

# 417th regular meeting of the Oregon Environmental Quality Commission



**Nov. 17-18, 2021: Teleconference**

The commission held its regular meeting by teleconference, using the Zoom web conferencing platform (for video and audio connection), and additional access by toll-free telephone (for audio-only connection)

**Wednesday, November 17: 9 a.m. to 4:15 p.m.**

*All listed times are approximate and subject to change*

9 a.m.

**Informational briefing: Private Forest Accord agreements**

Director Whitman will provide a short briefing to the commission regarding the agreements and provisions of the recent Private Forest Accord.

9:30 a.m.

**Welcome and meeting open**

The commission will open the meeting and review the day's agenda.

9:35 a.m.

***This item is a joint session with the Oregon Board of Forestry***

**A. Informational and discussion: Final Draft of the ODF/DEQ MOU**

DEQ and the Department of Forestry will present the final Memorandum of Understanding between DEQ and Forestry for water quality protections.

11:05 a.m.

**Lunch and executive session**

The commission will hold an Executive Session as part of a working lunch. This executive session will be held pursuant to ORS 192.660(2)(f) and (h).

Executive session is a closed meeting for commissioners, specific DEQ staff and staff from the Oregon Department of Justice, to discuss confidential legal information and updates. Per state law, members of the media may attend executive session; however, they may not report on the specifics or details of any discussions or information presented during executive session. Members of the media are asked to email Stephanie Caldera by 5 p.m. on Tuesday, November 16, to request access for this executive session.

12:15 p.m.

**B. Action: Draft meeting minutes**

The commissioners will review and take action on the draft minutes from the Sept. 30-Oct. 1, 2021, regular EQC meeting and Oct. 18, 2021, special EQC meeting.

12:20 p.m.

**C. Action: Oregon Clean Truck rules; Addendum A**

**Translations or other formats**

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DEQ will present a package of three proposed rules related to vehicles. The Advanced Clean Trucks rule would require manufacturers of medium- and heavy-duty vehicles to sell a certain percentage of zero emission vehicles beginning with the 2024 vehicle model year. The Heavy-Duty Low NOx Omnibus rules would require heavy duty vehicle manufacturers to comply with tougher NOx emission standards, overhaul engine testing procedures and further extend engine warranties to ensure NOx emissions are reduced. The proposal would also update the Oregon Low-Emission Vehicles Program rules to maintain alignment with California's program.

1:20 p.m.

**D. Action: Cleaner Air Oregon toxics rules alignment; Addendum A**

DEQ will present proposed rules for the Cleaner Air Oregon Program. The proposed rules would strengthen the process for setting and revising toxicity values for toxic air contaminants; align DEQ's Air Toxics Program (OAR 340-246) and Cleaner Air Oregon Program (OAR 340-245); and clarify certain CAO requirements for facilities and address inefficiencies in the risk assessment process.

2:15 p.m.

**E. Action: Oregon Clean Vehicles Rebate Program temporary rulemaking**

DEQ will present proposed temporary rules to align Oregon's Clean Vehicles Rebate Program with legislation passed in the 2021 Legislative Session. DEQ must have the revised regulations established before Jan. 1, 2022, when the legislation becomes effective. If adopted, the temporary rules would implement the legislative updates for no more than 180 days; however, DEQ is developing a permanent rulemaking to ensure continuity of the program and its regulations.

2:35 p.m.

**Break**

2:45 p.m.

**F. Action: Hazardous Waste federal alignment rulemaking**

DEQ will present proposed rules to align its Hazardous Waste Program rules with the federal rules, including recent federal updates and some new federal regulations.

3:20 p.m.

**G. Public forum**

During this item, the commission welcomes public comment on general environmental and public health concerns relevant to EQC work. Sign-ups to comment will occur at the start of this agenda item, not by pre-registration, and people are asked to limit comments to three minutes or less.

- The commission may shorten comment time to allow all interested parties the opportunity to speak.
- Timing will be confirmed at the start of this item, based on total number of people requesting to comment.

4:15 p.m.

**Recess: The commission will recess until 9 a.m. on Thursday, Nov. 18, 2021**

## Thursday, November 18: 9 a.m. to 12:30 p.m.

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9 a.m.

**Welcome and meeting open**

The commission will open the meeting and review the day's agenda.

9:05 a.m.

**H. Action: LRAPA rulemakings**

DEQ will present recent updates made by the LRAPA Board for air quality maintenance plans in Lane County. As the only regional air protection authority remaining in Oregon, LRAPA rulemakings must remain at least as stringent as those directed by EQC, and periodic concurrence actions are needed by the commission following LRAPA Board actions.

9:35 a.m.

**I. Informational: Clean Fuels Program updates**

DEQ will provide updates about the Clean Fuels Program, including upcoming rule proposals from the program as part of the directives to DEQ in Governor Brown's Executive Order 20-04 for climate change.

10:15 a.m.

**J. Informational: Climate Protection Program rulemaking**

DEQ will provide updates on the Climate Protection Program rulemaking process and draft elements, including potential revisions based on public comment received. DEQ will present proposed rules for commission action at a special meeting December 2021.

11:25 a.m.

**Break**

11:35 a.m.

**K. Informational: Director's report**

Director Whitman will present written and verbal updates on agency activities and other issues of interest to the commission.

12:15 p.m.

**L. Informational: Commissioner reports**

Commissioners will provide verbal updates on their activities and work of interest to the commission and DEQ, including formal liaison roles with other state boards.

12:30 p.m.

**Adjourn: The commission will adjourn its regular meeting.**

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