

**Minutes of the 387th regular meeting of the Oregon Environmental
Quality Commission**

Oregon State Library, Room 103
250 Winter Street NE, Salem

On Tuesday, February 2, the commission held an employee engagement work session. The commission also met with Director Pedersen in an executive session for the director's annual performance review. The work session and annual review were conducted in accordance with Oregon state public meeting laws.

Wednesday, Feb.3, 2016: 9 a.m. to 4 p.m.

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

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

Note: Commissioner Rider was not present for action items E and F

A. Action item: Meeting minutes

Commissioners reviewed the proposed draft minutes from the Dec. 9-10, 2015, regular meeting.

Action: Approve the draft Dec. 9-10, 2015, EQC meeting minutes as presented

Move: Vice-chair Armstrong

Second: Commissioner Johnson

The commission unanimously approved the Dec. 9-10, 2015, minutes as presented.

There is no document for this item

B. Public forum

One person requested to present comment to the commission.

1. Heath Curtis, Oregon Forest Industries Council, presented comments regarding Board of Forestry rules and decisions related to streamside buffer areas for the protection of stream temperature. He submitted a copy of his testimony for the commission record.

Commissioners asked clarifying questions, and Gary Springer, Board of Forestry member and liaison to the commission, provided additional information. Vice-chair Armstrong noted his appreciation for Springer's involvement and Director Pedersen echoed his thanks.

Chair O'Keeffe closed public forum at approximately 9:10 a.m.

This item was taken out of order

G. Informational item: Director's report

Director Pedersen presented written and verbal updates on items of interest to the commission. The written report included updates about:

- The agency's business continuity plan and general emergency response role for the state
- A request from Neighbors for Clean Air, a Portland-based community organization concerned with air quality and air toxics, for DEQ to revisit and enhance its Portland Air Toxics Assessment work
 - He added a verbal update on high concentrations of cadmium found near SE 22nd and SE Powell in Portland, near a glass manufacturing plant and adjacent to school and childcare centers.
- The timely receipt of the annual report from the U.S. Army Corps of Engineers regarding its operation of four dams along the lower Columbia River for fish passage.
 - Commissioner Eden requested the report in full, in addition to a summary, and a report-back on the request to provide a daily check-in from the Corps to ensure exceedences are noted immediately.
- Updates to the agency's 2016 rule development plan

Director Pedersen also provided a verbal update on the plan and process for Portland Harbor, and EPA's plan for outreach and comment. Commissioners asked clarifying and informational questions regarding the information presented by Director Pedersen.

C. Action item: Proposed changes to solid waste tipping fees

Loretta Pickerell, Materials Management program manager, introduced the item and her co-presenters. Jill Inahara, environmental engineer, presented proposed rule revisions to increase solid waste tipping fees and make other rule adjustments related to the Materials Management Program. Peter Spendelow, Materials Management program analyst, provided additional detail and technical information.

Commissioners asked clarifying and informational questions about the proposed rule revisions.

Action: Approve the proposed rules as presented

Move: Commissioner Eden

Second: Commissioner Johnson

The commission unanimously approved the rules

D. Informational item: Budget and legislative updates

Greg Aldrich, Office of Policy and Analysis manager, presented updates on agency, state and federal budget and legislative matters of interest to the commission, including the start of the 2016 Oregon Legislative Session. Commissioners asked questions and discussed the information presented by Aldrich.

Working lunch and executive session

Chair O'Keeffe recessed the commission for a working lunch and executive session from about 11:30 a.m. to 1:15 p.m. The session was held in accordance with Oregon's public meeting laws.

E. Action item: Request for dismissal of contested case

Larry Knudsen, the commission's legal counsel, presented DEQ's request for the commission to dismiss a petition for review in a contested case regarding AAM, Inc. The legal counsel for AAM, Inc. attended the presentation by phone and did request the opportunity for an extension

to file the initial Exceptions and Brief. Silverman requested an extension for a period of five days from Feb. 3, 2016. Leah Feldon, Office of Compliance and Enforcement manager, noted that DEQ does support its request for dismissal of the petition.

Action: Approve the request to dismiss the petition for commission review and issue a Final Order in the matter

Move: Commissioner Johnson

Second: Commissioner Eden

The commission unanimously approved the request

F. Action item: Proposed changes to contested case review protocol

Leah Feldon, Office of Compliance and Enforcement manager, and Sarah Wheeler, Environmental Law Specialist, presented proposed changes to the process the commission uses to review contested cases, following up on discussion at commission meetings in 2015 and commission direction for process revisions. Commissioners asked clarifying and informational questions about the materials and discussed their opinions on the matter. Feldon, Wheeler and Knudsen, the commission's legal counsel, provided clarifying information.

Action: Make no changes to the commission's process for reviewing contested cases at this time, with support for policy debrief sessions after contested cases are heard and also with receipt of materials 30 days in advance of the meeting.

Move: Vice-chair Armstrong

Second: Commissioner Johnson

The commission unanimously approved the action

H. 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.

- Vice-chair Armstrong provided an update about his work as liaison to the Board of Forestry.
- Chair O'Keeffe provided updates about her work as liaison to the Board of Agriculture, her role as convener for a DEQ advisory committee about wood smoke issues,
- Commissioner Johnson and Commissioner Eden did not have updates to share.

Greg Aldrich, Office of Policy and Analysis manager, provided an update on the 2016 meeting information. The commission discussed its potential locations for the meetings and opportunities for joint meetings.

- April 20-21 – *Somewhere in the DEQ Northwest Region territory, with a staff/agency presentation possibly from DLCD*
- June 15-16 – *The commission agreed to reschedule its meeting to align with the Board of Agriculture's dates, June 8-9, in John Day*
- August 17-18, with Water Resources Commission, location to be determined but potentially in Eastern Region (*tentative: Boardman*)
- November 2-3, with the Board of Forestry, in Ashland

2016 meeting dates and locations

April 20-21: Portland
June 8 and 9: John Day
August 17-18: TBD
November 2-3: Ashland