



State of Oregon Department of Environmental Quality

Notes of the Sept. 13-14, 2017, Oregon Environmental Quality Commission meeting 394th regular meeting

*Meeting venue: DEQ's Bend office (425 NE Bellevue Drive, Bend)
Wednesday town hall: Comfort Inn and Suites (62065 SE 27th St., Bend)*

Wednesday, Sept. 13, 2017: 8 a.m. to 5 p.m.; evening town hall session 5:30 to 6:30 p.m.

- **Present:** Commissioner Baraso, Commissioner George, Commissioner Kile and Commissioner Mosby

Item A: Tour, City of Prineville Crooked River Wetland Complex

The commissioners gathered at 8 a.m. for an informational presentation and tour in the City of Prineville regarding the city's Crooked River Wetland Complex. Commissioners and DEQ staff participated in the tour, asked informational questions about the project and generally discussed this and other opportunities for wastewater treatment innovations across the state.

Following the tour, commissioners recessed for lunch from noon to 1 p.m.

Commissioner George, presiding for the meeting, convened the commission at approximately 1 p.m.

Item B: Meeting minutes

Commissioners reviewed and took action on the proposed draft minutes for the July 12-13, 2017, EQC meeting.

Action: Approve the July 12-13, 2017, EQC meeting minutes as presented

Move: Commissioner Baraso

Second: Commissioner Mosby

The commission unanimously approved the action

Item C: Water Quality Permitting Program updates

Keith Andersen, Special advisor to the director for Water Quality Permitting Improvements, presented an update on the program's improvement efforts. He described the current status of the project, the near-term actions and long-term ideas for program improvement.

Commissioners discussed the updates and asked clarifying and informational questions about the project. Andersen described some of the obstacles to improvement, and ways DEQ can adapt its operations to overcome the obstacles and improve processes and outcomes for the program. He also described the challenges facing facilities applying for permits, including the ability of permitted sources to meet the standards within the updated permits. Commissioners expressed concerns about small and rural communities in Oregon being able to meet permit requirements and serve residents' water and wastewater needs. Director Whitman provided additional context for the improvement program, and noted that DEQ will bring a report to the next commission meeting regarding statewide water quality toxics assessment and the consequences of the permit backlog for multiple DEQ programs.

Item D: Water Quality fee rule proposal

Ron Doughten, Water Quality manager, introduced this item. He noted that William Knight is not able to attend and thanked him for his work to help develop the rule proposal. Doughten described the agency's Water Quality Permitting Program's structure and the types of permits DEQ issues. He presented an overview of the proposals for fee increases, and answered clarifying and informational questions from the commissioners.

Mike Kucinski, Onsite Septic Program manager, provided additional detail on portions of the rule proposal specific to the Onsite Program. Adam Coutu, Water Quality budget analyst, provided clarification on specific budgetary and fiscal information. Director Whitman provided additional context and responses to the commission's questions. Mark Brown, Financial Services manager, provided specific budget information in response to commission questions.

Action: Adopt the proposed rules as outlined in Attachment A of the staff report for this item.

Move: Commissioner Baraso

Second: Commissioner Mosby

The commission unanimously approved the action

At the commission's request, Commissioner George welcomed a meeting attendee to present comment to the commission. The attendee, Clair Klock, introduced himself and provided brief comments on his background and environmental interests. He noted he would be unable to attend public forum on Thursday morning, and thanked the commission for their invitation to speak.

Item E: Budget and Legislative updates

Abby Boudouris, Office of Policy and Analysis interim manager, introduced the item. She asked the commissioners to consider providing feedback to DEQ on how the agency can best inform and support them in understanding the budget information. Boudouris described the two-year budget cycle for state agencies, and described the process for DEQ. Matt Davis, Air Quality budget analyst, presented information about the September Legislative Days, happening next week, and other air-specific items of interest.

Mark Brown, Financial Services manager, provided an update on the budget implementation and current fund balances for the agency's programs. Director Whitman noted that DEQ is evaluating what sort of financial reporting can best serve the commission's needs and staff needs for monitoring and managing agency budgets.

Item F1: Action item, Orphan Site Program Bond sale authorization

Mark Brown, Financial Services manager, presented this item and described the need and use of the bond sale funds. He explained that the item includes a reimbursement portion and a request for authorization to seek a bond sale to support the Orphan Site Program. He noted that DEQ intends to seek two separate bond sales – one soon, at the beginning of the biennium, and one later, at the end of the biennium. The totals for both sales would be \$10 million or less.

The commissioners asked clarifying and informational questions, and took action in two parts, the first to authorize the bond sale and the second to authorize the reimbursement of costs accrued for program support prior to the bond sale.

Action: Authorize DEQ to sell up to \$10 million in Pollution Control Bonds, with \$5 million immediately and \$5 million later.

Move: Commissioner Mosby

Second: Commissioner Kile

The commission unanimously approved the action

Action: Authorize DEQ to reimburse itself with the proceeds of the bonds for expenditures it makes for orphan site cleanup.

Move: Commissioner Mosby

Second: Commissioner Baraso

The commission unanimously approved the action

Item F: Action item, Budget certification

Mark Brown, Financial Services manager, presented this item and requested the commission's certification on the Legislatively Adopted Budget. Director Whitman provided the specific language for the proposed certification.

Action: Authorize Commissioner Kathleen George to certify the DEQ 2017-19 Legislatively Adopted Budget on behalf of the commission, and assert that all numeric and arithmetic information has been verified.

Move: Commissioner Baraso

Second: Commissioner Kile

The commission unanimously approved the action

Item G: Informational item, Commissioner reports

Director Whitman introduced this item and provided context of the intent of the discussion. He provided an overview of ways several other state agency boards or commissions solicit and accept comments or other public participation during their meetings. The commissioners discussed alternatives for public comment and engagement, and agreed to spend time discussing their options and formats at the November and January meetings.

Commissioner George noted that she, and the other commissioners, intends to wait until the fifth commissioner is appointed to finalize officer appointments and liaison roles. Commissioners discussed potential topics for discussions as part of the November EQC/Board of Forestry joint meeting.

Commissioner George noted that she has received invitations to speak with Dan Brown, EPA Oregon Operations Director, and Mary Lou Socia, EPA Region 10, with Kevin Downing, DEQ, to discuss diesel issues, general EPA priorities and other Oregon-specific concerns.

Commissioner Kile noted that she has been working with EPA field staff near Corvallis regarding drinking water, water quality and water pollution from fires and will continue to engage with that group.

Commissioner Baraso noted that he has been asked to participate on an environmental justice-focused committee regarding cap-and-invest strategies for Oregon. He also explained that he has been discussing opportunities for EQC to engage with the Environmental Justice Task Force.

Commissioner Mosby noted that AOI and Oregon Business have merged into one organization, currently looking for an executive director, and that resulting agency may be more active in its engagement with DEQ and commission activities.

Commissioner George recessed the commission at 5 p.m. until 8:30 a.m. on Thursday, Sept. 14, 2017.

Town hall

The commission hosted an evening town hall from 5:30 to 6:30 p.m. This session was informal, and attendees discussed environmental issues, concerns and success stories in the Bend area. Approximately 25 people attended the session, including the four commissioners and several DEQ staff.

Following the town hall, commissioners attended an informal and optional social dinner. No commission business was conducted at dinner.

Thursday, Sept. 14, 2017: 8:30 a.m. to 4 p.m.

Present: Commissioner George, Commissioner Baraso, Commissioner Mosby and Commissioner Kile

Commissioner George reconvened the meeting at 8:35 a.m.

Item H: Public forum

The commission opened public forum at 8:35 a.m. Two people submitted forms to present comment in the meeting space in Bend. Four people provided comment by phone.

1. Gary Springer, Starker Forest, provided a handout regarding his work and invited the commissioners for a tour of the company's forests. He noted that he was a former liaison to the commission as a member of the Board of Forestry.
2. Heath Curtis, Oregon Forest Industries Council, introduced himself and his work, and encouraged the commission to be very involved in the oversight of DEQ's work. He presented comments regarding Cleaner Air Oregon and planned reductions to lead and zinc standards for water quality.
3. Katharine Salzman, Eastside Portland Air Coalition, encouraged the commissioners to read all the Cleaner Air Oregon materials and information very closely as they consider the rules. She asked the commissioners to support the DEQ who have looked very closely at the standards and science for the proposals.

4. Margaret Cross, McMinnville resident, thanked the commissioners for their service. She presented comments regarding Riverbend Landfill, and asked that the commission consider scheduling its public comment period at a time for convenient for people across the state, potentially mid-day. She expressed her interest in participating in a hearing with significant dialogue rather than exchanging communications or responding. She asked the commission to hold an open meeting in McMinnville for productive discussion related to Riverbend Landfill.

5. KJ Phillips, Corvallis resident, presented comment regarding the upper Deschutes River area and groundwater concerns related to irrigation water infiltrating residential areas from un-piped or uncovered irrigation lines.

6. Elsa Perse, Stop the Dump Coalition, presented comments regarding Riverbend Landfill and encouraged the commission to direct DEQ to reconsider the permit approval and deny the vertical expansion request for the landfill. She requested an opportunity to present additional information to the commission regarding the landfill, noting omissions in the information presented to-date.

Commissioner George closed the public forum at 9:15 a.m., following the end of all comments.

Item I: Informational item, Director's report

Director Whitman presented written and verbal updates on agency, state, federal and national concerns. Throughout the item, commissioners discussed the content and asked clarifying and informational questions.

Topics included:

- Agency reorganization plans, and a commitment to provide an additional update at the Nov. 2-3, 2017, EQC meeting
- Recruitment for critical positions at DEQ
- Secretary of State audit of DEQ's Air Permitting Program
- Upcoming Legislative days September 18-20, with DEQ presenting a status report on Cleaner Air Oregon
- Emergency preparedness and response activities by DEQ staff and state partners
- Updates on activities in each of DEQ's three regions, including major projects or decisions for the agency

Director Whitman and the commission discussed a memo specific to Riverbend Landfill, attached to the report for this item, which DEQ provided in response to comments and discussion at recent EQC meetings. Linda Hayes-Gorman, Eastern Region Division administrator, Lissa Druback, manager, and Bob Schwarz, permit writer and engineer, participated in the discussion to provide additional context and information. Druback provided

background information about the landfill site and the issues raised by neighbors of the landfill and the Stop the Dump Coalition. Schwarz provided technical information about the site and other detail.

The commissioners asked many questions throughout the discussion and asked for additional information from DEQ on this issue, including additional technical documents and maps. Director Whitman noted that DEQ is reviewing the petition for reconsideration and that he will meet with people from Stop the Dump Coalition, as they have requested, before he makes a decision regarding the petition.

Commissioner Mosby asked several clarifying questions about an item in the director's report related to activities in Sweet Home. Keith Andersen provided clarification on those items.

Item J: Informational item, EDMS updates

Clint Bollinger, IT manager, and Angel Gillette, EDMS project manager, presented an update on the current status of the agency's Environmental Data Management System. Bollinger provided some background information on the project and its objectives, the process for approval and implementation of the system through a four-part State Gate process and next steps for the project.

Commissioners asked clarifying and informational questions about the project and affirmed their interest in continuing to receive regular updates via monthly emails and meeting presentations.

Item K: Informational item, Smoke management and wildfire response

Greg Svelund, DEQ, Peter Brewer, Department of Forestry, and Katarina Stiles, Oregon Health Authority, co-presented a general update on wildfire, smoke management and the regulatory and public health co-responsibilities of their three agencies.

Svelund walked the commission through DEQ's role in wildfire response and communicating about human and environmental health concerns associated with smoke. He explained that the 2012 Pole Creek Fire changed how the state coordinates its agencies for monitoring and communicating with the public about the health effects from smoke. Commissioners asked clarifying and informational questions about the practices and work of the agencies. Director Whitman thanked the staff from the three agencies for their work to ensure enhanced communication and coordination this fire season.

Item L was removed from the agenda

Commissioner George recessed the commission for lunch and an executive session from noon until 1:30 p.m.

Working lunch and executive session

The commission and DEQ staff met with Department of Justice staff for a working lunch and executive session pertaining to pending and current litigation. The session was held pursuant to ORS 192.660(2)(h).

This item was taken out of order

Item O: Informational item, Cleaner Air Oregon

Leah Feldon, DEQ deputy director, introduced this item. She noted that Gabriela Goldfarb and David Farrar, Oregon Health Authority staff, would participate by phone throughout the item. Goldfarb described the involvement of the Oregon Health Authority in the Cleaner Air Oregon project.

Keith Johnson, special advisor to the DEQ director for Cleaner Air Oregon, presented an update on current status of the project. Joe Westersund, project manager, described the team's work related to the project's advisory committee and provided an update since the last presentation to the commission in July 2017, including the proposed prioritization for implementation during the initial five years of the program. David Farrar, Oregon Health Authority toxicologist, provided detail on risk-based elements of the draft rules and program decisions.

Commissioners asked many clarifying and informational questions about the information, and provided their feedback on the program and processes discussed. The commissioners requested additional updates on the program and specific follow-up after the meeting. Director Whitman provided additional commitment for ongoing public discussion on the issues discussed today.

Item M: Informational item, DEQ process for public comment and permit decisions

Linda Hayes-Gorman, Eastern Region Division administrator, and Lissa Druback, manager, co-presented this item. Hayes-Gorman outlined the various types of permitting actions that DEQ does, noting that the provisions for the actions can be defined within program rules, state law or federal law. Druback described the processes DEQ uses for soliciting, receiving, reviewing and responding to, including making changes based on input, public comments.

Commissioners asked clarifying questions and noted their appreciation for the discussion and clarity. Director Whitman provided additional context for the current operations of the agency, and instances of public unhappiness with earlier, non-DEQ decisions being brought for DEQ and commission discussion.

Item N was removed from the agenda

Commissioner George adjourned the meeting at 4 p.m.