."

Mr. Papish briefed the board on the draft Drax permit which the agency is getting ready to put out for public comment. A public meeting will be held in early March at the Cowlitz County Public Works office. Drax is a planned wood chip facility located in Longview. SWCAA is receiving multiple postcards and emails from residents in opposition to the facility. Drax uses wood chips to manufacture wood pellets used for burning. The opposition appears to center around where the wood is coming from for the plant to create the wood pellets.

Dr. Melnick verified if there was a subcommittee that worked on the Executive Director's evaluation last year. Mr. Papish said there was a subcommittee last year. Dr. Melnick February 1, 2024

asked if the same members from last year would participate again. Mr. Shumaker, Mr. Mortensen, and Mr. Smith agreed to be on the subcommittee with Dr. Melnick again this year. Mr. Papish said he would forward his goals and required materials to the subcommittee during March and set up a meeting to take place closer to the April board meeting.

Board Policy Discussion Issues

None.

Issues for Next Meeting

A. Public Hearing.

1. As Necessary.

B. New Business/Unfinished Business.

1. As Necessary.

C. Meeting Date and Location.

1. March 7, 2024 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 7, 2024 at 3:00 p.m., Southwest Clean Air Agency, Vancouver, Washington.

Board Meeting Attendance:

JURISDICTION	J 2024	F 2024	M 2023	A 2023	M 2023	J 2023	J 2023	A 2023	S 2023	O 2023	N 2023	D 2023
Clark County	+	+	0	+	0	+	C	0	+	+	+	C
Cowlitz County	+	+	+	+	+	+	C	+	+	+	A	C
Lewis County	0	+	0	0	+	0	C	+	0	+	+	C
Skamania County	+	+	+	+	+	+	C	+	+	+	+	C
Wahkiakum County	A	+	+	+	+	+	C	+	+	+	+	C
Cathlamet	+	0	+	+	+	+	C	+	+	+	+	C
Centralia	+	0	+	+	+	+	C	+	+	+	+	C
Longview	+	+	+	+	+	+	C	+	+	+	+	C
Stevenson	A	+	+	+	+	+	C	+	+	0	+	C
Vancouver	+	+	+	+	+	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 3:51 p.m.

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 Chair

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 Executive Director