

State of Oregon

Department of Environmental Quality Memorandum

Date: Nov. 18, 2024

To: Environmental Quality Commission

From: Leah Feldon, Director

Subject: Agenda item M, Informational item: Director's Report
Nov. 21-22, 2024, EQC meeting

1.0 Air Quality

1.1 West Bend Pilot

On Feb. 2, 2024, DEQ, ODF, OHA, USFS, EPA, and Washington state counterparts, signed the [Joint Statement of Intent to Cooperate on Prescribed Fire and Smoke Management](#), a regional effort to increase the pace and scale of prescribed fire to reduce wildfire risk and protect public health from prescribed fire smoke through increased collaboration and coordination. The effort included a commitment to two pilot projects, the first being held in the Deschutes National Forest just west of Bend, Oregon. The same area had previously been characterized as having extreme wildfire risk, and the USFS has been working to reduce that risk. Prior to the pilot, the West Bend area had only completed around 200-300 acres per year. Burning for the pilot was conducted over six days from May 6 to June 5, with over 1,900 acres receiving treatment. DEQ participated in the USFS-led Incident Command System focused on forecasting increased smoke and outreach efforts, which allowed for more accurate information to be shared with the public so they could take actions to reduce impacts on their health from the smoke. The coordination through the ICS also included more robust pre-season and active burn communications. A full after-action report is being drafted to build on lessons learned and determine if and how these lessons can be shared with other critical wildfire risk areas of the state.

1.2 Wildfire Season Update

The 2024 wildfire season resulted in 1,956 fires across all lands burning approximately 1,937,512 acres. Year to date, there have been 1,003 fires on Oregon Department of Forestry protected lands, resulting in 314,181 acres burned. ODF set up three Type 1 Incident Management Teams, which were deployed 11 times this season, including to the Shoefly Fire, the Fossil Complex, and the Battle Mountain Complex. There have been significant smoke impacts in 2024, especially in areas east of the Cascade Mountain range, where the majority of wildfires occurred.

The [Oregon Wildfire Response Protocol for Severe Smoke Episodes](#) is Oregon's strategy for tracking and informing the public about wildfire smoke impacts. DEQ hosted 28 advisory calls, resulting in 63 days under advisory. Staff from DEQ and OHA host advisory calls, attended by Tribal, federal and state partners, to discuss forecasts on weather and smoke concentrations and durations. Information from the calls is used to develop an air advisory that DEQ issues to the media for impacted parts of the state. In the coming months DEQ will conduct a post-wildfire season review of the protocol to identify and implement any opportunities for improvements before next year's wildfire season

1.3 Oregon Round 2 Regional Haze SIP Approved

As part of the Clean Air Act, Oregon must develop and periodically update plans to reduce haze in Class 1 areas (such as National Parks, National Wilderness and National Monument areas) back to natural conditions by 2064. Oregon developed its first Regional Haze plan in 2010 and updated it again in 2022. The EQC approved the submittal of the SIP to the EPA on Feb. 3, 2022. On Oct. 8, 2024, EPA formally approved Oregon's Round 2 Regional Haze State Implementation Plan. The plan considered reductions from regulatory actions taken during the implementation of the first round, like adoption of the Advanced Clean Cars II and Advanced Clean Trucks rules and the Oregon Smoke Management Plan. DEQ also required some Title V facilities to conduct a Four Factor Analysis to determine if reasonable controls existed to reduce haze-forming pollutants, ultimately resulting in emissions reductions at several facilities.

1.4 Round 2 Regional Haze 5-year Progress Report

The Clean Air Act requires states to report on the progress of visibility improvement in Class 1 areas (such as National Parks, National Wilderness and National Monument areas) every five years. Oregon adopted its second Regional Haze State Implementation Plan in 2022. A five-year report on whether Oregon's Class 1 areas are on track to reach the reasonable progress targets for Regional Haze is due to the EPA by Jan. 31, 2025. In summary, Oregon's Class 1 areas are on track to meet visibility goals, as monitors show continued downward trends in pollutant concentrations. Oregon has begun the required Federal Land Manager review of the Regional Haze 2018-2022 progress report before broader public comment.

2.0 Eastern Region

2.1 Crook County Domestic Well Concerns

Private well owners north of Prineville, near the Knife River Woodward mine site, are concerned about the quality of their well water, including the potential impacts on human health. Following several site visits, an open house with Oregon Health Authority, and significant collaboration with other agencies and the residents, DEQ has hired a consultant to conduct a single round of domestic well sampling in November 2024 and prepare a comprehensive sampling and analysis plan by January 2025. The single round of domestic well sampling will be completed by the end of November 2024, and results will inform the finalization of the comprehensive plan. In the coming months DEQ staff will work with other state agencies, EPA, and interested parties to finalize a robust sampling plan designed to evaluate underlying conditions, identify potential sources of contamination, and understand any health risks. DEQ is also working to secure funding to implement this comprehensive groundwater study.

DEQ has also worked with the Department of Geology and Mineral Industries to require Knife River to conduct a groundwater investigation at the Woodward mine site. The plan for that investigation must be submitted to DEQ and DOGAMI by Knife River in December 2024.

2.2 Lower Umatilla Basin Groundwater Management Area

On Sept. 20, 2024, the State of Oregon, through collaboration between DEQ, ODA, OWRD and OHA, released a Nitrate Reduction Plan to outline the state's key strategies to reduce groundwater nitrate concentrations to less than seven mg/L in the Lower Umatilla Basin Groundwater Management Area and protect public health in the immediate term.

DEQ will work with state agency partners to update the plan to highlight new and changing information, resources, and strategies. To maintain transparency and accountability, the State of Oregon will produce an annual report detailing the progress of these efforts, guided by the metrics established to measure success. The State of Oregon is seeking feedback on the plan on an ongoing basis from community

members.

DEQ, Oregon Department of Agriculture, Oregon Water Resources Department, and Oregon Health Authority presented and discussed the plan with the local LUBGWMA Advisory Committee at a public meeting in Hermiston on Oct. 10, 2024. The agencies will continue engaging with the committee on implementing the plan with assistance from Oregon Consensus. The committee will first focus on planning a research agenda development forum to identify existing data, ongoing efforts, and potential data gaps, and plan a path forward to pursue a collaborative research agenda.

2.3 Port of Morrow

A permit modification was issued for Port of Morrow's industrial wastewater treatment and land application permit on Oct. 24, 2024. The modification adjusts the nitrate application rates and incorporates an additional 5,330 acres to be used in the port's land application program. DEQ is currently waiting for the Land Use Compatibility Statement from the county to fully implement the permit and allow the additional acreage to be used. Once the local land use authority has signed and issued a final LUCS, the Port may begin applying wastewater to the additional acreage. Land applying less wastewater over additional acreage is one of several compliance mechanisms the Port is employing to reduce the potential for groundwater contamination.

2.4 Grassy Mountain

Calico Resources USA Corp. proposes to construct an underground gold mine and an indoor processing facility on a site in Malheur County about 22 miles south-southwest of Vale. The site includes both private and public lands that the Bureau of Land Management manages. Oregon's Chemical Mining Rules apply to this project because the proposal includes using cyanide to process gold. Under state law, DOGAMI manages the consolidated application process for chemical mining permits. Permitting agencies involved in the consolidated application process include DOGAMI, OWRD, ODFW, and DEQ. As part of a 225-day window for drafting permits, DEQ is developing multiple water and air quality permits. Once the consolidated draft permit is complete, DEQ will hold a public comment period and a hearing. DEQ is working with DOGAMI and OWRD to develop a comprehensive public engagement strategy leading up to the public notice period.

3.0 Northwest Region

3.1 Zenith Energy Draft Air Contaminant Discharge Permit

Zenith Energy Terminal Holdings, LLC, is a fuel products transloading facility located in an industrial part of Northwest Portland near the Linnton neighborhood. The company accepts crude oil, diesel, renewable fuels and other fuel products from one mode of transportation, like railcars, and passes them along to another, such as marine vessels. In the interim, fuel products are stored at the facility in above-ground tanks.

DEQ paused the air quality permitting process on Nov. 14, 2024, cancelled the Nov. 19 and Dec. 4 public hearings, and put the public comment period on hold after determining additional information is needed to ensure the permit application and draft permit are complete. DEQ conducted an unannounced inspection on Nov. 13 to gather more information about Zenith's operations on adjacent properties. By Dec. 6, DEQ will set a date for a public information meeting to share more about the inspection, findings and next steps.

More information is featured on [DEQ's Zenith Energy webpage](#).

3.2 Proposed 401 Water Quality Certification for Ross Island Sand and Gravel

DEQ [posted a revised draft 401 Water Quality Certification for Ross Island Sand and Gravel for public input](#) through Nov. 29, 2024. This 401 certification is required so that Ross Island Sand and Gravel can continue to place clean fill within the Ross Island Lagoon in accordance with the specifications outlined in [the Ross Island Reclamation Plan](#).

This draft certification requires Ross Island Sand and Gravel to perform additional water quality monitoring and take action during harmful algal blooms within the Ross Island Lagoon. DEQ withdrew the prior certification for reconsideration based on litigation filed challenging the sufficiency of the prior certification. Due to concerns raised by petitioners, DEQ agreed to add conditions to the certification to track and limit impacts from harmful algal blooms.

3.3 NEXT Renewable Fuels Oregon, LLC

NEXT Renewable Fuels Oregon, LLC, is proposing to construct a renewable diesel and sustainable aviation fuel manufacturing facility at the Port of Columbia County's Port Westward Industrial Park, in Clatskanie, along the Columbia River. DEQ posted the draft 401 Water Quality Certification, which regulates projects that impact waters of the US, for public review and input Sept. 5 through Oct. 25, 2024. Throughout the public process, DEQ received 823 total comments. Approximately 740 are comments of support for the proposed project. DEQ is in the process of evaluating and responding to the comments received and has until Jan. 12, 2025, to finalize the decision on the 401 certification application.

DEQ has issued an Air Contaminant Discharge Permit for the facility and anticipates applications for construction stormwater general permit and industrial stormwater general permit coverage in the future. These water quality permits and the 401 Water Quality Certification are necessary for NEXT to begin construction of the proposed facility.

More information is featured on [DEQ's NEXT Renewable Fuels, Inc. webpage](#).

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