

**Notes of the 389th regular meeting of the Oregon Environmental
Quality Commission**

John Day

Grant County Regional Airport Conference Room

72000 Airport Road

John Day, Oregon

Wednesday, June 8, 2016: 8 a.m. to 5 p.m., 5:30 to 6:30 p.m. evening session

Please note: Item A was held at the Grant County Fairgrounds: 411 NW Bridge Street as a joint meeting with the Oregon Board of Agriculture.

A. Informational and discussion item: Joint session with the Board of Agriculture

Staff from DEQ and the Department of Agriculture co-presented on water quality and other issues of shared responsibility for the Board of Agriculture and the Environmental Quality Commission.

Chair O’Keeffe convened the commission meeting at 10:30 a.m. at the Grant County Regional Airport.

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

B. Action item: Meeting minutes

Commissioners reviewed and took action on the proposed draft minutes, with several typographical corrections, from the April 2016 regular meeting EQC meeting.

Action: Approve with typographical corrections as noted via email and at the meeting

Move: Commissioner Eden

Second: Vice-chair Armstrong

- *The commission unanimously approved the action*

C. Informational item: Eastern Region highlights report

Linda Hayes-Gorman, Eastern Region Division administrator, introduced the item. She welcomed Jerry Erstrom, Malheur Watershed Council, presented a short video regarding restoration work near Willow Creek, in Eastern Oregon. Erstrom showed a short video of project highlights. Commissioners and Interim Director Shepherd asked informational questions about the project and its successes.

Bryn Thomas, DEQ, presented about a 2015 event with dangerous oil and petroleum vapors from leaking underground tanks at Triangle Oil in John Day, which threatened a neighborhood with vapors and groundwater contamination. The commission discussed the specifics of this event, and what DEQ’s responsibilities and rights are to intervene in this, or similar, situations.

Linda Hayes-Gorman presented an introduction of the Canyon Creek Complex Wildfire, which burned many areas in and near John Day in summer 2015. Randy Jones, Regional Solutions

Team member for Eastern Oregon, Lissa Druback, Solid and Hazardous Waste Manager, Mark Bailey, Air Quality Manager, and Bob Baggett, Onsite Septic System Specialist, each described their involvement and the actions taken by the various parts of DEQ to assist residents affected by the Canyon Creek Complex Wildfire.

The commissioners engaged the presenters in conversation throughout the item, and discussed opportunities for DEQ to increase its preparedness and response capabilities.

Lunch

Chair O’Keeffe recessed the commission from approximately 12:30 to 1:30 p.m. for lunch. There was no executive session, as was previously scheduled.

***Note:** Commissioner Rider joined the meeting by telephone from 1:30 to 2:30 p.m., and participated in the vote for item D.*

D. Action item: Contested case hearing

The commissioners heard information about and took action on a contested case regarding water quality violations in Brookings Harbor. Susan Elworth, DEQ environmental law specialist, presented DEQ’s side of the matter by phone. The petitioner, Charles Case, did not attend the meeting in-person or by phone. The commission asked staff to outline steps taken to communicate with the petitioner prior to hearing DEQ’s side of the matter.

Action: Issue a Final Order upholding the Proposed Final Order from the administrative law judge, as presented in this case and commission meeting materials for item D

Move: Commissioner Eden

Second: Vice-chair Armstrong

- *The commission unanimously approved the action*

This item was presented out of order

M. Informational item: Updates about Cleaner Air Oregon

Interim Director Shepherd presented updates about the timeline and project work associated with Cleaner Air Oregon, a collaborative multi-agency program for air quality protections. He described the collaborative efforts of DEQ and the Oregon Health Authority, including the public outreach and engagement for the rule development process. Commissioners discussed ways to support DEQ and OHA, and partner with others, on this and other major environmental issues.

Chair O’Keeffe recessed the commission at approximately 2:15 p.m. until 8:30 a.m. on Thursday, June 9, 2016. She noted that items E and F would be held after the formal recess of meeting business.

E. Tour: Canyon Creek wildfire and Triangle Oil sites

Commissioners and some staff took an afternoon tour of sites affected by the Canyon Creek wildfire and also the leaking underground storage tanks associated with Triangle Oil, a bulk fuel supplier in John Day.

F. Evening session with local officials

From approximately 5:30 to 6:30 p.m., the commission met with local officials in an informal meet-and-greet session. No notes or audio recordings were kept for this informal session, and no commission action occurred.

Thursday, June 9, 8:30 a.m. to 4:30 p.m.

Chair O’Keeffe reconvened the commission at 8:30 a.m.

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

G. Public forum

At approximately 8:30 a.m., the commission opened a public comment opportunity.

People were able to present comments in-person at the John Day meeting venue, or via telephone conference call at two DEQ offices.

Portland (headquarters): 811 SW 6th Avenue, 10th floor

Eugene: 165 E. 7th Avenue

One person presented comment by phone in Portland and two in-person in John Day.

1. Mike Ragsdale presented comments regarding the Waste Management Stewardship Plan. He noted his support for the work of the stewardship committee.
2. Sheila Farwell, Mayor of Halfway, presented comments regarding rules and regulations. She asked the commission several questions regarding regulations in smaller communities, particularly environmental violations.
3. Paul Burns, Waste Management, presented comments regarding community feedback and changes the company made in response to that feedback at Riverbend Landfill.

Chair O’Keeffe closed the public comment at 9 a.m.

This item taken out of order

N. 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.

Commissioner Johnson noted that she recently attended a workshop with a DEQ consultant regarding the Water Quality Program’s efforts to improve permit processes. She submitted a summary document of her comments from the workshop.

Vice-chair Armstrong noted that he attended a recent meeting of the Board of Forestry in Tillamook, which was the last meeting for Gary Springer, the former liaison from Forestry to EQC. Tom Imeson will serve as the new Forestry liaison. On behalf of Commissioner Rider, he shared that she will no longer serve as the liaison to OWEB and that he would accept the

temporary appointment to that board until a new commissioner arrives to fill the future vacancy when Jane O’Keeffe is no longer on the commission.

Commissioner Johnson made a motion to make Vice-chair Armstrong the temporary liaison to OWEB. Commissioner Eden seconded the motion, and all commissioners approved the motion.

Commissioner Eden noted that she was informed that her liaison role with the Land Conservation and Development Commission is nearly final, and she expressed an interest to serve as the permanent OWEB liaison if the DLCD relationship is not confirmed over the next year.

Greg Aldrich, Office of Policy and Analysis manager, discussed agenda planning for future EQC meetings. He noted that the commission previously scheduled a special meeting for July 13 and 14, to discuss commission vision and budget planning, and potential final interviews for the director position. He handed out a summary of DEQ’s Strategic Goals and objectives aligned with the proposed policy option packages DEQ may pursue in 2017.

Commissioner Johnson requested a one-day meeting on July 13 to address the budget and vision planning, as the commission will likely not be ready to hold final interviews for the director’s position. She expressed her support for a workshop-style conversation on how the commission can assist DEQ with its Legislative agenda in 2017 and beyond. Aldrich noted that could also be a good date and location, if in Portland, to recognize former long-term legal counsel Larry Knudsen.

The commissioners confirmed July 13 in Portland as its preferred date and location for a discussion among commissioners and DEQ staff related to budget, legislation and other long-term opportunities. Chair O’Keeffe asked for time held on that agenda to have discussion related to the director’s recruitment, depending on where the process is at that time, and what the commission’s engagement plan for the recruitment process. Gary Vrooman, commission’s legal counsel, noted that the commission may not be able to discuss recruitment elements in executive session but he would verify and make a recommendation back to the commissioners for July 13.

Aldrich noted that the next regular meeting is August 17-18 and DEQ has begun some initial planning with the Water Resources Board and Department for that meeting. He explained that the Water Resources Board has met recently in Boardman and expressed an interest in moving to the Hermiston/Pendleton area, but that DEQ and the commission could meet in Boardman and come together in some shared space for a tour and joint meeting. Commissioners expressed their support for EQC staying in Boardman and ask Water Resources Board to co-plan a joint meeting and tour of the Boardman or Hermiston area. Commissioner Johnson asked for a presentation on water recharge systems, perhaps from J.R. Cook, as a shared item of interest and definitely a morning, not afternoon, tour. Interim Director Shepherd expressed support for the joint meeting being held on land of the Umatilla Tribe, if requested and accepted through a formal government-to-government process, and pending the legal clarification regarding holding EQC meetings on tribal government land.

Chair O’Keeffe requested a Portland Harbor briefing as part of the July 13 special meeting, with an opportunity for a tour of the area. The commissioners asked staff to develop a proposed agenda, potentially including a tour on July 14 for commissioners who are able to attend. Joni Hammond, Deputy Director, noted that the best tour of Portland Harbor would be via boat, which DEQ can arrange.

Aldrich noted that the commission may need a special meeting before mid-October pending the expiry of the temporary rules for air quality toxics. He explained that the November joint meeting with the Board of Forestry, in Ashland, will be developed with cooperation of the boards and commissions.

H. Informational item: North Harney County predictive air quality model

Linda Hayes-Gorman, Eastern Region Division administrator, introduced this item and explained that it is a presentation with many project partners to help the communities within the North Harney County area. Larry Calkins, Air Quality specialist, introduced the panel of co-presenters: Travis Lowe, Eastern Oregon University, Valerie Mills, National Weather Service, and Sydney Nelson, Eastern Oregon University.

Calkins discussed the air quality issues associated with woodsmoke that affects Burns and other communities in northern Harney County, noting that many communities across the state have similar issues associated with woodsmoke damaging local air quality.

Valerie Mills, now retired from the National Weather Service in Boise, discussed the partnership and project tools for the predictive model developed for the Burns area. Nelson presented the model, including adjustments made by the team through development. Lowe described the results of the model and its accuracy in predicting days with high levels of PM2.5

Following the presentations, Calkins presented several awards of recognition for the project partners. Commissioner Johnson asked about what other communities could use this type of model, and Calkins noted that he has taken the work from Burns and applied it, with caveats, to other communities in eastern Oregon with similar air quality issues. She asked the students if they plan to publish, and Nelson noted that they have submitted for the school’s journal. Commissioner Johnson encouraged the students to consider pursuing additional publishing opportunities. Vice-chair Armstrong echoed the encouragement for the students. Interim Director Shepherd committed for DEQ to draft a letter for the commission to note its thanks for the presentation. Commissioner Johnson noted that the letter should also copy the president of Eastern Oregon University.

Mark Bailey, Air Quality manager, presented an award of recognition and thanks to Larry Calkins. Calkins, scheduled to retire July 1, has served as an invaluable community resource for eastern Oregon throughout his 27-year career at DEQ.

J. Informational item: Annual financial report

Jim Roys, Financial Services manager, presented the agency’s annual financial report and update. Greg Aldrich, Office of Policy and Analysis manager, provided clarifying information as

needed. The commissioners and staff discussed the content of the summary and reports and commissioners asked clarifying and informational questions throughout the presentation.

Lunch

Chair O’Keeffe recessed the commission for lunch from 12:20 to 1 p.m.

Item K was removed from the agenda prior to the meeting

L. Action item: Title V fee increases

Deputy Director Joni Hammond introduced this item. Don Hendrix, Air Quality accounting specialist, presented by phone the proposed increases to fees for the Air Quality Title V Permit Program, in accordance with the annual increase of the Consumer Price Index.

He described the proposed two-phase request for the fee increase, including public comment on the proposal.

Action: Adopt phase one of the proposed rules in attachment A as part of chapter 340 of the Oregon Administrative Rules

Move: Commissioner Johnson

Second: Vice-chair Armstrong

The commission unanimously approved the fee increase.

This item taken out of order

P. Informational item: Director’s report

Interim Director Shepherd presented brief verbal updates on items of interest to the commission.

- Legislative Days held in May were very successful for DEQ, including two requests for funding before the Emergency Board which were approved

This item taken out of order

I. Action item: DEQ director recruitment update

Enrique Sama, Department of Administrative Services, presented by phone an update on the recruitment efforts underway for DEQ’s director. Vice-chair Armstrong and Commissioner Eden, the subcommittee for the recruitment process, provided additional contextual information as part of the update.

Gary Vrooman, commission legal counsel, provided information about the commission’s options for action regarding any potential extension of the recruitment period. Commissioners discussed the options and stated their preference to extend the recruitment period to gather additional candidates. Vice-chair Armstrong expressed some concern about losing some of the stronger candidates due to a delay, but noted his support for extending the deadline.

Action: Extend the recruitment period deadline to June 30, 2016, midnight PST

Move: Commissioner Eden

Second: Chair O’Keeffe

The commission unanimously approved the action

Action: Revise the basic requirements for the director position from requiring a science-based bachelor's degree to having a science-based bachelor's be highly preferred, with a bachelor remaining a requirement

Move: Commissioner Eden

Second: Chair O'Keeffe

The commission approved the action with three in support and one abstention

In favor: Eden, O'Keeffe, Armstrong

Opposed: None

Abstention: Johnson

Commissioners discussed their interests and options related to potentially engaging a "headhunter" or other executive search firm to assist the state with multiple recruitments. Chair O'Keeffe clarified that DAS is in the midst of a process to solicit a search firm and DEQ's director position would be the first agency to access those services if needed. The commissioners agreed to schedule a one-item special meeting after the close of the extended recruitment period for the commission to take action, or not, for necessary next steps.

Action: The commission will meet by telephone in the first week of July to assess if the pool of director applicants meets the commission's intent or if the commission would like to use the services of an executive search firm or take other action at that time.

Move: Commissioner Eden

Second: Commissioner Johnson

The commission unanimously approved the action

O. 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 actions at Legislative Days in May 2016.

The commissioners discussed the information and walked through the proposed Policy Option Packages, with some ranking, for the 2017-19 Legislative Session. They noted that the rankings are not based solely on importance of the work, but also on the necessity and viability of the package being successful for long-term agency stability.

Chair O'Keeffe adjourned the meeting at approximately 4 p.m.

2016 meeting dates and locations

August 17-18: Boardman (*tentative*)

November 2-3: Ashland

**Notes of a special meeting of the Oregon Environmental Quality
Commission**

Portland

DEQ Northwest Region Offices

700 NE Multnomah Street

Portland, Oregon

Wednesday, June 13, 2016: 8:30 a.m. to 4:30 p.m.

Present: Chair Jane O’Keeffe, Vice-chair Ed Armstrong, Commissioner Colleen Johnson, Commissioner Morgan Rider and Commissioner Melinda Eden

- *Chair O’Keeffe convened the meeting at 8:30 a.m.*

Item A: Informational and discussion item: Vision and strategic goals for EQC and DEQ

Greg Aldrich, Office of Policy and Analysis manager, introduced the item and presented an overview of the item’s discussion. Interim Director Shepherd co-presented the item and discussion. The commissioners discussed the agency’s strategic goals, and their interests related to the goals and other agency activities. They provided feedback on a variety of agency and commission issues, and gave direction for next steps related to the agency’s strategic goals and vision.

The commission requested that DEQ pursue audio and video recording at future EQC meetings, including a test-run at the August meeting in Boardman. Commissioners also expressed an interest in DEQ updating its mission statement to more accurately reflect the agency’s role and responsibilities. Commissioners discussed the difficulties of the agency meeting its regulatory requirements and public expectations due to long-term underfunding of state natural resource agencies. The commission requested a simple document to easily explain agency issues and successes as part of a larger agency communications and outreach strategy.

Item B: Informational item: Budget and legislative updates

Greg Aldrich, Office of Policy and Analysis manager, introduced the item and provided an overview of the item’s content. Mark Brown, Financial Services manager, co-presented the item. Interim Director Shepherd provided additional clarifying information throughout the item’s presentation.

Aldrich presented the budget development timeline, noting that the commission will receive the 2017-19 Agency Request Budget for certification at its August 2016 regular meeting. Brown presented an overview of the budget development process, and additional detail about DEQ’s proposed budget for 2017-19. Aldrich, Shepherd and Brown engaged in discussion with the commissioners about policy option packages, budget elements and other financial and legislative specifics. The commissioners asked clarifying and informational questions throughout the item, and engaged in discussion regarding current status and next steps.

Lunch

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

Item C: Action item: Director's recruitment process

Enrique Sama, DAS Executive Recruiter, joined the meeting by telephone for this item. Vice-chair Armstrong and Commissioner Eden provided background information regarding the recruitment process, to date, for the permanent DEQ director. Sama explained that the commission received a total of 55 applications, and 11 of those applications met the desired attributes and qualifications specified by the commission. He noted that he will meet with Vice-chair Armstrong and Commissioner Eden, the recruitment subcommittee, tomorrow from 9 to 11 a.m. at DEQ's headquarters in room EQC-B to review all applications.

Interim Director Shepherd outlined the proposed process for the selection process, noting that there were revisions made today based on legal recommendations and public meeting law. Larry Knudsen, the commission's legal counsel, provided additional clarification regarding the process and legal requirements.

Action: Direct the recruitment subcommittee members to review the 11 applications received that meet the minimum qualifications as discussed previously. If the members feel that the applications are not adequate, they will notify the commission chair who will then make necessary arrangements for next steps. If they feel the applicants are adequate, they would proceed with the process and interview the selected applicants and report back to the commission at a later date; the commission would also authorize the director to consult with the public and stakeholders regarding interview questions, to establish a public engagement interview processes and to arrange for the candidates to meet with executive staff and the Governor's office.

Move: Commissioner Eden

Second: Vice-chair Armstrong

The commission unanimously approved the action

Item D: Informational item: Director's report

Interim Director Shepherd provided a written report as an update to the commission. His update included details about agency actions related to public records, leadership and development opportunities for DEQ staff, a briefing book as transition support for the eventual permanent DEQ director, a debrief of the Mosier railcar derailment and Oregon's portion of a legal settlement with Volkswagen stemming from its alleged unlawful engineering to defraud certain emissions testing mechanisms.

Item E: Informational item: Environmental Data Management System at DEQ

Kerri Nelson, Central Services Division administrator, introduced this item and provided an overview of the current status of electronic and data systems at the agency. Clint Bollinger, Information Technology Operations manager, co-presented this item and provided technical and detailed information about current systems and the planned next steps for the systems. Nelson noted the agency's desire to have a commissioner serve on the new governing board for EDMS, and commissioners were supportive of this interest.

Commissioners asked clarifying and informational questions, and discussed the proposed systems and other technological enhancements. They requested regular updates on the EDMS project at future EQC meetings.

Item F: Informational and discussion item: Annual Key Performance Measures survey questions

Greg Aldrich, Office of Policy and Analysis manager, and Stephanie Caldera, commission assistant, co-presented the proposed questions for the commission's annual self-evaluation survey. The commissioners affirmed that they wanted to use the same questions and format for the evaluation, which will be conducted in July and results brought for commission review and approval at its August 17-18, 2016, regular meeting.

Prior to the close of the meeting, Chair O'Keeffe and the commission offered a thank-you to Larry Knudsen, the long-term commission legal counsel, for his service to DEQ and the commission.

Chair O'Keeffe adjourned the meeting at approximately 4:15 p.m.

Notes of a special meeting of the Oregon Environmental Quality Commission

May 5, 2016

4-5 p.m.

DEQ headquarters: 811 SW 6th Avenue, Portland
10th floor, room EQC-A

Present: Vice-chair Armstrong (by phone), Commissioner Johnson and Commissioner Eden (by phone)

- *Vice-chair Armstrong convened the meeting at 4 p.m. Commissioner Johnson presided*

Item A: Action item: Proposed correction to temporary rules for air quality toxics

Leah Feldon, Office of Compliance and Enforcement manager, introduced the item and provided an overview of the proposed correction to one element of recently-approved temporary rules for air toxics. George Davis, senior air quality permit writer and engineer, described the proposed correction, including the technical information and reasons DEQ is requesting the correction.

Commissioners asked clarifying and informational questions regarding the proposed correction and the agency's process for evaluating the need for the change. Davis and Feldon provided process and technical information in response to the questions.

Action: Determine that failure to act promptly would result in serious prejudice to the public interest or the interests of the parties concerned as provided under the Justification section of this staff report and adopt temporary rules as proposed in Attachment A of the staff report as part of chapter 340 of the Oregon Administrative Rules to be effective on filing with the Oregon Secretary of State.

Move: Commissioner Johnson

Second: Vice-chair Armstrong

- *The commission unanimously approved the action.*

Following the commission action, Commissioner Johnson welcomed a member of the audience who asked to present comment. Kathleen Saltzman, Eastside Portland Air Coalition, asked several questions regarding sources testing and methodology. Davis clarified on her questions and noted that DEQ will also follow up more specifically and directly to her.

Item B: Informational item: Director's update

Pete Shepherd, Interim Director, provided brief verbal updates on several recent agency activities.

1. Potential for hiring staff related to communications and agency capacity-building
2. His attendance at two community meetings: The Dalles, regarding AmeriTies West, and Hayden Island, regarding ongoing odor concerns.
3. The agency has convened a steering committee for its Environmental Data Management System, a large technology and capacity-enhancing project for DEQ that will require significant financial investment from the state.
4. Appointment of Leah Feldon to work on the Cleaner Air Oregon project, and serve as the main point of contact and coordination on that project for DEQ.
5. Recent meetings with representatives of DEQ's employee union.

Commissioners asked informational questions and discussed Interim Director Shepherd's updates.

Commissioner Johnson adjourned the meeting at 4:35 p.m.

Notes of a special meeting of the Oregon Environmental Quality Commission

April 6, 2016

2 p.m.

DEQ headquarters: 811 SW 6th Avenue, Portland
10th floor, room EQC-A

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

- *Chair O’Keeffe convened the meeting at 2 p.m.*

Item 1: Action item: Appointment of interim DEQ director

Vice-chair Armstrong and Commissioner Eden explained that they have served as the subcommittee for hiring and presented information about the process for appointing and interim director. The commissioners discussed the potential appointment of Pete Shepherd as interim DEQ director and clarified that they are the sole body to appoint or hire a director, though the candidate screening was done in consultation with the Governor’s Office.

Gabriela Goldfarb, Governor Brown’s Natural Resource Policy Advisor, noted that she will provide additional detail on the proposed salary range for the interim director position during today’s meeting.

The commission agreed to wait for action on this item until the salary range could be discussed, pending information from the Department of Administrative Services. The commission then moved to item A, seen below, prior to taking action to appoint an interim director.

Action: Appoint Pete Shepherd as interim director of DEQ, with a start date of April 20, 2016, at the top step of the established pay scale for State of Oregon Principal Executive Manager H

Move: Commissioner Rider

Second: Commissioner Johnson

The commission unanimously approved the action.

Item A: Action item: Discussion and action on proposed draft hiring standards, criteria and procedures for the recruitment of a permanent director for DEQ.

Enrique Sama, Executive Recruiter with the Department of Administrative Services, presented draft proposed hiring standards, criteria and procedures for the recruitment of a permanent

director for DEQ. The commissioners discussed the information, potential processes and other detail for the recruitment.

Commissioners offered their direction for revisions to the position description's requirements, preferred criteria and desired attributes for any candidate. Sama described the actions he will take, under direction from the commission, to revise the materials and formalize them for public comment.

Action: Adopt for public comment the proposed draft hiring standards as discussed and amended at the April 6, 2016, special EQC meeting

Move: Commissioner Rider

Second: Commissioner Johnson

The commission unanimously approved the motion

Chair O'Keeffe adjourned the meeting at 3:20 p.m.

Notes of a special meeting of the Oregon Environmental Quality Commission

March 15, 2016

2-6 p.m.

DEQ headquarters: 811 SW 6th Avenue, Portland
10th floor, room EQC-A

Present: Vice-chair Armstrong, Commissioner Rider, Commissioner Johnson (by phone) and Commissioner Eden

- *Vice-chair Armstrong convened the meeting at 2 p.m.*

Item A: Proposed temporary rules for hazardous air pollution

Leah Feldon, Office of Compliance and Enforcement manager, introduced the item and her co-presenters. Sarah Armitage, Air Quality specialist, Brian Boling, manager of DEQ's laboratory, Keith Johnson, Air Quality manager, and David Farrar, Oregon Health Authority, presented an overview of the proposed temporary rules and supporting background information for DEQ's air toxics work. David Monro, Air Quality manager, presented an overview of the current federal air quality regulations that guide DEQ's air toxics work. Feldon and George Davis, senior air quality permit writer, presented the proposed temporary rules.

Throughout the presentations, the commissioners asked clarifying and informational questions about the proposed temporary rules and other information presented by DEQ and Oregon Health Authority staff.

Vice-chair Armstrong opened public comment at 3:50 p.m. Approximately fifty people submitted forms for comment. Not all commenters provided testimony and some commenters provided written materials in support of their testimony.

Following public comment, the commissioners asked DEQ staff to return for a summary of its recommendations. Feldon, with clarifications from Paul Garrahan from the Oregon Department of Justice, provided DEQ's recommendations and the commission's options for action. Commissioners discussed their preferences for action, asked additional questions for clarification from DEQ staff and discussed potential next steps.

Action: Postpone action on proposed temporary rule today about state hazardous air pollution programs; create a 14-day comment period for the public to provide comments to DEQ in writing to start March 16 and end at 5 p.m. on

Draft x
Approved as presented
Approved with amendments

March 30, 2016; and the commission review a proposed temporary rule on this matter, and any public comments, at its April 20-21, 2016, regular EQC meeting

Move: Commissioner Eden

Second: Commissioner Johnson

The commission unanimously approved the action

Vice-chair Armstrong adjourned the meeting at 6 p.m.

Notes of a special meeting of the Oregon Environmental Quality Commission

March 14, 2016

9 a.m. to noon

DEQ headquarters: 811 SW 6th Avenue, Portland
10th floor, room EQC-A

Present: Chair O’Keeffe, Vice-chair Armstrong, Commissioner Rider, Commissioner Eden and Commissioner Johnson (by phone); Gary Springer, Board of Forestry member and liaison to the commission also attended by phone

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

Item A: Process and recruitment of a DEQ director

Larry Knudsen, the commission’s legal counsel, presented an overview of the commission’s rights, roles and responsibilities related to the hiring of a DEQ director. The commission asked clarifying and informational questions regarding the information presented.

Knudsen recommended that the commission formally approve a person to serve as acting director for the period from the effective date of the director’s resignation until the appointment of an interim or permanent director.

Sixteen people submitted forms to present comment regarding the hiring and appointment of DEQ’s director. Presenters provided input on their desired attributes for potential director candidates, their concerns regarding the processes for hiring a new director and other related concerns and feedback related to the environment and human health. Several commenters submitted supporting materials or copies of their comments for commission consideration.

Following public comments, the commission discussed its proposed next steps. Knudsen provided legal and clarifying information. Commissioner Eden recommended that DEQ provide the commission with previous hiring criteria information and incorporate the comments heard at this special meeting to create a draft proposal for the criteria and standards related to the hiring of an interim director, and bring that draft information for commission discussion, public comment and commission action at the April 20-21, 2016, regular EQC meeting. Commissioner Johnson requested a subcommittee process to help establish the standards and criteria for hiring a permanent director. Knudsen advised on the question.

Action: Appoint DEQ deputy director, Joni Hammond, as acting director effective immediately until April 21, 2016, or until an interim director is appointed, whichever occurs first.

Move: Commissioner Eden

Second: Vice-chair Armstrong

- *The commission unanimously approved the action as presented*

Action: Schedule the direct appointment of an interim director at a special meeting to be held before the commission's next regular meeting, April 20 and 21, 2016, with a criterion specified that the interim appointment is a person not interested in the permanent director position. Commissioners Armstrong and Eden will serve as a subcommittee to review potential individuals for direct appointment as interim director.

Move: Commissioner Rider

Second: Commissioner Johnson

- *The commission unanimously approved the action*

Action: Authorize staff to draft a set of hiring standards and qualifications for the permanent directorship, and work with the previously-appointed EQC subcommittee for recruitment, to bring to the April 20-21, 2016, EQC regular meeting with the option for the commission to take action on the standards and begin the hiring process.

Move: Commissioner Eden

Second: Commissioner Rider

- *The commission unanimously approved the action*

Vice-chair Armstrong directed staff to include an evening public comment session as part of the April EQC meeting to be as inclusive as possible, likely the evening of April 20. The commissioners agreed to discuss the next steps for the recruitment and hiring process at the April EQC meeting.

Chair O'Keeffe adjourned the meeting at 11:15 a.m.