



State of Oregon Department of Environmental Quality

Notes: Oregon Environmental Quality Commission meeting

421st regular meeting: July 21-22, 2022

Thursday, July 21: 9 a.m. to 4:45 p.m.

- Present: Chair Kathleen George (*joined via Zoom at 10 a.m.*), Vice-chair Sam Baraso, Greg Addington, Commissioner Molly Kile and Commissioner Amy Schlusser

Welcome and meeting open

Vice-chair Baraso convened the meeting at 9:10 a.m. and noted he would preside until Chair George joined the meeting. The commissioners reviewed the day's agenda and made no changes.

A. Action: ATSAC member appointment

Ali Mirzakhilili, Air Quality Division Administrator, introduced the item. Gabriela Goldfarb, Oregon Health Authority Environmental Public Health Section Manager, described the partnership between DEQ and OHA related to air toxics work that was strengthened by the development of the Cleaner Air Oregon Program, and provided an overview of the presentation.

Matt Davis, Cleaner Air Oregon Program Manager, provided background on the structure and functions of the Air Toxics Science Advisory Committee, ATSAC. Apple Goeckner, CAO Program Coordinator, described the framework of ATSAC and the relevant roles for membership on that advisory committee. Holly Dixon, OHA Toxicologist, provided brief background information on the seven proposed ATSAC members. Davis summarized DEQ's recommendation for commission concurrence with Director Whitman's appointment of the seven proposed members. Commissioners asked clarifying and informational questions throughout the presentation.

Action: Concur with Director Whitman's appointment of the seven people listed on page one of the staff report for this item to serve on the Air Toxics Science Advisory Committee.

Move: Commissioner Kile

Second: Commissioner Schlusser

The commission unanimously approved the motion as presented. Chair George was not present for this vote.

B. Informational: Climate and transportation programs overview

Colin McConnaha, Office of Greenhouse Gas Programs Manager, introduced the item and presented background information for the informational item. Director Whitman described connections across multiple sectors related to emission reductions – electricity generation, transportation and land use – as context for the larger coordination of policies and regulations needed to transition Oregon to cleaner sources of energy.

McConnaha described successes to date for the Clean Fuels Program and noted DEQ’s intent to propose an expansion of the program later this year with modified targets for reductions by 2035. He outlined the Climate Protection Program’s regulatory limits serving as backstops to other emission reduction programs and projects at the agency. McConnaha summarized other investments by utility and fleet services that have been made recently to support the state’s transition to cleaner fuels.

Ali Mirzakhilili, Air Quality Division Administrator, described diesel emissions reduction projects supported by DEQ and other state agencies. He described other consumer incentives, like the Oregon Clean Vehicle Rebate Program, and vehicle manufacturer requirements that help support the transition to cleaner vehicles. Mirzakhilili also summarized DEQ’s involvement in the Statewide Transportation Strategy and roles in the Every Mile Counts program.

McConnaha notes that all the programs discussed work together to reduce the use of gasoline and diesel, and are projected to reduce the use of those fuels in Oregon by almost 50 percent of current use by 2035. That reduction is a significant positive step for emissions reductions and Oregon’s climate and transportation future.

Commissioners asked clarifying and informational questions throughout the presentation. Commissioner Kile asked for a future presentation about the in-state production of cleaner fuels, including planned growth in that industry as regulations change over time.

C. Informational: Advanced Clean Cars II rulemaking development

Ali Mirzakhilili, Air Quality Division Administrator, introduced the item and provided background information on the Advanced Clean Cars rules. Rachel Sakata, Air Quality Division Planner, described the need to reduce transportation-related emissions and provided an overview of some of the DEQ programs and projects designed to reduce pollutants from passenger vehicles.

Sakata described the federal and California-specific emissions standards for passenger vehicles, and Oregon’s status as an opt-in state to the California regulations, which are more stringent than the federal emissions standards. She explained the proposal in California for

Advanced Clean Cars II, building on prior updates to low- and zero-emission vehicle standards. She noted that the California proposal includes a variety of compliance mechanisms for manufacturers, and has an emphasis on increased affordability and durability of the lower-emission cars to ensure they are accessible for people with lower incomes, many of whom have traditionally been excluded from the advances of cleaner cars due to high prices or other limits to their usability.

Commissioners asked clarifying and informational questions throughout the presentation. DEQ intends to present rules for Oregon's Advanced Clean Cars II in late 2022, pending final action in California and program design processes.

Break: *The commission recessed for a short break*

D. Informational: Employee Commute Options rulemaking development

Ali Mirzakhilili, Air Quality Division Administrator, introduced the item and provided background on the Employee Commute Options Program at DEQ. Karen Williams, Air Quality Division Planner, discussed the structure of the ECO Program, its objectives and its current status.

Williams described the health and social co-benefits of the emissions prevented by the ECO Program since its inception in the 1990s and ways the program could potentially be expanded through rulemaking under development. She noted that an expansion of the ECO Program would support the agency's other climate protection and emissions reduction programs. Williams discussed the Rules Advisory Committee process and some of the discussions being held with those committee members. Commissioners asked clarifying and informational questions throughout the presentation.

E. Public comment: Climate and transportation items

Chair George opened a comment opportunity specific to the presentations and information in items B, C and D. Eight people presented comment during this item. A summary of their comments is below, associated with individuals' names and affiliations, if provided.

1. Rob Kugler, Metro Climate Action Team, commented in support of the Advanced Clean Cars II rulemaking.
2. Sara Wright, Oregon Environmental Council Transportation Director, commented in support of the Advanced Clean Cars II rulemaking.
3. Mia Tiwana, Cascade Policy Institute Policy Analyst, commented in opposition to the Advanced Clean Cars II rulemaking.
4. Victoria Paykar, Climate Solutions Oregon Transportation Policy Manager, commented in support of the Advanced Clean Cars II rulemaking.

5. Eric Strid, retired person and current electric vehicle user, commented in support of the Advanced Clean Cars II rulemaking.
6. Dale Feik, Washington County Citizen Action Network, commented in support of the diesel emission reductions work and general climate programs at DEQ.
7. David Collier, Oregon Sierra Club, commented in support of the Advanced Clean Cars II rulemaking and the coordinated program work to provide pollution reduction and public health co-benefits through multiple strategies.
8. Lukas Kubeja commented in support of the Advanced Clean Cars II rulemaking.

F. Action: Temporary rule corrections to Asbestos Program fees

Ali Mirzakhaili, Air Quality Division Administrator, introduced the item. He noted that the fees approved by the commission in May 2022 had typographical errors that resulted in incomplete implementation of the fee increase as intended. He described the proposed temporary rules, which would allow DEQ to implement the fee increase as intended.

Action: Determine that failure to act promptly would result in serious prejudice to the public interest or the interests of the parties concerned as provided under the Justification section of the staff report for this item and adopt temporary rules as seen on page 11 of the report for this item as part of Chapter 340 of the Oregon Administrative Rules to be effective beginning on July 22, 2022.

Move: Commissioner Kile

Second: Commissioner Schlusser

The commission unanimously approved the motion as presented.

G. Action: Delegation of rulemaking authority for permanent corrections to Asbestos Program fees

Ali Mirzakhaili, Air Quality Division Administrator, described the proposed delegation of rulemaking authority to Director Whitman. The delegation would allow Director Whitman to take action on behalf of the commission for the permanent rules for corrections to the Asbestos Program fees.

Action: Delegate the 2022 Asbestos Program fee permanent rulemaking to the DEQ Director, Richard Whitman, for a decision.

Move: Commissioner Schlusser

Second: Commissioner Kile

The commission unanimously approved the motion as presented.

Working lunch and executive session

Chair George recessed the public meeting from approximately 12:30 to 1:30 p.m. for a working lunch and executive session. The session was held pursuant to 192.660(2)(a), (f) and (h).

H. Informational: Built Environment Strategic Plan

Lydia Emer, Land Quality Division Administrator, introduced the item and provided context about the Materials Management Program and the Built Environment Program and projects.

Sun Joo Kim, Charette Venture Group, and Amanda Ingmire, Built Environment Program lead, co-presented this item. They served as the co-conveners of an advisory committee to help develop the Built Environment Strategic Plan, in collaboration with DEQ and external partners. They discussed the importance of building materials and the built environment when considering emissions locally and globally, and outlined the development processes and outcomes of the Built Environment Strategic Plan.

Commissioners asked clarifying and informational questions throughout the presentation. Chair George noted her interest in helping coordinate a listening session on the program specific to Oregon Tribal communities.

I. Informational: Annual State of the Environment Report

Deputy Director Leah Feldon introduced the item and provided an overview of the presentation. Administrators presented key measure data for their respective divisions and programs.

- Lori Pillsbury – Laboratory and Environmental Assessment Division
- Lydia Emer – Land Quality Division
- Ali Mirzakhali – Air Quality Division
- Colin McConnaha – Office of Greenhouse Gas Programs
- Jennifer Wigal – Water Quality Division

Commissioners asked clarifying and informational questions throughout the presentation, and asked for some verification and follow-up on specific measures.

J. Informational: Memorandum of Understanding for water quality between DEQ and Oregon Department of Forestry

Jennifer Wigal, Water Quality Division Administrator, introduced the and provided a brief background on the MOU. She summarized the development of the 2021 MOU for water quality between DEQ and ODF, and described the agencies' actions to implement the MOU. Josh Barnard, ODF Forest Resources Division Chief, discussed Forestry-led actions, done in collaboration with DEQ, related to the MOU.

Commissioners asked clarifying and informational questions throughout the presentation.

Break: *The commission recessed for a short break*

K. Discussion/direction: DEQ Director recruitment process

Director Whitman outlined the item’s structure and discussed two draft documents for process and content related to the recruitment for the next DEQ Director. Commissioners discussed the initial proposed draft of minimum qualifications, skills and desired attributes to be included in the recruitment materials and job announcement. Director Whitman noted that the draft materials will be released for public comment, as part of the required public process for recruitment, and the commission will finalize and approve the materials, following consideration of public comment, at a special meeting in August.

Commissioners discussed structural considerations of the recruitment process, including:

- A centralized DEQ webpage for all recruitment process, to make the information easy to access by any person
- Establishing designees of the commission to work with an external recruitment firm and staff support for the initial review of applications and work through the process

The commissioners agreed that Chair Kathleen George and Commissioner Molly Kile would serve as the EQC designees through the recruitment process. The commissioners also agreed on the updated wording of the draft proposed recruitment materials as discussed during the meeting and directed DEQ to issue the draft for public comment on July 25, with a special meeting to be scheduled in late August for the final approval of materials.

Meeting close

Commissioner Schlusser noted she would not attend the Friday meeting, and Commissioner Addington noted he would be absent for a portion of the Friday morning agenda. Both are excused absences.

Director Whitman noted that commissioners and some staff will attend an optional, social dinner to recognize the service of former Commissioner Wade Mosby. No commission business was held at the dinner.

Recess: Chair George adjourned the meeting at 4:47 p.m. until 9 a.m. on Friday, July 22, 2022.

Friday, July 22: 9 a.m. to 12:30 p.m.

- Present: Chair Kathleen George, Vice-chair Sam Baraso, Greg Addington (*joined via Zoom at 10:35 a.m.*) and Commissioner Molly Kile

Meeting open and welcome

Chair George reconvened the meeting at 9:10 a.m. and commissioners reviewed the day's agenda.

L. Public forum

Chair George opened a public comment opportunity on general topics related to Oregon's environment. Five people presented comment during this item. A summary of their comments is below, associated with individuals' names and affiliations, if provided.

1. Dale Feik, Washington County Citizen Action Network, commented regarding organizational culture change and support for DEQ's diversity, equity and inclusion work.
2. James Hugo, multiple affiliations stated, commented on environmental and public health concerns associated with the operations of International Paper in Springfield and requested air quality monitoring for the area residents.
3. Jessi Preston, Springfield resident, commented on environmental and public health concerns, specifically children's health, associated with the operations of International Paper in Springfield and requested air quality monitoring for the area residents and more regulation of the facility's emissions.
4. Mary Anne Cooper, Oregon Farm Bureau, commented about concerns regarding reduced engagement or communications with stakeholders and provided specific comments regarding the groundwater program investments included in DEQ's 2023-25 Agency Request Budget materials.
5. Nancy Hiser, Linnton resident, commented regarding gas and petroleum tank vulnerabilities along the river and concerns regarding the Critical Energy Infrastructure Hub.

M. Action: Draft meeting minutes

Commissioners reviewed the draft minutes from the May 19-20, 2022, regular EQC meeting.

Action: Approve the May 19-20, 2022, EQC meeting minutes as presented

Move: Commissioner Kile

Second: Vice-chair Baraso

The commission unanimously approved the motion as presented. Commissioner Addington was not present for this vote.

N. Informational: Commissioner reports

Commissioners provided verbal updates of their recent activities of interest to DEQ and the commission.

- Vice-chair Baraso: The Portland Community Energy Fund approved \$107 million in projects and investments recently, may have good program structural lessons learned that can be shared with the Climate Protection Program.
- Commissioner Kile: Commissioner Addington is taking on the OWEB liaison role and will do a transition for that this summer; noted updates with her work at OSU
- Chair George: Participated in a recent regional water planning committee with Yamhill County; noted ongoing communication and engagement needs for DEQ's work with Tribal governments; positive reflection back on the Built Environment Strategic Plan and approaching the planning process differently.

Director Whitman noted that Alexis Taylor, former Oregon Department of Agriculture Director, is moving to a federal bureau leadership position.

Break: *The commission recessed for a short break*

O. Informational: Clean Water State Revolving Fund Loan Program updates

Jennifer Wigal, Water Quality Division Administrator, introduced the item and provided a brief overview of the presentation. Chris Marko, SRF Program Analyst, discussed the federal Bipartisan Infrastructure Law and the ways that law, its funding and statutory changes will require DEQ to update its program rules in late 2022.

Marko described the program's engagement with a new Rules Advisory Committee and outlined the timelines for rule development and program work. Wigal provided additional context and detail on the SRF Program and its operations. Commissioners asked clarifying and informational questions throughout the presentation.

P. Informational: 2023-25 Agency Request Budget

Director Whitman noted that the materials represent a near-final 2023-25 Agency request Budget draft, but the commission will be asked to review and certify the final draft at a special meeting in late August. Nancy Bennett, Policy and External Affairs Manager, discussed the upcoming milestones for DEQ's budget process and outlined the development steps. Bennett presented the overall budget priorities, and the Senior Policy Analysts Abby Boudouris and Rian Hooff provided additional detail for the Land and Water Quality Divisions, respectively. Commissioners asked clarifying and informational questions throughout the presentation.

Q. Informational: Director's report

Director Whitman summarized items included in the written report for this item. He provided additional verbal updates, including:

- EPA Region 10's new administrator, Casey Sixkiller, and his recent visit to Portland for a site tour of Portland Harbor
- Discussion of future agenda items and meeting scheduling, including a special meeting in August and potential date changes for the September meeting

Deputy Director Feldon provided a brief update on the agency's strategic planning process, noting that a full informational item is scheduled for later in 2022.

Adjourn

Chair George adjourned the meeting at 12:40 p.m.



State of Oregon Department of Environmental Quality

Notes: Oregon Environmental Quality

Commission meeting

Special meeting: Aug. 24, 2022

Wednesday, August 24: 9:30-11 a.m.

- Present: Chair Kathleen George, Vice-chair Sam Baraso, Commissioner Greg Addington and Commissioner Amy Schlusser.
 - *Commissioner Molly Kile did not attend, as an excused absence*

Welcome and meeting open

Chair George convened the meeting at 9:35 a.m.

A. Action: DEQ 2023-25 Agency Request Budget certification

Nancy Bennett, Policy and External Affairs Manager, described the development process for the 2023-25 Agency Request Budget and noted that the request for EQC approval and Chair George's signature on the certification form is a required step in the budget process.

Action: Authorize Chair George to sign the DEQ 2023-25 Agency Request Budget certification form on behalf of the commission as part of the agency's Sept. 1, 2022, budget submittal to Governor Brown and the Oregon Legislature

Move: Vice-chair Baraso

Second: Commissioner Schlusser

The commission unanimously approved the motion as presented

Following the commission action, Commissioner Addington requested a future meeting or briefing on Air Quality Permitting Program information related to the Policy Option Package for air quality "hot spots" in the 2023-25 Agency Request Budget.

B. Action: Director's recruitment materials

Chair George thanked the people who submitted comments on the draft recruitment materials and provided a general overview of the process so far and anticipated in the next several months. Director Whitman discussed the comments received and his recommended changes based on that input.

Chair George summarized a letter from Commissioner Kile, and provided to all commissioners, since she was unable to attend. Chair George read some portions of the letter into the commission record, to be noted in the item discussion and decision. Commissioners discussed

the recommended revisions, and made additional changes to the draft proposed qualifications, required skills and desired attributes.

Action: Approve the Director's recruitment hiring standards, criteria and policy directives materials, including required criteria, skills and desired attributes, as discussed and amended at the Aug. 24, 2022, special meeting and direct DEQ to initiate the recruitment process for DEQ's Director using these materials.

Move: Commissioner Schlusser

Second: Vice-chair Baraso

The commission unanimously approved the motion as presented

Following the commission action, Commissioner Addington noted his support for the recruitment process and stated a continued concern than the timeline for hiring feels very fast and potentially rushed.

Adjourn: Chair George adjourned the meeting at 11:07 a.m.
