

Draft notes of a special meeting of the Oregon Environmental Quality Commission

Jan. 3, 2017

Executive session: 9:30 a.m. to 1 p.m.

Public meeting: 1 to 1:30 p.m.

DEQ headquarters, 3rd floor conference room
700 NE Multnomah Street, Portland

The commission met in executive session with a working lunch from 9:30 a.m. to 1 p.m. This session was held pursuant to ORS 192.660(2)(a).

Chair O’Keeffe convened the meeting at 1 p.m.

Present: Chair O’Keeffe, Vice-chair Armstrong, Commissioner Johnson, Commissioner Eden (by phone), Commissioner-appointee Baraso

Item A: Action item, Process decisions for director’s recruitment

Chair O’Keeffe described the agenda for the meeting and noted that the commission intends to announce final candidates for the director’s position at its next regular meeting, Jan. 17-19, 2017.

Leah Feldon, DEQ Deputy director, provided an update about proposed engagement processes associated with the next steps of the recruitment process. She noted that the agency has established a website specific for the process, and that site will be the central location for all information moving forward.

- Page link: <http://www.oregon.gov/deq/Pages/directorrecruitment.aspx>

The commissioners reviewed a draft proposed agenda for a special meeting Jan. 24-26, 2017. The proposed agenda outlined general types and times for engagement, both in public meeting and executive sessions, for the finalists in the recruitment. Commissioners discussed the proposed agenda, and requested that DEQ present a more detailed agenda with additional process information at its next regular meeting.

Action: Adopt the director’s recruitment calendar and actions for Jan. 24-26, 2017, as discussed today.

Move: Vice-chair Armstrong

Second: Commissioner Johnson

The commission unanimously approved the action

Draft x
Approved with amendments
Approved as presented

Following the commission's action, Chair O'Keeffe approved an audience member's request to provide a brief public comment. Shana Canote read a letter regarding the position of the South Portland Air Quality organization for the recruitment of DEQ's next director. She submitted a copy of her letter to the commissioners and for the official record.

Chair O'Keeffe adjourned the meeting at 1:35 p.m.

Next regular meeting: Jan. 17-19, 2017

- Tuesday, January 17: Agency permitting workshop
 - Portland (venue TBD)
- Wednesday and Thursday, January 18 and 19: Regular meeting and commission business
 - DEQ laboratory: 3150 NW 229th Ave., Hillsboro

Director's recruitment special meeting for public engagement: Jan. 24-26, 2017

- Portland, venue TBD

Draft minutes of the 391st regular meeting of the Oregon Environmental Quality Commission

Nov. 2-3, 2016

Ashland

Ashland Hills Hotel, Galaxy Ballroom

2525 Ashland Street

Ashland, Oregon

Wednesday, Nov. 2, 2016: 9 a.m. to 5:15 p.m., 5:30 to 6:30 p.m. evening session

Chair O’Keeffe convened the meeting at 9 a.m.

- **Present:** Chair O’Keeffe, Vice-chair Armstrong, Commissioner Rider, Commissioner Johnson and Commissioner Eden

A. Action item: Meeting minutes

Commissioners reviewed the draft meeting minutes from the Aug. 17-18, 2016, regular EQC meeting. Vice-chair Armstrong noted an edit for a special meeting related to criteria for the director’s search – he and Director Whitman noted the clarification regarding that item.

Action: Approve the minutes with the clarification as noted

Move: Commissioner Johnson

Second: Commissioner Eden

The commission unanimously approved the action

B. Public forum

The commission opened a 50-minute public comment opportunity at approximately 9:15 a.m. Twenty people submitted forms to speak in Ashland, No one presented comment remotely from the Bend, Pendleton or Portland DEQ offices.

1. Frances Oyung, Rogue Riverkeeper, presented comments in support of DEQ’s work regarding MS4 permits.
2. Clair Klock, farmer and water conservation district representative, urged the commission to err on the side of human health and environmental well-being for all regulatory efforts.
3. Krystal Abrams, Beyond Toxics, presented comments regarding neonicotinoids and the deadly effects of these chemicals for bee and environmental health.
4. Josephine Warden, presented comments regarding bee health and a need for a ban of neonicotinoids
5. Laura Bee Ferguson, echoed the comments regarding the ban on chemicals that kill bees and damage the environment
6. Kenda Swartz Pepper, Pollinator Project Rogue Valley, noted her opposition to the use of neonicotinoids and pesticides and asked the commission to make choices that support all inhabitants of the earth.
7. Carolyn Minson, Pollinator Project Rogue Valley, presented her concerns about pesticides and other chemicals affecting pollinators and other creatures.

8. Nancy Nelson, Pollinator Project Rogue Valley, provided a copy of information regarding bee deaths and other chemical harms.
9. Susan Ekstrom, Bee City USA, expressed her concerns for the pesticide and chemical damage to song birds and other animals.
10. Jim Thompson, Bee City USA, noted his personal experiences with pesticide exposure and read a copy of his comments to the commission.
11. Kristina Lefever, Pollinator Project Rogue Valley, presented comments regarding neonicotinoids and asked the commission to consider taking action to remove these pesticides from commercial availability in Oregon.
12. Shelly Candel, Bee City Canada, presented comments on the success of the Bee City program in Toronto and other Canadian cities.
13. Evan Rattle, OSPIRG, expressed his personal and professional concerns regarding the use of neonicotinoids in farm and residential areas. He asked the commission to consider a ban on these chemicals for environmental and human health.
14. Ceara Kornblum, OSPIRG and Southern Oregon University student, echoed prior comments regarding the requests to ban neonicotinoids and noted that the bioaccumulation of these chemicals has similar outcomes to the bioaccumulation of DDT and other now-banned chemicals.
15. Kieryn Eagy, OSPIRG and Southern Oregon University student, noted her concerns about neonicotinoids building up in soil and affecting all life.
16. Morgan Bechtold-Enge, OSPIRG, expressed her concerns about declines in bee and bird populations due to neonicotinoids use
17. Mike Freese, Associated Oregon Industries, presented comments related to regulatory obligations and concerns of Oregon's business communities. He noted his intent to continue to work with DEQ for meaningful engagement through the agency's budget process. He asked that the commission direct DEQ to reconvene the Air Toxics Science Advisory Committee to make decisions regarding air quality benchmarks and other policy decisions for air quality.
18. Jenica Faye, Pollinator Project Rogue Valley and Bee City USA (Talent), described the work that the Bee City USA group is doing in Talent to remove neonicotinoids from parks and residential areas.
19. Vicki Simpson, Ashland resident, presented comments in opposition to the Oregon LNG project proposed for Coos Bay. She asked several clarifying and informational questions of the commission and agency regarding the processes for the project.
 - a. Director Whitman responded to the questions to provide clarifying information for DEQ's processes.
20. Bob Palzer, Ashland resident and co-chair of Rogue Valley Citizens for Clean Air, presented comments regarding air quality issues in the Rogue Valley. He noted his concerns regarding prescribed burning being used for fire management in the Ashland Watershed.

Chair O'Keeffe closed public forum at approximately 10:15 a.m.

This item was taken out of order

D. Informational item: Commissioner reports and agenda planning

Commissioners presented written and verbal updates on their recent activities and other items of interest to the commission.

Following the commissioner reports, Vice-chair Armstrong clarified prior discussion of the commission. He noted that the commission would need a formal motion to allow any interim or temporary director be eligible for the permanent director position as currently stated. Commissioners discussed their intent for previously establishing that limit and their willingness to revise that decision based on different circumstances for the agency.

Action: Rescind its exclusion against an interim director making application for the permanent position of director of DEQ

Move: Commissioner Eden

Second: Commissioner Rider

The commission unanimously approved the action

Greg Aldrich, Office of Policy and Analysis manager, discussed planning for 2017, including the proposed regular meeting dates. Commissioner Eden noted she is not available for the proposed June dates. He noted that the Land Conservation and Development Commission has the same dates for the proposed November dates and the agencies can attempt to create a joint meeting between the boards.

Aldrich reviewed potential agenda items for the January 2017 meeting:

- Water quality permitting discussion, with an in-depth review of a permit and cost/benefit understandings for the agency
- Legislative “101” session with information about the 2017-19 session and budget recommendations
- Recycling rules
- Materials Management program updates
- Director’s recruitment processes
- In-depth EDMS report as a standing item
- Toxics Use Reduction Plan updates, including costs for implementation across the programs
- Cleaner Air Oregon
- EPA discussion
- June: OWEB strategic plan

This item was taken out of order

Please note: Due to a technical error, Director Whitman’s opening remarks were not fully captured on the meeting audio recording

H. Informational item: NPDES program updates

Director Whitman introduced the item and provided opening remarks. Keith Andersen, special advisor to the director for Water Program Improvement, presented information about actions and progress to meet the goals and objectives of a September 2016 consultant’s report and November 2016 implementation plan regarding Oregon’s Nonpoint Discharge Elimination System permitting program.

Commissioners asked clarifying and informational questions throughout the presentation. Jennifer Wigal, Water Quality Program manager, provided additional clarifying information as requested.

E. Informational item: Budget and Legislative updates

Greg Aldrich, Office of Policy and Analysis manager, and Mark Brown, Financial Services manager, presented updates on agency, state and federal budget and legislative matters of interest to the commission, including updated budget forecast information. Commissioners asked clarifying and informational questions throughout the presentation.

Lunch

Chair O’Keeffe recessed the commission for lunch from approximately 12:30 to 1:15 p.m.

G. Action item: Proposed revisions to water quality standards for copper

Jennifer Wigal, Water Quality Program manager, introduced this item and presented opening remarks. Debra Sturdevant, Water Quality specialist, presented DEQ’s recommendations and supporting information for proposed revisions to the state water quality standards for copper. Commissioners asked clarifying and informational questions throughout the presentation.

Action: Amend OAR 340-041-0033 and the associated Table 30 as shown in Attachment A in order to revise Oregon’s water quality standard for copper

Move: Commissioner Rider

Second: Vice-chair Armstrong

The commission unanimously approved the action

This item was taken out of order

F. Action item: Proposed bond issuance

Mark Brown, Financial Services manager, presented a request for commission authorization to issue a bond sale for up to \$10 million in state matching funds for the Clean Water State Revolving Fund. He described the function of the bond sale and the justification for the request.

Action: Authorize DEQ to pursue an overnight bond sale for up to \$10 million for the purposes of providing matching funds in state money for the Clean Water State Revolving Fund

Move: Vice-chair Armstrong

Second: Commissioner Rider

The commission unanimously approved the action

This item was taken out of order

I. Informational item: Diesel emissions settlement

Director Whitman provided introductory remarks for this item. Kevin Downing, Diesel specialist, presented information regarding the state’s potential use of up to \$68 million from a proposed legal settlement regarding diesel emissions. The commission asked clarifying and informational questions throughout the presentation.

This item was taken out of order

C. Informational item: Director’s report

Interim Director Whitman presented written and verbal updates on items of interest to the commission. His presentation also included updates about the state budgeting process.

J. Informational item: Joint meeting with the Board of Forestry

At approximately 3:30 p.m., the commission joined the Board of Forestry for a joint informational item and discussion. The item included time for in-person public comment in addition to staff presentations and commission discussion about smoke management, prescribed burning and other environmental considerations for forested lands.

Chair O’Keeffe recessed the commission at approximately 5:15 p.m. until 8:30 a.m. on Thursday, Nov. 3, 2016. Following the recess, some commissioners and staff joined the Board of Forestry for an evening reception hosted by that board. That event was from 5:30 to 6:30 p.m. in the Galaxy Ballroom. On Wednesday evening, some commissioners and DEQ staff attended an informal self-pay dinner in Ashland. No commission business was held at the social dinner.

Thursday, Nov. 3 2016, 8:30 a.m. to 3 p.m.

- *A joint meeting and tour with the Oregon Board of Forestry*

This item convened at approximately 8:30 a.m. at Lithia Park in downtown Ashland

K. Informational item and tour: Ashland Forests All-lands Restoration project

Commission and board members, along with staff from the Departments of Environmental Quality and Forestry, met for a brief informational item followed by a tour of forest lands in and near Ashland.

The commission adjourned at approximately 3 p.m.

2017 meeting dates

- January 18-19 (Portland area)
- April 19-20 (location TBD)
- June 21-22 (location TBD)
- August 16-17 (location TBD)
- November 15-16 (location TBD)