

Date: Nov. 14, 2022

To: Environmental Quality Commission

From: Leah Feldon, Interim Director

Subject: Item H: Director's Report (Informational)
Nov. 17-18, 2022, EQC meeting

1. Air Quality

1.1 Wildfire Smoke Response Team update

Oregon's fire season officially ended on October 29. During fire season, the Wildfire Smoke Response Team hosted a total of 23 wildfire smoke coordination calls resulting in 12 air quality advisories and eight air quality advisory extensions. The team issued advisories for the southern portion of the Willamette Valley, much of southern Oregon, the Portland metro area and surrounding counties late in the season. The team will host a post-season after action review and continue to work with the more than 20 community and tribal partners who are wrapping up their own smoke preparedness and mitigation projects.

1.2. Medium- and Heavy-duty ZEV Infrastructure Grant Program

In November, DEQ will launch a new \$15 million grant program to support installation of charging infrastructure for zero-emission medium and heavy-duty vehicles. Earlier this year the Oregon Legislature allocated the one-time funding for DEQ to accelerate Oregon's adoption of zero-emission trucks and buses by investing directly in necessary charging infrastructure and related planning activities. The new grant program will help public and private fleet owners transition away from fossil fuel technologies in freight, delivery, school bus, port cargo handling, and public transit services statewide. This will support Oregon's new Advanced Clean Trucks regulation, approved by the commission in 2022, which requires manufacturers of medium and heavy-duty vehicles to sell a certain percentage of zero emission vehicles beginning with the 2024 vehicle model year. The grant program will fund a portion of planning, design, and construction of new zero-emission charging infrastructure. DEQ will issue the notice of grant availability in November 2022, with an initial review of applications in January 2023. DEQ will make award decisions on a rolling basis until all available funds are allocated. People can email dieselgrants@deq.oregon.gov for more information.

1.3. Klamath Falls PM 2.5 Maintenance Plan submittal delayed

DEQ must delay the submission of the Klamath Falls PM 2.5 Maintenance Plan until the area has an attaining three-year design value that meets EPA's monitoring frequency requirements. In

2019, a local monitor was installed and its calibration was biased high, making the data less reliable than needed. This will delay submission of the plan until 2023 or 2024; however, the delay allows DEQ to apply for a Targeted Airshed Grant from EPA this year and attempt to achieve further particulate matter emissions reductions in the area. Accordingly, Oregon DEQ will submit an application to EPA for up to \$10 million to support woodstove changeouts and EV school buses in the Klamath Falls Nonattainment Area.

1.4. Triennial Review of Toxicity Reference Values

In July 2022, the commission appointed seven members to the Air Toxics Science Advisory Committee. The committee convened for its orientation and kickoff session in October. Moving forward, the committee will review and provide feedback on a proposed approach to identify and evaluate updates to Toxicity Reference Values based on changes adopted by authoritative sources such as the US Environmental Protection Agency and the Agency for Toxic Substances and Disease Registry. DEQ anticipates that meeting to occur in January 2023. After finalizing that approach the ATSAC will meet throughout 2023 to evaluate potential updates to specific chemicals and values.

In accordance with OAR 340-247-0040, DEQ provided an opportunity for members of the public and other interested parties to petition the agency to consider additions, deletions or updates to Toxicity Reference Values and specific chemicals that stationary sources are required to report to the agency. The petition opportunity was open for 60 days and closed November 2.

1.5. EPA ARPA/IRA Community Monitoring Grant

DEQ's grant submission "Data to Action: Building a collaborative community framework for cleaner air" has been awarded \$498,796 under EPA's Enhanced Air Quality Monitoring for Communities opportunity. DEQ will work collaboratively with communities, universities, and local and state agencies to co-design an equitable and sustainable community monitoring framework for collaborative action. Using this community monitoring framework, communities will be able to leverage a library of instruments maintained by DEQ to monitor PM2.5 and diesel particulates in their local area and leverage that data to inform action that can be taken to improve their local air quality.

1.6. Clean School Bus Rebate Award

On Wednesday, October 26, EPA announced \$965 million in Clean School Bus Rebates across the country. The rebates are funded by the Bipartisan Infrastructure Law and they help replace existing school buses with clean and zero-emission models to reduce harmful emissions from older, dirtier buses. The federal program will continue to award approximately \$1 billion each year for the next four years, totaling \$5 billion in investments.

This year, two Oregon school districts will receive \$5,530,000 in funding for a total of 14 new electric school buses and charging infrastructure costs: 11 in Banks and three in Prospect. These projects will help improve air quality in Oregon and reduce the disproportionate burden children face from exposure to harmful diesel pollution. Young people are especially vulnerable to

adverse health effects from diesel emissions because of continuing lung development and higher respiratory rates than adults. There are an additional 28 school districts in Oregon that requested \$42,156,000 in federal funding for 175 electric and propane buses. Oregon DEQ plans to reach out to these school districts to promote our related incentive programs with the goal of funding additional clean and zero-emission school bus projects.

2. Land Quality

2.1 Materials Management Product Stewardship Team updates

At the Sept. 22, 2022, commission meeting DEQ staff presented an informational item about how the agency is implementing Oregon's Plastic Pollution and Recycling Modernization Act (2021). Chair George requested follow-up on the topic related to a story recently aired on National Public Radio that called into question the effectiveness of plastics recycling nationally.

Currently, recycling plastics from Oregon is more challenging than in many other parts of the country. Plastics reclamation infrastructure in Oregon is not yet robust, and a strong economic "pull" of materials to Asia elevates the potential for inappropriate handling of waste plastics in countries that lack protective physical infrastructure and legal frameworks.

Oregon's Plastic Pollution and Recycling Modernization Act responds to these challenges in several ways, including:

Ensuring responsible end markets

In 2023, the commission will first establish by rule lists of materials to be accepted for recycling statewide. The proposed rules will consider factors such as viability of responsible end markets. This should serve to protect against acceptance of materials that lack safe and adequate processing and markets, while creating a clear and publicly-transparent pathway for brands and others to improve plastics recycling opportunities in the future.

Commingled recycling processing facilities and producer responsibility organizations will be required to manage such collected materials in environmentally responsible ways, even if plastics from Oregon are shipped to states or nations. DEQ will propose standards for responsible disposition in rules planned for commission consideration in 2023.

Reducing contamination in the recycling stream

New permit requirements for commingled recycling processing facilities will require these facilities to effectively remove and safely dispose of plastic materials not accepted for recycling in Oregon but which enter the recycling system regardless. These requirements to address contamination will be brought to the Commission in a future rulemaking.

Producers, via producer responsibility organizations, will be obligated to compensate processing facilities for the costs of removing and disposing of contamination; ideally, this new financial signal will discourage brands and others from making misleading claims about the recyclability of their materials.

Sharing responsibility for costs

Producers or brands, operating through producer responsibility organizations, will share in any higher costs associated with responsible recycling of materials designated as accepted in recycling programs, thus improving economics from the perspective of the system user (households, etc.).

Increasing accountability

Producer responsibility organizations will also be held to progressively increasing goals for recycling of plastic packaging.

Reducing the impacts of single-use plastics

Finally, mandatory standards for fees on packaging that producer responsibility organizations charge their members, coupled with a new statewide program for waste prevention and reuse, will create incentives and programs to reduce the impacts, and use, of single-use plastics.

2.2. Fuel Tank Seismic Stability Program

In July we reported passage of new fuel tank seismic stability requirements in the 2022 legislative session ([Senate Bill 1567](#)). DEQ's first [rules advisory committee](#) meeting to consider specifics needed in rule was held on October 26. The statutory requirements to prepare for a magnitude 9 Cascadia earthquake were reviewed and discussed. Approximately 17 fuel storage terminals are subject to these requirements and each must submit facility assessments by June 2024. DEQ plans to propose rules for public comment in April 2023 before proposal to the EQC for adoption in the Fall. An informational presentation to the EQC will be made in early 2023. This work is getting significant media attention – recent stories by KGW and OPB are available on the DEQ project [webpage](#).

3. Water Quality

3.1. EPA approves Nonpoint Source Management Program Plan

On Nov. 2, 2022, EPA approved DEQ's updated Nonpoint Source Management Program Plan. The updated plan describes Oregon's programs and process for preventing and controlling nonpoint source pollution. The plan was developed to be consistent with federal clean water act rules and EPA guidance on nonpoint source management program plans. The plan is an update to the plan approved by EPA in 2015. DEQ held a 46-day public comment period on the draft plan Jan. 7, 2022, through 5 p.m. Monday, March 14, 2022. DEQ received comments from 15

separate individuals and organizations. DEQ reviewed all comments received and made numerous changes prior to the final submittal for EPA approval.

4. Eastern Region

4.1. Klamath Dams removal update

A next step in the plan for removal of dams in the Klamath Basin is the surrender of the operating licenses to the Federal Energy Regulatory Commission (FERC), expected this week. This marks the beginning of the largest river restoration effort in the history of the U.S. and one of the largest dam removal projects. DEQ has completed a tremendous amount of work in the Klamath Basin in preparation of the dam removal including developing Total Maximum Daily Loads (TMDLs) to enhance water quality in the Upper Klamath River. In addition, DEQ developed basin specific rules in OAR 340-041-0180 to accommodate exceedances as a result of dam removal activities.

DEQ remains a steadfast partner in the basin supporting restoration through coordinated stewardship processes in both Oregon and California. As a signatory to the Klamath Hydrologic Settlement Agreement, DEQ has continued working with the Interim Measures Implementation Committee comprised of partner agencies, tribal groups and NGOs throughout the basin from the headwaters to the Pacific Ocean. DEQ and the North Coast Water Quality Control Board in California has worked with the committee and PacifiCorp who has maintained a network of water quality monitoring as part of the Interim Measures 11 and 15 of the settlement agreement.

As a result of the title transfer, up to \$5.4 million will be transferred to the Oregon Watershed Enhancement Board (OWEB), which was selected as the fiscal agent through a competitive process, for restoration aimed at nutrient removal in the Upper Klamath Lake Watershed. In preparation for this funding PacifiCorp along with the state, federal, tribal and non-profit partners developed a Steering Committee and Priority List of Projects document to identify ways to reduce nutrient loading in the lake. DEQ will continue to work with the Priority List of Projects Steering Committee to provide guidance on funding projects that meet the criteria. DEQ is hopeful that the funding can be used to match additional funding through other grant opportunities to make a significant difference in reducing nutrient loading in the lake.

4.2. Recycling Modernization Act: Outreach in Central and Eastern Oregon

The Materials Management Program is hosting six virtual informational meetings for local governments, watershed representatives, and solid waste service providers on the Recycling Modernization Act. The presentations will provide information on how the act will impact communities, create expanded producer responsibility for products, and explain opportunities for expanding local recycling services. In conjunction with the virtual meetings, Eastern Region will host in-person meetings in Milton-Freewater, Boardman, Madras, Klamath Falls, Burns, and Ontario. The in-person meetings are intended to build relationships with local governments and

foster discussion on how the Recycling Modernization Act can bring expanded recycling opportunities to rural, underserved communities in Eastern Region.

4.3. Chemical Waste Management Northwest: Hazardous waste permit renewal

DEQ continues to work with EPA Region 10 and Chemical Waste Management, known as CWM, on its hazardous waste permit renewal. Fifteen technical attachments to the permit have been reviewed by DEQ and EPA, and CWM is reviewing DEQ changes to the attachments. DEQ expects to submit a draft permit to EPA for review by year's end. EPA has requested 90 days to review the draft permit. DEQ anticipates posting the draft permit for public comment and hosting a public hearing in spring 2023, and then bringing the permit to the EQC for review and a request for action in summer 2023.

4.4. Lower Umatilla Basin Groundwater Management Area updates

The Lower Umatilla Basin is an area in which the groundwater has suffered from high nitrate contamination for decades. More information about the area is available on DEQ's website: <https://www.oregon.gov/deq/wq/programs/Pages/nitratecontamination.aspx>

LUBGWMA Committee

DEQ has established a new governance structure for the Lower Umatilla Basin Groundwater Management Area (LUBGWMA) Committee. New committee membership categories will be used to establish 11 voting members. Over time, the voting members will receive for consideration strategies and proposals from various subcommittees to reduce the net nitrate inputs to groundwater in the management area. The committee meets every other month, and meetings are open to the public.

Port of Morrow wastewater permit modification and penalty

The second public comment period for the Port of Morrow's wastewater permit modification ended on October 3. Eastern Region's wastewater permit team is currently reviewing and responding to comments. DEQ also continues settlement discussions with the Port for penalties DEQ issued earlier this year.

Lamb Weston wastewater penalty

In late September, DEQ fined the Lamb Weston potato processing facility in Hermiston \$127,800 for overapplying wastewater containing nitrogen to farmland and causing nitrate groundwater contamination in the Lower Umatilla Basin. Lamb Weston has appealed the civil penalty, and DEQ will enter into settlement discussions about the penalty in the coming weeks.

4.5. Powder Basin Total Maximum Daily Load

DEQ is conducting a rulemaking to establish a Total Maximum Daily Load (TMDL) to address the impairments to water quality standards and beneficial uses in surface waters in the Powder River Basin. The Powder River Basin is located in northeastern Oregon and is comprised of the Brownlee, Powder River and Burnt River subbasins, which eventually drain into the Snake River along the border of Oregon and Idaho. These impairments are caused by excess bacteria and will

be addressed by identifying and quantifying sources of this pollutant. This rule will also establish a water quality management plan that includes pollutant management strategies, a list of parties responsible for developing management plans and implementing strategies, and a timeline to reduce pollutant loads and attain water quality standards. DEQ has appointed an advisory committee for this proposed rulemaking, and the committee started meeting in early November.

5. Northwest Region

5.1. Astoria Marine Construction Company (Astoria)

The Astoria Marine Construction Company, or AMCCO, manufactured and repaired wooden-hulled fishing and ferryboats, tugboats and yachts beginning in 1924. During World War II, the shipyard expanded operations for construction of military vessels which continued through the Korean War. During the peak production period from 1940 to 1960, the facility employed more than 400 full-time workers. In the 1960s, work for the U.S. Navy decreased and operations transitioned to fishing and tugboat repair. After 1985, business primarily involved repairs of fishing boats.

EPA conducted environmental investigations in the early 2000s on and around the AMCCO site and found contamination in the soil and nearby sediment in the Lewis and Clark River near the mouth of the Columbia River. Based on those findings, EPA initiated efforts to place the facility on the National Priorities List to guide cleanup under EPA's Superfund program. In 2012, an agreement deferred the site listing and EPA transferred site management to DEQ.

AMCCO completed all major remedy construction activities during spring and summer 2020. These included preparation activities such as demolition of select buildings and structures followed by excavation of contaminated sediments in marine ways and upland soil hot spot removal for offsite landfill disposal. The property was winterized, and work resumed summer 2021, including restoration of the levee, construction of a stormwater system and capping of the upland area. AMCCO wrapped up cleanup work in summer 2022 and closure related documents are under preparation. DEQ will issue a certification of completion documenting that AMCCO has completed all the required cleanup work. DEQ will continue to monitor the sediment remedy to ensure it is effective.

5.2. Bradford Island (Bonneville Dam)

DEQ is participating in federal facility agreement discussions with the U.S. Environmental Protection Agency, U.S. Army Corps of Engineers and Washington State Department of Ecology as the next step in the Superfund listing for Bradford Island. EPA uses this type of agreement when the responsible party is a federal agency.

DEQ continues to be an active participant in its role to protect human health and the environment. This includes attending meetings such as the Columbia Riverkeeper's meeting on Sept. 29, 2022, called: "Restoring the River: What a new Superfund site on the Columbia means

for public health and clean water.” Presenters included EPA, Army Corps and Yakama Nation. DEQ also attended the Army Corps’ meeting on Oct. 19, 2022. This meeting provided an update on the project. The agenda included the CERCLA process, fish advisories, public health assessment, work to date, community involvement and next steps. Presenters included the Army Corps, EPA and Oregon Health Authority. The Army Corps announced they would establish a community advisory group.

Bradford Island was added to the National Priorities List, or Superfund, after DEQ, Washington Ecology and the Yakama Nation wrote joint messages in 2019 and 2021 to the EPA seeking to have the site placed on the National Priorities List. The agencies, Yakama Nation and others worked for years with the Army Corps to clean up the site, but without adequate progress in a timely manner. Listing Bradford Island as a Superfund site will help provide consistent federal funding, clear deadlines and outline the process for coordinating with Tribes, other regulatory agencies and the community.

5.3. Columbia Steel Casting Co. (Portland)

On Aug. 25, 2022, Columbia Steel Casting Co. announced in a letter to its employees that it would be shutting down its facility, beginning with substantial layoffs in October. DEQ staff in the Air Quality, Cleaner Air Oregon, Materials Management and Cleanup programs have reached out to the facility to understand its plans, timing and what closure means for the future of its operations, permits or other commitments to DEQ.

Columbia Steel has an existing air quality permit in effect that could transfer to a new property owner conducting the same operations on the site. While the facility has verbally indicated that a cessation or curtailment of activities is likely, DEQ has not received any formal notice of such actions. Nor has the facility indicated an intent to terminate its air quality permit. Cleaner Air Oregon sent a letter to the facility on Nov. 4, 2022, approving its Emissions Inventory and Combined Modeling Protocol and Risk Assessment Work Plan, starting a 120-day clock for the facility to submit its risk assessment.

Columbia Steel expressed an interest in wrapping up source control work, which is part of DEQ’s Cleanup Program, to address historical upland sources of contamination, some of which are not related to steel manufacturing. Columbia Steel and DEQ also have a mutually agreed upon order requiring Columbia Steel to remove solid waste over a 10-year time period that was illegally disposed of on the Columbia Steel property. The compliance order requires monthly reports on waste disposal and minimum disposal amounts through 2029. To date, the facility has met annual commitments for removal of the sand, slag and baghouse wastes. Additionally, Columbia Steel has submitted an application to DEQ to request a beneficial use determination approval to use sand fines captured in facility baghouses as construction fill at the Prologis Broadmoor construction project in Portland. DEQ is assessing this request and will be planning at least a 30-day public comment period and public hearing if this decision moves forward.

5.4. Owens-Brockway (Portland)

Owens-Brockway Glass Plant #21 produces a variety of glass bottles and jars from post-consumer glass and raw materials. This plant has been operating in Portland since 1956.

Enforcement

On Oct. 22, 2021, DEQ signed an agreement with Owens-Brockway resolving the June 2021 enforcement action. The Mutual Agreement and Final Order gave Owens-Brockway two options: install pollution controls or shut down. In June 2022, Owens-Brockway decided it would install pollution controls.

Owens-Brockway submitted a Notice of Approval application, permit modification and associated materials. Their application proposes installation of a catalytic ceramic filter, to control particulate matter. In addition, the filter will control emissions of nitrogen oxides and sulfur dioxide. Pollution controls reduce emissions and are one of the best ways a facility can protect the health of those living and working nearby.

The first step in permitting the new pollution controls is for DEQ to issue a construction permit. DEQ put the permit on public notice Sept. 29, 2022, through Nov. 7, 2022. DEQ hosted a virtual public hearing on Nov. 3, 2022, to accept verbal comments. If DEQ issues the construction permit, Owens-Brockway would have 18 months to install and begin operating the controls.

Cleaner Air Oregon

On March 10, 2022, DEQ approved the final risk assessment for Owens-Brockway. The results reflect uncontrolled operations at the facility and is not representative of risk after the facility completes installation of the combined ceramic filter unit discussed above. The risk assessment results trigger permit requirements and source risk limits. DEQ is currently preparing draft source risk limits and associated permit conditions to be incorporated into the facility's Title V operating permit.

Air Quality Permit

On Jan. 4, 2022, DEQ approved Owens-Brockway's modelling protocol for demonstrating compliance with short-term National Ambient Air Quality Standards. On Jan. 19, 2022, Owens-Brockway submitted their modelling results to DEQ. DEQ is currently reviewing the results and working to incorporate key modelling parameters into the permit.

This follows the May 2021 U.S. Environmental Protection Agency order requiring DEQ to revise the permit to ensure compliance with particulate matter emission limits. The permit will address any outcomes from the NAAQS compliance modelling, respond to EPA's May 2021 order, and incorporate compliance requirements from the October 2021 enforcement order as well as the Regional Haze Stipulated Agreement and Final Order executed on Aug. 9, 2021. DEQ is working on drafting the permit and will likely conduct a public process in the first quarter of 2023.

5.5. Ross Island Lagoon Reclamation (Portland)

Ross Island is located about one mile south of downtown Portland on the Willamette River at river mile 15. The island was mined by Ross Island Sand and Gravel Company starting in 1926 and ending in 2001. These operations resulted in a lagoon surrounded by several islands. To return the island to a more natural state, the Department of State Lands requires reclamation of upland, in-water and wetland areas previously mined through the placement of fill in the lagoon. DSL regulates placement of reclamation fill within the island complex. Fill operations are also covered by the federal Clean Water Act section 404 permit process administered by the U.S. Army Corps of Engineers and certified through the state's CWA 401 water quality program to ensure certain in-water activities will not violate water quality standards.

DEQ coordinates with these agencies and supports reclamation efforts by establishing procedures and screening criteria for determining if fill is suitable for in-water placement within the lagoon. DEQ recently updated the 2007 screening criteria for "Class A" in-water criteria with the goal of improving clarity in the fill evaluation process and ensuring the evaluations are based on the best available science. Placement of fill must be carefully considered because of the impact it may have on fish and wildlife in the river and the communities that eat the fish.

DEQ's updated in-water screening criteria are included in Ross Island Sand & Gravel Company's application to modify the existing DSL removal-fill permit for reclamation of Ross Island Lagoon. DSL's comment period closed on Sept. 22, 2022. On Oct. 13, 2022, DEQ issued Ross Island Sand & Gravel's water quality certification to place the Class A clean fill in the lagoon, following a 30-day public comment period. The certification references the removal-fill permit to determine what is allowable clean fill to protect water quality.

5.6. Zenith Oil Terminal (Portland)

On Oct. 3, 2022, the City of Portland approved a new land use compatibility statement for Zenith, based on an updated project description submitted by the company. Zenith submitted an amended Title V permit renewal application to DEQ, including the LUCS. Zenith updated that application on Oct. 14, 2022. The LUCS includes conditions for Zenith to cease all transloading of crude oil by 2027, lower the plant site emission limit for volatile organic compounds, cease operation of the asphalt refinery, require removal of thirty storage tanks and allow new storage tank construction only if related to renewable fuels and non-fuel projects, among other conditions.

DEQ reviewed Zenith's amended Title V permit application and determined that the application was consistent with the LUCS. On Oct. 19, 2022, DEQ sent its determination to Zenith and withdrew its proposed order denying renewal of the Title V permit. The LUCS also requires Zenith to apply for an air contaminant discharge permit, which has lower pollution limits than the Title V permit. Zenith submitted this application on Nov. 11, 2022.

DEQ will begin reviewing the submittals and determining conditions for compliance with environmental regulations and will develop a public engagement process including sharing the public notice, providing opportunities to comment and public hearings to ensure all interested parties have an opportunity to provide input on any proposed draft permit. Until DEQ issues a new permit, Zenith may continue to operate under the facility's current Title V permit because it has a complete Title V permit renewal application on file with DEQ.

5.7. NEXT Renewables (Port Westward)

The Oregon Land Use Board of Appeals overturned Columbia County's approval for the Houston-based NEXT Renewables LLC proposed 400-car rail yard for the diesel refinery at Port Westward. This finding does not affect the Air Contaminant Discharge Permit issued by DEQ on Aug. 30, 2022. DEQ has not yet received a complete 401 Certification Request from NEXT, which is a requirement for DEQ to review the site's Land Use Compatibility Statement.

Multiple DEQ programs, including 401 Certification, wastewater permitting and stormwater, will meet with NEXT and the Port of Columbia County this December as part of an ongoing check-in process. The meeting is an opportunity to discuss the design of the facility and provide information to the company about permit application requirements.

6. Western Region

6.1. Onsite ARPA Funding

DEQ has awarded \$7.4 million, of the \$15 million allocation, to five projects that focus on repair or replacement of onsite septic systems damaged in the catastrophic 2020 wildfires. One contract has been finalized and signed, one is under review by the Oregon Department of Justice and the other three are in the final clarification stages prior to DOJ review. DEQ opened a second call for proposals Nov. 1, 2022, and will close that round December 14, with a targeted decision date of mid-January 2023 for an additional \$6 million of project funding available. The remaining \$1.5 million will be used for future, high-priority projects and to support DEQ's personnel and administrative costs. DEQ may release additional project funds in summer 2023, pending potential legislative action during the 2023 Session.

6.2. JH Baxter

EPA is planning its next round of residential property sampling this month north of the JH Baxter facility. DEQ is finalizing the statement of work for the additional off-site soil investigations, meetings, a work plan addendum (for the deeper soil sampling), subcontractor procurement document preparation, a ballpark cost estimate for the cleanup of the seven properties, and database/viewer support. The budget for this phase is \$46,326, which will take us through February 2023 to be funded by the Industrial Orphan Site Account.

DEQ staff recently met on site of the JH Baxter property with EPA as the first step in a potential time-critical removal. The company has tanks with wood preservative solutions and wastes that

they are unable to move off site due to lack of funds. Additionally, EPA has denied the company's request to send usable pentachlorophenol solution to other wood treaters. Securing the site is a priority for DEQ and EPA, especially since the site is vulnerable to theft, particularly of copper power lines related to critical systems, such as ground water treatment system, storm water system and process or wastewater evaporation unit, that must be operated to protect additional pollution releases.

6.3. Implementing House Bill 3000 (2021)

DEQ staff has been participating on an interagency team to discuss cannabis enforcement and the options for follow-up and clean-up at illegal grow sites. The nonpoint source water quality program has responded to complaints associated with licensed cannabis sites that include ground disturbance, stream impacts, excavation, chemical disposal, and concerns of trash/waste. Complaints related to unlicensed sites go to the appropriate law enforcement agency. A cross agency team met August 5 and again on September 30 to discuss options for improving communications and improving the assessment of natural resource damages/concerns. The interagency team will continue to meet to establish a process for responding to illegal cannabis sites.