

Southwest Clean Air Agency

Board of Directors Minutes

February 6, 2020

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 6, 2020.

Those present were: Bobby Jackson, Director, Lewis County
Mike Backman, Director, Wahkiakum County
Ben Shumaker, Director, City of Stevenson
Laurie Lebowsky, Director, City of Vancouver
MaryAlice Wallis, Director, City of Longview
Max Vogt, Director, City of Centralia
Dr. Alan Melnick, Director, Clark County
David Olson, Town of Cathlamet
Ryan Smith, Vice-Chair, Member at Large

Excused: Bob Hamlin, Chair, Skamania County
Joe Gardner, Director, Cowlitz County

Also Present: Staff: Uri Papish, Executive Director
Paul Mairose, Chief Engineer
Traci Arnold, Office Administrator

Guests: Don Jensen, Resident, City of Longview
Carol Jensen, Resident, City of Longview

Call to Order

Mr. Jackson called the meeting to order. A quorum was confirmed to exist.

Board of Directors Minutes

Mr. Jackson asked for consideration of the January 2, 2020 minutes. Dr. Melnick moved and Mr. Smith seconded that the minutes for the January 2, 2020 Board meeting be approved. Motion passed.

Consent Agenda

Mr. Jackson asked for approval of the Consent Agenda including voucher 282 through 344, 346 and 347 in the amount of \$59,614.21 which have been approved for payment by the Executive Director, voucher number 345 in the amount of \$19,049.00, December 2019 Salaries in the amount of \$111,480.66, December 2019 Benefits in the amount of \$45,777.79, the December

2019 Financial Report, and the December 2019 Activity Report. Dr. Melnick moved and Mr. Vogt seconded approval of the Consent Agenda. Motion passed.

Changes to Agenda

None.

Info Items & Public Comment

Mr. Papish recognized Don Jensen for 20 years of service on the Southwest Clean Air Agency Board of Directors. He served as Chair of the Board for 17 years. Mr. Jensen supported the agency's mission to protect public health in all five counties the agency represents. Mr. Papish presented Mr. Jensen with an award and thanked him for his dedication. All members of the board expressed their appreciation to Mr. Jensen.

Mr. Jensen expressed his thanks to Mr. Papish and the Board of Directors.

Public Hearing

None.

Executive Session

None.

Unfinished Business/New Business

Mr. Jackson opened discussion on proposed rule revisions "Asbestos Rule Updates" and recognized Mr. Papish. Mr. Papish said the Southwest Clean Air Agency is proposing changes to SWCAA 476 "Standards for Asbestos Control, Demolition and Renovation." SWCAA is proposing changes that update the list of regulated activities, re-order two definitions, make formatting changes to existing definitions, correct sectional references, clarify the need for SWCAA approval for project notices, add a requirement for worker certification and identification cards, remove the Exceptions paragraph, revise bulk sampling requirements, replace the term Agency with the term SWCAA, and make other minor text edits.

Mr. Jackson asked for a motion. Dr. Melnick moved to approve the proposed revisions to SWCAA 476 "Standards for Asbestos Control, Demolition and Renovation" contained in Attachment B. Mr. Smith seconded the motion. Motion passed.

Mr. Jackson opened discussion on the proposed rule revisions "Federal Rule Incorporation by Reference" and recognized Mr. Papish. Mr. Papish said the Southwest Clean Air Agency is proposing changes to SWCAA 400 "General Regulations for Air Pollution Sources." SWCAA is proposing to change the manner in which federal regulations are incorporated by reference in multiple sections of SWCAA 400. Existing incorporation by reference citations contain an effective date as part of each citation. This practice leads to numerous and redundant date

citations through the body of the rule, which requires additional work to track, edit, and keep current. SWCAA proposes to adopt a new standalone rule section (SWCAA 400-025) that specifies a single effective date for all federal regulation incorporation by reference citations. Corresponding incorporation by reference citations in the remainder of the rule will be revised to cite the new rule section instead of individual effective dates.

Mr. Jackson asked for a motion. Mr. Smith moved to approve the proposed revisions to SWCAA 400 "General Regulations for Air Pollution Sources" contained in Attachment D. Ms. Wallis seconded the motion. Motion passed.

Executive Session

None

Control Officer Report

Mr. Papish offered to answer any questions in the Control Officer Report.

CASAC Sends Final Report to EPA Administrator on Draft Policy Assessment for PM NAAQS Review (December 16, 2019) – The Clean Air Scientific Advisory Committee (CASAC) transmitted to EPA Administrator Andrew Wheeler its final report providing "consensus responses" to EPA's charge questions, and individual Committee member's review comments, on EPA's "Policy Assessment for the Review of the National Ambient Air Quality Standards for Particulate Matter (External Review Draft – September 2019)" (Draft PM PA). In its November 13, 2019 draft report on the Draft PM PA the seven-member panel was divided on the question of whether the science presented in the draft assessment supports the preliminary conclusion of EPA staff that the adequacy of the current health-based NAAQS can be called into question. In the final Committee-approved report, although the language has been modified the split remains with five members contending the science does not support strengthening the annual PM_{2.5} standard and two members arguing that the science casts doubts on the adequacy of that standard: "Given these limitations in the underlying science basis for policy recommendations, and diverse opinions about what quantitative uncertainty analysis and further analysis of all relevant data using the best available scientific methods would show, some CASAC members conclude that the Draft PM PA does not establish that new scientific evidence and data reasonably call into question the public health protection afforded by the current 2012 PM_{2.5} annual standard. Other members of CASAC conclude that the weight of the evidence, particularly reflecting recent epidemiology studies showing 4 positive associations between PM_{2.5} and health effects at estimated annual average PM_{2.5} concentrations below the current standard, does reasonably call into question the adequacy of the 2012 annual PM_{2.5} National Ambient Air Quality Standards (NAAQS) to protect public health with an adequate margin of safety." EPA staff will now consider the CASAC report as it prepares a Final PM PA, which is intended to provide policy-relevant information to inform EPA's ongoing review of the PM_{2.5} NAAQS established in 2012; the agency is working to complete its review by December 2020. For further information:

[https://yosemite.epa.gov/sab/sabproduct.nsf/264cb1227d55e02c85257402007446a4/E2F6C71737201612852584D20069DFB1/\\$File/EPA-CASAC-20-001.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/264cb1227d55e02c85257402007446a4/E2F6C71737201612852584D20069DFB1/$File/EPA-CASAC-20-001.pdf)

Department of Justice Seeks Summary Judgment to Invalidate California Quebec Emissions Trading Program (December 11, 2019) -- The U.S. Department of Justice (DOJ) filed a motion for summary judgment in federal court seeking to invalidate California's greenhouse gas emissions trading program that links with Quebec through the Western Climate Initiative (WCI). The United States filed its lawsuit against California, several of its officers, the California Air Resources Board and WCI in the U.S. District Court for the Eastern District of California on October 2019 (see October 25, 2019 Washington Update). The WCI, whose board includes representatives from California, Quebec and Nova Scotia, held its 21st auction of greenhouse gas emission credits in November, with emissions credit trading occurring between Quebec and California. The United States argues in its motion that by linking to Quebec's cap-and-trade system, the California program represents an unconstitutional, "independent foreign policy" that would "unlawfully enhance state power at the expense of the United States." DOJ attorneys requested a January 13 court hearing on its summary judgment motion, notwithstanding the fact that the defendants have not yet answered the complaint. "No discovery on the moved-for claims is necessary or appropriate," they assert. "No delay or extending civil proceedings are needed." For further information:
[http://www.4cleanair.org/sites/default/files/Documents/United States v California MSJ 12-11-19.pdf](http://www.4cleanair.org/sites/default/files/Documents/United%20States%20v%20California%20MSJ%2012-11-19.pdf)

Inspector General Finds EPA's Actions Related to Proposed Repeal of Regulatory Requirements for Gliders "Lacked Transparency and Deprived the Public of Required Information" (December 5, 2019) – EPA's Office of Inspector General (OIG) issued a report in which it concludes that when the Trump Administration proposed a rule to repeal provisions of new regulations that subject glider kits to regulatory requirements under the Clean Air Act it failed to comply with two executive orders (EO). EO 12866 directs that all significant regulatory actions be submitted to the Office of Management and Budget (OMB) for review and that any substantive revisions recommended by OMB be publicly identified. A regulatory action that is deemed economically significant under EO 12866 must undergo an assessment of expected costs and benefits and reasonable alternatives. EO 13045 is applicable to economically significant regulatory actions that "concern an environmental health or safety risk that an agency has reason to believe may disproportionately affect children" and, therefore, requires an evaluation of the environmental health risks to children and an explanation of why the proposed action is preferable to alternatives. The EPA OIG reports in its 5 findings that, "According to EPA managers and officials, then-EPA Administrator Scott Pruitt directed that the Glider Repeal Rule be promulgated as quickly as possible. The proposed repeal rule would relieve industry of compliance requirements of the Phase 2 rule, which set emissions standards and production limits for gliders beginning January 1, 2018. EPA officials were aware that available information indicated the proposed Glider Repeal Rule was 'economically significant'; however, Pruitt directed the Office of Air and Radiation to develop the proposed rule without conducting the analyses required by the EOs." Based on its investigation, OIG has concluded the following: "The EPA did not comply with analyses requirements in EOs 12866 and 13045, nor did the EPA follow its ADP for the proposed Glider Repeal Rule or meet Federal Records Act requirements. Such actions call into question the quality of EPA rulemaking processes and leave the public and stakeholders without the information necessary to make informed comments on EPA regulatory actions. Should the EPA finalize the glider repeal rulemaking, the EPA needs to conduct the required analyses prior to issuance of the final rule and provide the public a means to comment on the analyses supporting the rulemaking. As rulemaking is one of the EPA's principal

responsibilities, the EPA must ensure that the basis for the agency's substantive rulemaking decisions appears in the public record." For further information: <https://www.epa.gov/office-inspector-general/report-epa-failed-develop-required-cost-and-benefit-analyses-and-assess-air>

Mr. Papish said he would not be at the March board meeting, however, Paul Mairose, Chief Engineer would be filling in for him.

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 5, 2020 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 5, 2020 at 3:00 p.m., Southwest Clean Air Agency, Vancouver, Washington.

Board Meeting Attendance:

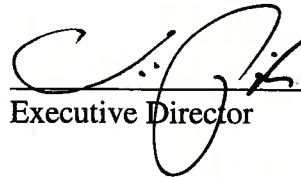
JURISDICTION	J 2020	F 2020	M 2019	A 2019	M 2019	J 2019	J 2019	A 2019	S 2019	O 2019	N 2019	D 2019
Clark County	+	+	A	+	0	+	C	+	+	0	+	C
Cowlitz County	+	0	A	0	A	+	C	+	+	+	+	C
Lewis County	+	+	A	+	0	+	C	+	+	0	A	C
Skamania County	+	0	+	A	+	+	C	+	+	0	A	C
Wahkiakum County	+	+	+	+	+	+	C	+	+	+	+	C
Cathlamet	+	A	+	+	+	+	C	0	+	0	+	C
Centralia	0	+	+	+	0	+	C	+	+	+	+	C
Longview	0	A	+	0	+	+	C	+	+	+	0	C
Stevenson	0	+	+	+	0	+	C	A	+	+	+	C
Vancouver	0	A	A	0	+	+	C	+	+	0	+	C
Member-At-Large	+	+	0	0	0	0	C	+	+	+	+	C

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

Mr. Jackson adjourned the meeting without objection at 3:39 p.m.



 Chair



 Executive Director