

Southwest Clean Air Agency

Board of Directors Minutes

February 6, 2025

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, 2025.

Those present were: Dr. Alan Melnick, Chair, Clark County
Ben Shumaker, Vice-Chair, City of Stevenson
Lee Tischer, Director, Wahkiakum County
Robert Stowe, Director, Town of Cathlamet
Andy Oien, Director, City of Centralia
MaryAlice Wallis, Director, City of Longview
Danielle Jokela, Director, Member at Large
Sean Swope, Director, Lewis County
Rob Farris Director, Skamania County

Excused: Kim Harless, Director, City of Vancouver
Steve Rader, Director, Cowlitz County

Also Present: Staff: Uri Papish, Executive Director
Wess Safford, Air Quality Engineer II
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 January 2, 2025 minutes. Mr. Stowe moved and Ms. Jokela seconded that the minutes for the January 2, 2025 Board meeting be approved. Motion passed.

Consent Agenda

Dr. Melnick asked for approval of the Consent Agenda including voucher numbers 261 through 309, 311 and 312 in the amount of \$44,379.60 which have been approved for payment by the Executive Director and voucher number 310 in the amount of \$17,724.00. Mr. Stowe moved and Mr. Shumaker seconded that the Consent Agenda be approved. Motion passed.

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Changes to Agenda

None

Info Items & Public Comment

None

Public Hearing

None

Unfinished Business/New Business

Dr Melnick opened discussion on the proposed adoption of SWCAA 400 "General Regulations for Air Pollution Sources" and recognized Mr. Papish. Mr. Papish said SWCAA is proposing changes to SWCAA 400 "General Regulations for Air Pollution Sources" to update the incorporation of federal regulations by reference, add definitions, revise nonroad engine exceptions, update federal regulation citations, revise complaint reporting requirements, update state law citations, clarify registration applicability, add an exception to the vertical dispersion requirement, revise NSPS and MACT adoptions, and make minor administrative edits.

Attachment A provides a summary of the proposed changes and Attachment B contains the full text of the proposed rule revisions. SWCAA held a public comment period for the proposed changes to SWCAA 400 from November 15, 2024, to December 30, 2024. In addition to publishing the notice with the state code reviser, SWCAA posted the proposed rulemaking on its website and sent emails or postcards to all registered sources and subscribers to rulemaking notifications. No comments were received during the comment period, and no members of the public attended the SWCAA public hearing on the evening of December 30, 2024. Attachment C includes the Hearings Officer Report.

Mr. Papish introduced Wess Safford, SWCAA Air Quality Engineer II, and said Mr. Safford is the agency rule writer and would provide the Board with a brief description of the proposed changes.

The General Regulations for Air Pollution Sources (SWCAA 400) establish rules to control and regulate emission of air contaminants from sources within the jurisdiction of the Agency. Pursuant to the U.S. Clean Air Act (42 U.S.C. 7401 et seq.) and the Washington Clean Air Act (RCW 70A.15), the policy of SWCAA is to prevent violations of federal, state, and local air pollution regulations, to provide uniform administration and enforcement of the aforementioned regulations.

Mr. Safford said SWCAA is proposing changes to SWCAA 400 which would do the following:

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SWCAA 400-025 Adoption of Federal Rules

Update adoption by reference date for federal regulations cited in other sections of SWCAA 400.

SWCAA 400-030 Definitions

Add definition for "hazardous air pollutant". Revise definition for "nonroad engine".

SWCAA 400-045 Permit Application for Nonroad Engines

Revise stationary engine exceptions.

SWCAA 400-046 Application Review Process for Nonroad Engines

Remove 40 CFR 89 reference in 400-046(2)(c) and recordkeeping requirements for engine location in 400-046(7).

SWCAA 400-070 General Requirements for Certain Source Categories

Update federal regulation citation in 400-070(6)(c).

SWCAA 400-072 Emission Standards for Selected Small Source Categories.

Revise complaint reporting sections for consistency (business vs calendar days). Clarify definition of heater in 400-072(5)(b). Maximum combined horsepower limit added to 400-072(5)(c). Modification of emergency use recordkeeping requirement in 400-072(5)(c). Remove setback requirement from 400-072(5)(d). Administrative edits.

SWCAA 400-075 Emission Standards for Stationary Sources Emitting Hazardous Air Pollutants

Add reference to Administrator of EPA in 400-075(5)(b).

SWCAA 400-099 Per Capita Fees

Update RCW citation from 70.94 to 70A.15.

SWCAA 400-100 Registration Requirements

Clarify applicability of registration.

SWCAA 400-105 Records, Monitoring and Reporting

Add "hazardous air pollutants" to list of pollutants in 400-105(1). Remove FCAA Section 112 citation.

SWCAA 400-115 Standards of Performance for New Sources

Update list of exceptions.

SWCAA 400-171 Public Involvement

Clarification of synthetic minor applicability and website publication of public notice.

SWCAA 400-200 Vertical Dispersion Requirement, Creditable Stack Height and Dispersion Techniques.

Revision of 400-200(1) applicability to include domestic hot water units.

SWCAA 400 Appendix C - FEDERAL STANDARDS ADOPTED BY REFERENCE

Update list of adopted federal regulations.

Mr. Swope clarified there are no major changes in this update. Mr. Safford said there are no major new rules and/or requirements it is simply clarification and section updates.

Mr. Stowe asked if these updates could be reversed or otherwise changed based on the results of the Presidential election. Mr. Safford said these changes are not likely to be reviewed by EPA Region 10 and therefore will not be affected. Mr. Papish added any changes made by the new Administration will be brought before the Board for adoption as needed.

Dr. Melnick and the Board thanked Mr. Safford for his overview of the proposed rule. Additionally, Mr. Papish thanked Mr. Safford.

Dr. Melnick asked for a motion to adopt the proposed revisions to SWCAA 400 "General Regulations for Air Pollution Sources" as outlined in Attachment B. Mr. Swope made a motion to adopt the proposed revisions to SWCAA 400 "General Regulations for Air Pollution Sources" as outlined in Attachment B. Ms. Wallis seconded the motion. Motion passed unanimously.

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.

A. EPA Grants CARB Waivers/Authorizations for ACC II and HDO Regulations (December 18, 2024)

The EPA has granted the California Air Resources Board (CARB) requests for waivers of federal preemption under Clean Air Act Section 209 for California's Advanced Clean Cars II (ACC II) Regulation, as well as waivers and authorizations for the state's Heavy-Duty Omnibus (HDO) Low NOx Regulation. This approval allows California to enforce both regulations.

For further information:

<https://www.epa.gov/state-and-local-transportation/vehicle-emissions-california-waivers-and-authorizations#ACCP>

<https://www.epa.gov/state-and-local-transportation/vehicle-emissions-california-waivers-and-authorizations#HD-Omnibus-Low-NOx>

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B. EPA Approves California Mobile Source Rule Preemption Waivers (January 6, 2025)

On January 6, 2025, the EPA published three Notices of Waivers of Preemption in the Federal Register, approving California's mobile source programs under Section 209 of the Clean Air Act (CAA) to reduce emissions. These waivers also apply to states that adopt California's standards under CAA Section 177. The approved programs include:

- Advanced Clean Cars II program
- Omnibus Low-NOx Diesel Engines program
- Emissions standards for small off-road engines

These waivers, approved by the EPA in December 2024, set a March 7, 2025 deadline for Petitions for Review. Additionally, EPA finalized two more waiver approvals for:

- California's Commercial Harbor Craft (CHC) regulation amendments (2022).
- In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets regulations (2022).

Two other California mobile source waivers are still pending EPA approval:

- In-Use Locomotive authorization.
- Advanced Clean Fleet waiver request.

The EPA provides a website to track the status and documents of all California waivers.

For further information:

<https://www.federalregister.gov/documents/2025/01/06/2024-31128/california-state-motor-vehicle-and-engine-pollution-control-standards-advanced-clean-cars-ii-waiver>

<https://www.federalregister.gov/documents/2025/01/06/2024-31125/california-state-motor-vehicle-and-engine-and-nonroad-engine-pollution-control-standards-the-omnibus>

C. President Trump's Day One Executive Orders on Environment (January 21, 2025)

On his first day in office, President Trump issued new Executive Orders (EOs) outlining his environmental policy, signaling a shift from the Biden administration's priorities. These EOs will require regulatory changes, congressional approval, or renegotiation of contracts and may face legal challenges.

Key actions include:

- EO "Unleashing American Energy": Reverses Biden's environmental goals, prioritizes energy exploration on federal lands, and seeks to eliminate the electric vehicle mandate.
- EO "Declaring a National Energy Emergency": Instructs federal agencies to use emergency powers to promote domestic energy resources, including on federal lands.
- EO "Regulatory Freeze Pending Review": Pauses all pending Biden administration regulations, including those in the Federal Register.

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- EO "Putting America First in International Environmental Agreements": Initiates a year-long process to exit the Paris Climate Agreement.
- Rescinded EOs: Several Biden-era EOs were rescinded, including those focused on electric vehicle targets and environmental protection, as well as the EO establishing the White House Office of Domestic Climate Policy and the National Climate Task Force.

For further information:

<https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-american-energy/>

<https://www.whitehouse.gov/presidential-actions/2025/01/declaring-a-national-energy-emergency/>

<https://www.whitehouse.gov/presidential-actions/2025/01/regulatory-freeze-pending-review/>

<https://www.whitehouse.gov/presidential-actions/2025/01/putting-america-first-in-international-environmental-agreements/>

<https://www.whitehouse.gov/climate>

D. Trump's Day One Executive Orders on Federal Workforce and Environmental Justice (January 21, 2025)

On his first day, President Trump issued Executive Orders (EOs) affecting the federal workforce and environmental justice. Key actions include:

- Federal Workforce Reductions: A hiring freeze is enacted for federal employees.
- Schedule F Reinstatement: The EO "Restoring Accountability to Policy-Influencing Positions" reinstates the "Schedule F" classification.
- Ending DEI and Environmental Justice Programs: The EO "Ending Radical And Wasteful Government DEI Programs" directs agencies to eliminate environmental justice offices.

For further information:

<https://www.whitehouse.gov/presidential-actions/2025/01/restoring-accountability-to-policy-influencing-positions-within-the-federal-workforce/>

<https://www.whitehouse.gov/presidential-actions/2025/01/ending-radical-and-wasteful-government-dei-programs-and-preferencing/>

<https://www.whitehouse.gov/presidential-actions/2025/01/return-to-in-person-work/>

<https://www.4cleanair.org/wp-content/uploads/OPM-Memo-Initial-Guidance-Regarding-DEIA-Executive-Orders.pdf>

Dr. Melnick asked if any of the Executive Orders have a budget impact on the Agency. Mr. Papish responded the Agency receives approximately 7% of its funding through Federal Grants. A memo was issued from the Office of Finance and Budget to suspend all Federal grant money, however that memo was revoked and at this point there is no effect to the Agency. Mr. Papish said the Agency has one grant from the Federal Inflation Reduction Act which could be impacted. The situation will be monitored closely.

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Dr. Melnick asked if any of SWCAA's grants have DEI language. Mr. Papish didn't think so. Dr. Melnick also asked if the Agency has lost access to any information available on federal websites. Mr. Papish said the Agency downloaded some data in the days leading up to the election to ensure access in the event a website and/or links were discontinued.

Mr. Papish reviewed the items for upcoming meetings and reminded Dr. Melnick there was a subcommittee created to aid in the Executive Director evaluation. Two of the previous members are no longer on the Board. The Board agreed Dr. Melnick, Mr. Shumaker and Ms. Jokela would serve on the subcommittee this year.

Board Policy Discussion Issues

None.

Issues for Next Meeting

A. Public Hearing.

1. As Necessary.

B. New Business/Unfinished Business.

1. Staff COLA Decision (April)
2. Executive Director Evaluation (April)
3. SWCAA Budget (May)

C. Meeting Date and Location.

1. March 6, 2025 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 March 6, 2025 at 3:00 p.m., Southwest Clean Air Agency, Vancouver, Washington.

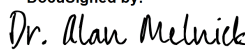
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Board Meeting Attendance:

JURISDICTION	J 2025	F 2025	M 2024	A 2024	M 2024	J 2024	J 2024	A 2024	S 2024	O 2024	N 2024	D 2024
Clark County	+	+	+	+	+	0	C	+	+	+	+	C
Cowlitz County	0	0	A	+	+	+	C	+	+	A	A	C
Lewis County	0	+	+	0	0	+	C	0	+	+	0	C
Skamania County	0	+	+	+	+	+	C	+	+	+	+	C
Wahkiakum County	+	+	+	+	+	+	C	+	+	+	+	C
Cathlamet	+	+	A	+	+	+	C	+	+	+	+	C
Centralia	+	+	0	+	A	+	C	+	+	+	+	C
Longview	+	A	+	+	+	+	C	0	+	+	+	C
Stevenson	0	+	+	+	+	+	C	+	+	+	0	C
Vancouver	0	0	+	+	+	+	C	0	+	0	0	C
Member-At-Large	+	+	+	+	+	+	C	0	0	0	0	C

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

Dr. Melnick adjourned the meeting without objection at 3:53 p.m.

DocuSigned by:

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 Chair

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 Executive Director