



Notes: Oregon Environmental Quality Commission meeting

423rd regular meeting: Nov. 17-18, 2022

Thursday, Nov. 17: 12 to 4:15 p.m.

This meeting was held in-person at Beaverton City Hall and through Zoom. Prior to the public meeting, commissioners and some DEQ staff met with representatives of the Oregon Department of Justice for a working lunch and executive session. That session was held pursuant to ORS 192.660(2)(f) and (h) from 12:09 to 12:42 p.m.

Welcome and meeting open

- Present: Chair Kathleen George (*Zoom, joined after Item A*), Vice-chair Sam Baraso, Commissioner Greg Addington (*Zoom*), Commissioner Molly Kile and Commissioner Amy Schlusser

Vice-chair Baraso convened the meeting at 1:19 p.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 item: Draft meeting minutes

The commissioners reviewed the proposed draft minutes from recent commission meetings.

Action: Approve the Sept. 22-23, 2022, regular and Nov. 9, 2022, special meeting minutes as presented

Move: Commissioner Kile

Second: Commissioner Schlusser

The commission approved the action unanimously.

This item taken out of order

I. Informational item: Director's recruitment updates

Nancy Bennett, Office of Policy and External Affairs Manager, provided an update regarding the timelines for the recruitment process for DEQ's director. Commissioner Kile provided additional information as part of the update, as she serves as one of the two EQC designees for the recruitment process.

B. Action item: Climate Protection Program temporary rules

Colin McConnaha, Office of Greenhouse Gas Programs Manager, provided an overview of the proposed temporary rules. Nicole Singh, Climate Policy Analyst, described the proposed temporary rules and the associated environmental outcomes. Commissioners asked clarifying and informational questions throughout the proposal.

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 this staff report and adopt the temporary rule amendment as shown in Attachment A of the staff report for this item as part of Chapter 340 of the Oregon Administrative Rules to be effective upon filing with the Oregon Secretary of State.

Move: Commissioner Kile

Second: Commissioner Schlusser

The commission approved the action unanimously.

C. Informational item: Transportation systems electrification update

Ali Mirzakhali, Air Quality Division Administrator, introduced the item and provided an overview of the presentation. Amanda Pietz, ODOT, discussed the work being done by ODOT to support Oregon's transition to an electrified transportation system. Pietz discussed the various roles of state agencies and external partners in the transition, and outlined actions taken to-date and those planned for future action. Kate Hawley, PacifiCorp, discussed the work being done by Pacific Power, which serves a large percentage of the more rural areas of the state for electricity. Hawley noted the plans for service updates and expansion as the demand on electrical utilities increases with a move to a more electrified transportation system.

Commissioners asked clarifying and informational questions throughout the presentation. Rachel Sakata, Air Quality Planner, discussed DEQ's work and roles, and provided additional information and clarification related to some commissioner requests. Mirzakhali provided summary comments and discussed next steps for DEQ.

D. Public comment

Chair George opened a comment opportunity for any matter of interest to the commission or DEQ. Six 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, provided comment on multiple topics related to the commission's meeting agenda.
2. Dan Serres, Columbia RiverKeeper, provided comments in opposition to the development of the NEXT Renewables refinery at Port Westward.

3. Carrol Sweet, Envision Columbia County, provided comments in opposition to the development of the NEXT Renewables refinery at Port Westward.
4. Brandon Schilling, Columbia County resident and farmer, provided comments in opposition to the development of the NEXT Renewables refinery at Port Westward.
5. Janet Ault, Columbia County resident, provided comments in opposition to the development of the NEXT Renewables refinery at Port Westward.
6. Jasmine Lillick, Clatskanie farmer, provided comments in opposition to the development of the NEXT Renewables refinery at Port Westward.

Following the close of the public comment opportunity, Interim Director Leah Feldon noted one item, included in the director's report for this meeting, related to dam removal in the Klamath Basin.

Recess: Chair George recessed the commission meeting at approximately 4:15 p.m. until 9 a.m. on Friday, Nov. 18, 2022. Some commissioners attended an optional, self-pay, social dinner the evening of Nov. 17. No commission business was conducted at the dinner.

Friday, Nov. 18: 9 a.m. to 12:15 p.m.

This meeting was held in-person at DEQ's Portland offices and through Zoom.

Welcome and meeting reopen

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

Chair George reconvened the meeting at 9:10 a.m., and noted that Vice-chair Baraso, attending in person, would preside for the day's meeting.

E. Action item: Hazardous Waste Program rules

Lydia Emer, Land Quality Division Administrator, introduced this item and provided background on the Hazardous Waste Program. Ellie Brown, Hazardous Waste Policy Analyst, described the elements of the proposed rules and the development and public engagement processes DEQ used in the development of the proposal. Commissioners asked clarifying and informational questions throughout the presentation.

Action: Adopt the proposed rule amendments as seen on pages 30 through 45 of the staff report for this item as part of Chapter 340 of the Oregon Administrative Rules.

Move: Commissioner Schlusser

Second: Commissioner Kile

The commission approved the action unanimously.

F. Action item: Air Quality Permitting Program rules

Ali Mirzakhilili, Air Quality Division Administrator, introduced the item and noted the agency's appreciation for the many staff, project partners, people and organizations who participated in the development of the rule proposal. Jill Inahara, Senior Air Quality Engineer, described the elements of the proposed rules, and provided detail on the expected environmental outcomes related to the proposed changes. Commissioners asked clarifying and informational questions throughout the presentation.

Action: Adopt the proposed rule amendments seen in Attachment A of this staff report as part of Chapter 340 of the Oregon Administrative Rules with an effective date of March 1, 2023; approve incorporating these rule amendments into the Oregon Clean Air Act State Implementation Plan under OAR 340-200-0040; and direct DEQ to submit this SIP revision to the U.S. Environmental Protection Agency for approval.

Move: Commissioner Schlusser

Second: Commissioner Kile

The commission approved the action unanimously.

G. Informational item: ODA/DEQ Water Quality Memorandum of Agreement on Nonpoint Source Pollution

Jennifer Wigal, Water Quality Division Administrator, introduced the item and provided background on the memorandum's history. She also outlined the recent development timeline, and highlights of the 2022 update.

Isaak Stapleton, Oregon Department of Agriculture, discussed the responsibilities of ODA related to water quality protections in Oregon and described the public engagement and comment received on the draft MOA update. Commissioners asked clarifying and informational questions about the MOA update throughout the presentation. Interim Director Feldon provided summary closing remarks for the item.

H. Informational item: Director's report

Interim Director Feldon provided verbal highlights on specific items from the written report for this item. Some Division Administrators provided additional information and responded to commissioner questions during this item.

Note: *Item I was heard on Thursday, Nov. 17, 2022.*

J. Action item: Delegation of rulemaking authority for Asbestos Program rules

Nancy Bennett, Office of Policy and External Affairs Manager, presented this request for the commission to delegate final rulemaking authority to Interim Director Feldon, in alignment with prior delegation actions.

Action: Delegate the 2022 Asbestos Program fee rulemaking to Interim DEQ Director Feldon for a decision.

Move: Commissioner Kile

Second: Commissioner Schlusser

The commission approved the action unanimously

K. Informational item: Commissioner reports

Commissioners provided verbal updates of their recent activities of interest to DEQ and EQC,

Adjourn: Vice-chair Baraso adjourned the meeting at 12:30 p.m.
