



State of Oregon Department of Environmental Quality

Draft x
Approved with amendments
Approved as presented

Notes of the Nov. 2-3, 2017, Oregon Environmental Quality Commission meeting

395th regular meeting

Nov. 2 and 3, 2017

Meeting venues: Valley River Inn (Thursday); Hilton Eugene (Friday)

Thursday, Nov. 2, 2017: 8 a.m. to 4 p.m.

This day was held jointly with the Oregon Board of Forestry at The Valley River Inn, 1000 Valley River Way

Present: Commissioner Kathleen George, Commissioner Sam Baraso, Commissioner Molly Kile and Commissioner Wade Mosby

Welcome and overview

Richard Whitman, DEQ director, and Peter Daughtery, Oregon State Forester, opened the meeting and introduced the EQC and Board of Forestry members present for the meeting.

A. Informational item: EQC and BOF areas of shared interest and oversight

DEQ and Oregon Department of Forestry staff presented to the combined EQC and Board of Forestry regarding topics for which the two bodies have a shared interest or co-oversight. These topics included smoke management and water quality concerns.

Nick Yonker, Department of Forestry, and David Collier, DEQ, co-presented on smoke management and prescribed burning in Oregon's state and private forest lands. Kirsten Aird, Oregon Health Authority, provided additional context about the health effects associated with smoke from prescribed and wildfires in Oregon. Kyle Abraham, Department of Forestry, and Gene Foster, DEQ, presented on water quality on these lands. Both presentations included discussion and questions from the commissioners and board members.

B. Tour

Commissioners and DEQ staff accompanied the Board of Forestry on a tour of projects in the Eugene area which address smoke management, riparian and other forest land issues.

The tour included multiple stops and a lunch for attendees.

C. Discussion item: Tour debrief and next steps

Commissioners and members of the Board of Forestry discussed the day's tour. They provided feedback and direction to DEQ and ODF for next steps the agencies, and commission or board, can take regarding the issues discussed and expected future concerns for Oregon's forested lands.

The commission recessed at approximately 4 p.m. until 8:30 a.m. on Friday, Nov. 3, 2017. Following the meeting, commissioners and staff attended an informal social dinner. No commission business was conducted at dinner.

Friday, Nov. 3, 2017: 8:30 a.m. to 5 p.m.

Williams Room, Hilton Eugene: 66 East 6th Avenue (downtown Eugene)

Present: Commissioner Kathleen George, Commissioner Sam Baraso, Commissioner Molly Kile and Commissioner Wade Mosby

Commissioner George, presiding for the meeting, convened the commission at approximately 8:30 a.m.

D. Action item: Meeting minutes

Commissioners reviewed the proposed draft minutes from recent EQC meetings and noted no changes.

Motion: Approve the Sept. 13-14, 2017, EQC meeting minutes as presented

Move: Commissioner Baraso

Second: Commissioner Mosby

The commission unanimously approved the minutes of the Sept. 13-14, 2017, meeting as presented.

E. Informational item: Legislative updates

Karen Tarnow, Water Quality Policy Analysts, and Matt Davis, Air Quality Policy Analyst, presented updates on agency and state legislative matters. Tarnow and Davis discussed the outcomes of the September legislative days, and described DEQ's involvement in the upcoming November legislative days.

They also presented initial information about the 2018 Oregon Legislative Session and development of the agency's budget proposals for 2019. The commissioners asked informational and clarifying questions throughout the presentation, and indicated interest in more engagement in the budget and legislative development process for the 2019-21 Legislative Session.

F. Action item: Clean Water State Revolving Fund rule proposals

Anita Yap, Water Quality Community and Program Assistance Manager, introduced the item and provided background information on the Clean Water State Revolving Fund Loan Program. Yap described how the program provides low-interest loans to qualified entities to construct wastewater and stormwater infrastructure, nonpoint source pollution controls and National Estuary water quality improvement projects across the state.

Lee Ann Lawrence, Clean Water State Revolving Fund Loan Program Coordinator, described the proposed changes for the program. She presented information about the rule development process, including the public outreach and engagement to solicit public comment on the proposed changes. Commissioners asked clarifying questions about the program's operations and the rule proposals.

Motion: Approve the recommendations of the Department of Environment Quality, and adopt the proposed rules presented in pages 35 to 68 of the staff report for this item as part of Chapter 340 of the Oregon Administrative Rules.

Move: Commissioner Baraso

Second: Commissioner Mosby

The commission unanimously approved the motion.

G. Informational item: Cleaner Air Oregon

DEQ staff, with co-presenters from the Oregon Health Authority, provided updates on the status and timeline of the Cleaner Air Oregon rule and program proposal development. Keith Johnson, Special Advisor for Cleaner Air Oregon, introduced the item and Joe Westersund, Cleaner Air Oregon project manager. Gabriela Goldfarb and David Farrer, Oregon Health Authority, joined as co-presenters by phone.

Johnson presented an overview of the process to-date, gave updates on key elements of the proposed draft rules and noted changes DEQ has made through the development process and since the last presentation to the commission. Westersund described the proposed draft rules in detail and the specific changes made to the proposal based on technical and policy reviews and advisory committee process. Westersund also noted the sector-specific fact sheets used in outreach and engagement. He outlined their hearing schedule, with multiple hearing across the state during the comment period to ensure broad input and opportunities for verbal comments in addition to the web-based comment entry available.

Throughout the presentation, commissioners asked clarifying and informational questions about the process for development and content of the proposed rulemaking. Director Whitman

provided additional context about a budget request from DEQ in 2018, to support the Cleaner Air Oregon program.

H. Public forum

The commissioners held a public comment opportunity for any general topics. People were able to provide comment in-person at the meeting or by toll-free telephone conference line.

Approximately thirty people signed up to present comment in-person and several people provided comment by telephone. During this item, some commenters submitted supplemental information in paper copy or electronic means.

Comments included:

- Input on the proposed draft rules for the Cleaner Air Oregon program
- Support for stronger air quality and toxics standards in Oregon
- Opposition to the proposed Jordan Cove project, a liquefied natural gas terminal and export facility near Coos Bay
- Wastewater and water quality issues in Molalla
- General comments and concerns about the quality of Oregon's water and air, and requests for stronger protections in many sectors

I. Working lunch and executive session

The commissioners, DEQ staff and Oregon Department of Justice staff met for an executive session over a working lunch. This executive session was held under the authority of ORS 192.660(2)(h).

Item J was removed from the agenda prior to the meeting

K. Action item: Clean Fuels Program rule proposals

Cory-Ann Wind, Air Quality Planner, and Bill Peters, Clean Fuels Program Coordinator, presented proposed updates to rules for the program. Wind explained that the program helps Oregon accomplish its greenhouse gas emissions reduction goals by requiring fuel suppliers to provide the state with fuel blends that have a reduced carbon footprint. Peters presented technical detail about the proposed changes and operations of the program. Wind provided additional clarification and updates on the program's implementation in 2017. Throughout the presentation, commissioners asked clarifying questions about the proposed changes and ongoing work of the program.

Motion: Find that the Clean Fuels Program, Division 253, Chapter 340 of the Oregon Administrative Rules, including the rules and rule amendments proposed in Attachment A of the report for this item, does not have any significant potential adverse impacts on

the generation and disposal of waste in the state; and approve the recommendations of the Department of Environment Quality and adopt the proposed rules presented in Attachment A of the report for this item as part of Chapter 340 of the Oregon Administrative Rules.

Move: Commissioner Mosby

Second: Commissioner Kile

The commission unanimously approved the motion.

Following the commission's decision, Commissioner Baraso and Director Whitman noted their thanks to the staff for the work involved to develop the rules and continue the success of the program. Commissioner George also thanked the staff for their dedication to improving Oregon's fuels system.

L. Informational item: Director's report

Director Whitman provided written and verbal updates on state, regional and national issues of interest to the commission.

The report included updates on:

- Agency reorganization and hiring activities
- Changes to recycling markets, domestically and internationally, and concerns about the stability of Oregon's recycling programs
- Climate change work at the agency, including in the Materials Management program, a new electric vehicle rebate mechanism established in the 2017 Legislative Session and ongoing legislative discussions and workgroups for reducing greenhouse gas emissions through a market-based system
- The status of the agency's Environmental Data Management System procurement and development process
- Progress to implement Water Quality Permitting Program improvements
- A recent report from the lab regarding toxics in fish tissue
- The status and next steps for the Portland Harbor cleanup project
- Highlights from DEQ's Eastern, Western and Northwest Regional offices

Throughout the item, commissioners engaged in discussion and asked clarifying questions about the information presented.

M. Action item: Commission process for public comment at EQC meetings

Director Whitman presented this item. The commissioners discussed their preferences for mechanisms to allow public comment at regular EQC meetings, based on DEQ staff recommendations. Commissioners discussed the presented material and agenda management needs for any possible changes to the meeting structures.

The commissioners chose to defer this action item until the January 2018 EQC regular meeting.

N. Commissioner reports

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

Commissioner Mosby described his involvement in a recent meeting of national water quality policymakers and passed on compliments to Brenda Bateman, Oregon Water Resources Department, from his colleagues at that meeting.

Commissioner Kile noted her recent meeting with federal EPA wildfire experts, related to human health protection from wildfire smoke. She described communication and engagement tools developed by EPA to communicate with people affected by wildfire smoke, and noted the interest from the federal staff to connect with Oregon wildfire experts on these issues.

Commissioner Baraso discussed his ongoing conversations with the chair and vice-chair of the Environmental Justice Task Force about a possible formal liaison role and other connections between EQC and the EJ Task Force.

Commissioner George adjourned the meeting at approximately 5 p.m.