



Notes: Oregon Environmental Quality Commission meeting

425th regular meeting: March 17, 2023

Friday, March 17: 9 a.m. to 12:00 p.m.

- Present: Chair Kathleen George, Vice-chair Sam Baraso, Greg Addington, Commissioner Molly Kile and Commissioner Amy Schlusser

Welcome and meeting open

Chair George convened the meeting at 9:10 a.m., noting this as the first official meeting after Director Feldon's appointment. Director Feldon was invited to share her thoughts as she begins this new work.

A. Informational: Director's Report

Director Feldon reintroduced DEQ's Leadership Team to the Commission, noting each Leadership Team member has an important role in the agency and is working hard to propel the agency forward and support her in her new role. She and the LT have been discussing their priorities for the next era of DEQ, centering on a theme of organization health. This theme focuses on prioritizing all employee's sense of belonging and inclusivity, exploring actions necessary to become an antiracist agency, committed to justice and safety for employees. She noted LT and the DEI Council are going through extensive training with a consultant Engage to Change as a first, foundational step.

Director Feldon recognized Stephanie Caldera and Ximena Cruz Cuevas for their leadership and work in the environmental justice space, as well as those on the Environmental Justice Work Group. The Director will meet with the EJWG soon to talk about their work, discuss priorities and how Leadership can support this work.

Leadership will also work on updating DEQ's current measurement system. Leadership will meet with the experienced measure owners and data stewards to start brainstorming on the future of measures at DEQ. The Governor's dashboard will overlap with DEQ's. Chair George looks forward to hearing more about outcomes and timelines so the agency can continue to be accountable to itself and others.

Regarding the Governor's expectations, agency leadership continues to ensure operational excellence is a priority as well as focusing on implementation of programs. DEQ has set up a system to track progress on the Governor's expectations and Leadership priorities. This will be made available for DEQ employees to view. Director Feldon spoke in more detail about other agency priorities, some overlapping with the Governor's expectations, providing a status and, for some, timeline.

Chair George welcomed Chandra Ferrari, Oregon Department of Forestry Board member, who joined virtually for the Director's Priorities portion.

B. Informational: Legislative and Budget Update

Director Feldon recognized the legislative team for their work leading up to and during the current legislative session, including Matt Davis, Abby Boudouris, Melinda Mahoney, Aeron Teverbaugh, Shamal Karan, Rian Hooff, Adam Coutu and Logan Gilles.

Matt Davis, Interim Policy and External Affairs Manager, shared reflections on the dynamics of this session, noting there is significant new membership within the legislature, new and relatively new legislative leadership, this is the first in-person session since 2020, a noticeable bipartisanship and collegiality on significant issues and quick action being taken on big priorities. Matt also thanked the legislative team for their work, mentioning there were over 2,800 bills introduced which needed review for impact by this team.

Matt spoke about DEQ's budget within the Governor's Recommended Budget, with the agency avoiding significant cuts in programming and making strategic general fund investments in important areas of work such as environmental justice and drinking water protection. The budget also includes proposed fee increases to maintain existing work at the agency.

Matt spoke to the air quality and land quality budget within the GRB, outlining and providing a status of bills and policy option packages put forward in these divisions. Rian Hooff spoke about legislative priorities in the water quality division budget. Water quality has three legislative concepts and four policy option packages moving through the legislative process.

Commissioners asked for more information on air and water quality budget cuts and, relating to water quality, clarification on reporting for groundwater testing. A question was also asked about other agencies capacity to implement TMDL work.

C. Upper Yaquina TMDL Development

Jennifer Wigal, Water Quality Division Administrator, introduced the item, providing a high-level overview of the TMDL process and DEQ's rulemaking approach in relation to this TMDL. Gene Foster, Watershed Manager, spoke more specifically about what DEQ is evaluating and analyzing along the watershed in its TMDL process.

Gene noted results from analysis of the water in the watershed show pollutants and factors for controlling dissolved oxygen including phosphorous and light. Restoring vegetation will contribute toward decreasing dissolved oxygen levels. Temperature also contributes to impairments but in this particular watershed it is not as significant. Gene discussed the potential causes of phosphorous and discussed excess load, pollutant loading capacity and reductions needed. According to analysis, among a number of bacteria sources harmful to the watershed, livestock and failing septic systems are most common. DEQ uses downstream monitoring as an indicator of bacteria sourcing.

Riparian areas have the most influence on water quality, so it is important to understand who has riparian area jurisdiction along the watershed and where restoration should be focused. For this TMDL, Oregon Department of Agriculture and Oregon Department of Forestry have high percentages of land use jurisdiction along the riparian area.

Gene discussed issues and policy considerations anticipated to arise with this TMDL and how DEQ plans to address them. A fiscal impact analysis and environmental justice analysis will be performed. DEQ will also require agencies to submit implementation plans, which are due 18 months after EQC adoption of the rule. There will be costs associated with restoration action however, it is hard to quantify ongoing costs based on current information. The Rules Advisory Committee did provide information from their first two meetings which will be incorporated into the Fiscal Impact Statement.

The next meeting of the Rules Advisory Committee is March 22, 2023. Public comment will then open May through June 2023. Comments from the public will be summarized for the EQC consideration, with a request for rules adoption at the September 2023 meeting. The agency then submits the adoption to EPA for action.

Commissioners asked clarifying and informational questions throughout the presentation.

Break: *The commission recessed for a short break.*

D. Informational: Commissioner Reports

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

- Commissioner Kile: She will be the DEQ liaison to the OWEB Board. On a separate note, OSU has launched a well water study and expanded recruitment across the state. May see advertisements with her name on it.
- Commissioner Addington: Enjoyed his time as the liaison to the OWEB Board. He also thanked Director Feldon for coming to Salem to participate in the REAL Oregon panel in March.
- Vice-Chair Baraso: As part of his work with the City of Portland, this week they released a preliminary draft of their five-year climate investment plan. The draft has been shared with DEQ climate staff, encouraging them to review for overlap in agency work.
- Chair George: Recently the Commission received an update on EV and transportation related work. Chair George noted there is a tremendous difference in the scale of work communities will need to do to make this transition. DEQ needs to be thinking about how it partners with others to ensure relevant information is being shared about what is coming to help communities prepare and respond. Commissioner Kile agreed, noting this line of thought should tie into DEQ's approach to TMDL work, in thinking about partnering with communities and local agencies who have more community trust.

F. Public Forum

Chair George opened a comment opportunity specific to the presentations and information in the agenda. Two people presented comment. A summary of their comments is below, associated with individuals' names and affiliations, if provided.

1. Kaleb Lay, Oregon Rural Action, commented on nitrate levels in the Lower Umatilla Basin. Mr. Lay asked what factors DEQ is using to move beyond voluntary measures to protect groundwater and, what more does DEQ need to see to make a decision?
2. Shannon Walton-Clark, Forth Mobility, commented in support of HB 2613 relating to funding for zero-emission vehicle incentives, declaring an emergency. Forth is concerned with the suspension of the Oregon Clean Vehicle Rebate Program effective May 1, 2023.

Adjourn

Chair George adjourned the meeting at 11:52 a.m.

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Approved as presented
Approved with amendments

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