

Southwest Clean Air Agency

Board of Directors Minutes

August 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 August 1, 2024.

Those present were: Dr. Alan Melnick, Chair, Clark County
Ben Shumaker, Vice-Chair, City of Stevenson
Lee Tischer, Director, Wahkiakum County
Arne Mortensen, Director, Cowlitz County
Richard Mahar, Director, Skamania County
Robert Stowe, Director, Town of Cathlamet
Kim Ashmore, Director, City of Centralia

Excused: Ruth Kendall, Director, City of Longview
Sean Swope, Director, Lewis County
Kim Harless, Director, City of Vancouver
Vacant, Director, Member at Large

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 June 6, 2024 minutes. Mr. Stowe moved and Mr. Mortensen seconded that the minutes for the June 6, 2024 Board meeting be approved. Motion passed.

Consent Agenda

Dr. Melnick asked for approval of the Consent Agenda including voucher numbers 465 through 481 and voucher number 1 through 43 in the amount of \$93,174.26 which have been approved for payment by the Executive Director, May and June 2024 Financial Statements, May 2024 Salaries and Benefits in the amount of 176,665.14 and June 2024 Salaries and Benefits in the amount of \$165,244.22.

August 1, 2024

Mr. Shumaker moved and Mr. Mahar seconded that the Consent Agenda be approved. Motion passed.

Changes to Agenda

None

Info Items & Public Comment

Dr. Melnick opened discussion on the Member at Large Position and recognized Mr. Papish. Mr. Papish said Ryan Smith stepped down effective immediately due to health reasons. Mr. Smith asked it be passed along that he really enjoyed his time on the agency board and wished everyone the best. In the past SWCAA has advertised for the position in each county newspaper and posted the position on the SWCAA website. Dr. Melnick suggested a press release. Mr. Papish said SWCAA has a media contact list and would issue a press release. The position will be posted for 30-45 days and the candidates will appear before the board for interviews at the October meeting. At that time the Board will enter executive session to discuss the candidates and a decision will be made during the public meeting. All the board members said they would help get the word out about the position.

Dr. Melnick opened discussion on the office move and recognized Mr. Papish. Mr. Papish said the space was supposed to be ready on July 1, but there were delays so SWCAA will be receiving an additional month of free rent. The carpets are being replaced in the new office space next week at SWCAA's expense. The costs will be offset by the free rent and free furniture. The Board thanked Mr. Papish for the update.

Public Hearing

None

Unfinished Business/New Business

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.

Coalition Of Energy, Agriculture and Biofuel Groups Seeks Scotus Review of EPA Decision To Grant Waiver Of Preemption For California's ACC Regulation (July 2, 2024) -

August 1, 2024

A coalition of 15 energy, agriculture and biofuels groups (fuel petitioners) filed a petition with the U.S. Supreme Court (SCOTUS) requesting that the High Court review an April 9, 2024, ruling by the U.S. Court of Appeals for the District of Columbia Circuit in a case challenging EPA's decision to grant a waiver of preemption under Section 209 of the Clean Air Act for California's Advanced Clean Cars (ACC) Regulation, adopted in 2012. The D.C. Circuit rejected the challenge for lack of standing. Those petitioners are now asking SCOTUS to overturn the D.C. Circuit's ruling and review the merits of their case. Petitioners are the American Fuel & Petrochemical Manufacturers; Clean Fuels Development Coalition; Diamond Alternative Energy, LLC; Domestic Energy Producers Alliance; Energy Marketers of America; ICM, Inc.; Illinois Corn Growers Association; Iowa Soybean Association; Kansas Corn Growers Association; Michigan Corn Growers Association; Minnesota Soybean Growers Association; Missouri Corn Growers Association; National Association of Convenience Stores; South Dakota Soybean Association; and Valero Renewable Fuels Company, LLC. For further information: https://www.4cleanair.org/wp-content/uploads/Litigation_SCOTUS_Cert_Pet-CA_Waiver-EnergyAg_Groups-070224.pdf

SCOTUS Overrules Chevron Doctrine (June 28, 2024) - By a vote of 6 to 3, the Supreme Court of the United States (SCOTUS) overruled its 1984 decision in *Chevron v. Natural Resources Defense Council*, which held that courts should defer to a regulatory agency's reasonable interpretation of an ambiguous statute. In this week's opinion, the Court holds, "The Administrative Procedure Act requires courts to exercise their independent judgment in deciding whether an agency has acted within its statutory authority, and courts may not defer to an agency interpretation of the law simply because a statute is ambiguous; *Chevron* is overruled." This opinion applies to two nearly identical cases heard by Court – 22-451, *Loper Enterprises v. Raimondo*, and 22-1219, *Relentless v. Department of Commerce* – having to do with a 2020 regulation issued by the National Marine Fisheries Service requiring that herring boat owners pay a daily \$700 fee for oversight of federal observers collecting data, who the boats are required to have onboard under a 1976 federal law to prevent overfishing. According to *The New York Times*, over the past 40 years 70 Supreme Court decisions have relied on *Chevron* as have 17,000 lower-court rulings. Setting aside this longstanding legal precedent shifts decision-making authority from the executive branch to Congress and the courts. For further information: https://www.4cleanair.org/wp-content/uploads/SCOTUS-Chevron_Doctrine_Decision-062824.pdf

HEI Global State of The Air Report Finds 8.1 Million Deaths Annually Linked To Air Pollution (June 18, 2024) - Air pollution now ranks as the second leading risk factor for death, according to the most recent State of Global Air 2024 Report from the Health Effects Institute, an advocacy and research organization that links public health impacts with emissions. Their new report analyzed 2021 data for air quality and health impacts for countries around the world. Of the total deaths, 90 percent of the global burden of air pollution resulted from noncommunicable diseases, including heart disease, stroke, diabetes, lung cancer, and chronic obstructive pulmonary disease (COPD). Newborns and children under five years old were particularly vulnerable, suffering from premature birth, low birth weight, delayed brain development, asthma, lung diseases, and childhood cancers. HEI's report said that globally, air pollution is now only second to malnutrition as the largest risk factor for death for children under

August 1, 2024

5 years old, accounting for 709,000 deaths globally. Among all demographics in 2021, long-term exposure to ozone contributed to an estimated 489,000 deaths globally, including 14,000 ozone-related COPD deaths in the United States. For further information:

<https://www.stateofglobalair.org/resources/report/state-global-air-report-2024>

Ford Moves to Intervene In Support of EPA’s Final Phase 3 Heavy-Duty GHG Emission Standards Rule (June 12, 2024) - Ford Motor Company filed a motion in the U.S. Court of Appeals for the District of Columbia Circuit to intervene in support of EPA in litigation challenging the agency’s final rule establishing Phase 3 greenhouse gas (GHG) emission standards for heavy-duty trucks and engines. In its motion, the movant intervener urged the court to grant its intervention request, writing “Ford supports EPA’s efforts to regulate greenhouse gases and other emissions from heavy-duty motor vehicles. Ford is committed to reducing emissions in its own fleet and scaling up its production of electric vehicles and hybrids to satisfy growing customer demand and provide customers with choices in addition to vehicles that use internal combustion engines. Ford is investing billions in electrification efforts and creating jobs, including building new electric vehicle and battery assembly plants in Kentucky, Michigan, and Tennessee, transitioning existing facilities in Missouri and Ohio to produce electric vehicles, and expanding production capacity for hybrid vehicles. The Final Rule sets standards for reducing greenhouse gas emissions from heavy-duty vehicles for model year (“MY”) 2027 to MY 2032 and selling electric and hybrid vehicles is a primary way by which Ford plans to comply. As a company directly regulated by the Final Rule that seeks a stable regulatory landscape for corporate planning, Ford has an obvious and substantial interest in this litigation, including in defending the EPA’s authority to establish emissions standards and aspects of the rule that establish how automakers demonstrate compliance with those standards.” For further information: https://www.4cleanair.org/wp-content/uploads/Litigation-Phase3_Rule-Ford_Motion_to_Intervene_for_EPA-061224.pdf

Mr. Papish reviewed the civil penalties issued to Lanxess and Drax recently by the agency. The penalty to Lanxess was significant enough that a press release was issued which all board members should have received.

Mr. Mortensen said using CPI as a fee inflator is not necessarily the best approach to raising fees. He would prefer the actual cost of the activity be analyzed so the agency is collecting the cost of the activity rather than an arbitrary number. Mr. Mortensen also said fees related to penalties should be used as a deterrent and not necessarily used to increase revenue.

Dr. Melnick asked for a motion to adjourn the meeting. Mr. Shumaker made a motion to adjourn. Mr. Mahar seconded the motion. Motion passed.

Board Policy Discussion Issues

None.

Issues for Next Meeting

August 1, 2024

A. Public Hearing.

1. As Necessary.

B. New Business/Unfinished Business.

1. SWCAA 400 rulemaking.
2. CPI fees increase proposal.

C. Meeting Date and Location.

1. September 5, 2024 at 3:00 p.m. Southwest Clean Air Agency, 5105 NE 82nd Ave., Suite 102, Vancouver, Washington.

The next Board of Directors meeting will be held on September 5, 2024 at 3:00 p.m., Southwest Clean Air Agency, Vancouver, Washington.

Board Meeting Attendance:

JURISDICTION	J 2024	F 2024	M 2024	A 2024	M 2024	J 2024	J 2024	A 2024	S 2023	O 2023	N 2023	D 2023
Clark County	+	+	+	+	+	0	C	+	+	+	+	C
Cowlitz County	+	+	A	+	+	+	C	+	+	+	A	C
Lewis County	0	+	+	0	0	+	C	0	0	+	+	C
Skamania County	+	+	+	+	+	+	C	+	+	+	+	C
Wahkiakum County	A	+	+	+	+	+	C	+	+	+	+	C
Cathlamet	+	0	A	+	+	+	C	+	+	+	+	C
Centralia	+	0	0	+	A	+	C	+	+	+	+	C
Longview	+	+	+	+	+	+	C	0	+	+	+	C
Stevenson	A	+	+	+	+	+	C	+	+	0	+	C
Vancouver	+	+	+	+	+	+	C	0	+	+	+	C
Member-At-Large	+	+	+	+	+	+	C	0	+	+	+	C

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

Dr. Melnick adjourned the meeting without objection at 3:35 p.m.

DocuSigned by:

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 Chair

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 Executive Director

August 1, 2024