



# Notes: Oregon Environmental Quality Commission

436<sup>th</sup> Regular Meeting, March 13-14, 2025

**Thursday, March 13, 2025**

## Welcome and Meeting Open

At 9:36 a.m., Chair Matt Donegan opened the meeting and reviewed the agenda.

Attendees: Chair Matt Donegan, Commissioner Karen Moynahan, Commissioner Amy Schlusser and Commissioner Mark Webb. DEQ Director Leah Feldon and Department of Justice Counsel Gary Vrooman were also present.

The meeting was held via Zoom and in person at the DEQ Portland headquarters (700 NE Multnomah Street, Portland, Oregon 97232) in the 3<sup>rd</sup> floor conference room.

There was a brief delay in starting the recording.

## Item A: Draft Meeting Minutes (Action)

Commissioners reviewed and took action on the proposed draft minutes from the January 2025 regular meeting.

**Action:** Approve minutes as presented for the January 2025 regular meeting.

**Move:** Commissioner Mark Webb

**Second:** Commissioner Karen Moynahan

The commission approved the motion unanimously, with Chair Matt Donegan, Commissioner Karen Moynahan, Commissioner Amy Schlusser and Commissioner Mark Webb in favor.

## Item B: Director's Report (Informational)

**Presenters:** Leah Feldon, Ali Mirzakhali, Mike Kucinski, Jennifer Wigal, Mike Hiatt (on behalf of Laura Fredrickson), Christine Svetkovich, Keith Andersen

Director Feldon and DEQ senior staff presented written and verbal updates on agency activities and other issues of interest to the commission. Director Feldon updated the commission on DEQ's federal grants authorized under the Bipartisan Infrastructure Law or the Inflation Reduction Act. They were suspended on Jan. 28, 2025, in the agency's accounting system to request reimbursement. In February 2025, DEQ had up to 12 grants frozen, including the state's \$197 million Climate Equity and Resilience Through Action (CERTA) Grant. As of Feb. 28, 2025, all grants were available to draw funds on. The agency is proceeding with grant-funded activities while preparing mitigation strategies should federal funds again become unavailable. In addition to the CERTA grant, approximately 12% of the agency's operating budget is supported by federal funds. She reported that through her role with the Environmental Council of States, she is connected to her state counterparts and kept apprised of federal government

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developments with ECOS partners.

Air Quality Division Administrator Ali Mirzakhali provided the commission with an update on the agency's requirements to periodically review and update the Toxicity Reference Values used to assess adverse health effects from exposure to toxic air contaminant emissions. DEQ relies on authoritative sources, including the U.S. Environmental Protection Agency, the Agency for Toxic Substances and Disease Registry, and the California Environmental Protection Agency, to establish and revise TRVs. DEQ is required to convene an Air Toxics Science Advisory Committee to consult during this review process before engaging in the formal rulemaking process to propose updates to the TRVs for EQC consideration. DEQ is reviewing the proposed TRVs with ATSAC and has held several meetings to obtain feedback in preparation for the rulemaking process in the summer of 2025. Commissioners asked clarifying questions. Director Feldon provided additional information.

Land Quality Division Interim Director Mike Kucinski informed the committee of a recent milestone in DEQ's Land Quality Division's Materials Management Program. He shared information about DEQ's Plastic Pollution and Recycling Modernization Act. He said that on Feb. 20, DEQ approved a plan from Circular Action Alliance, a producer responsibility organization, to implement Oregon's Plastic Pollution and Recycling Modernization Act. This important milestone will enable CAA to begin implementing key initiatives in the program plan.

Water Quality Administrator Jennifer Wigal presented information to the commission about Lower Deschutes River water quality concerns with a specific focus on the Pelton Round Butte Hydroelectric Project operations. DEQ may develop a Total Maximum Daily Load for the Deschutes basin in the future. Commissioners Moynahan and Webb asked clarifying questions regarding temperature and TMDLs

Wigal also reported on the Oregon Water Data Portal Project that DEQ is leading. A water data portal aims to combine Oregon's water data and information into a single point of access so that water decision-makers and others can find the data and improve data access and integration for better water-related decision-making. Wigal said, on Jan. 31, 2025, the beta version of the pilot portal for the Oregon Water Data Portal project debuted to test functionality.

On behalf of Eastern Region Administrator Laura Fredrickson, Water Quality Regional Manager Mike Hiatt provided the commission with an update on Crook County's Domestic Well concerns. He said on Feb. 12, 2025, DEQ distributed domestic drinking water results and a lab report following a sampling effort in Crook County related to manganese concerns. He said that in November 2024, DEQ hired an environmental consultant to sample private drinking water wells in Crook County. OHA will use the data to assess public health risks by completing a Public Health Consultation later this year. Commissioners asked clarifying questions.

He also reported that on Jan. 13, 2025, the Governor's office issued an executive order temporarily pausing certain conditions in the Port of Morrow's state-issued Water Pollution

Control Facilities. DEQ was notified on Feb. 17, 2025, that the Port would execute the executive order. The Governor received a letter from Oregon Rural Action and other community partners on Feb. 21, 2025, expressing dissatisfaction with the Governor's executive order. In her response, the Governor reasserted DEQ and other state agencies' efforts to address the long-standing groundwater contamination. Commissioners asked clarifying questions.

Hiatt's final update addressed the Grassy Mountain Gold Mine Project which Calico Resources USA Corporation owns. The project proposes to create an underground gold mine and an indoor processing facility in Malheur County in eastern Oregon, 22 miles south of Vale. Oregon's Chemical Mining Rules apply to this project because the proposal includes using cyanide for gold processing. Director Feldon provided additional information about the permitting deadline. She also confirmed for Commissioner Webb that the land in question is both public and private.

Northwest Region Administrator Christine Svetkovich provided the commission with an update on Zenith Energy Terminal Holdings, LLC, a fuel product transloading facility located in an industrial section of Northwest Portland near the Linnton neighborhood. DEQ has been working on a draft air quality permit and received an approved land use compatibility statement from the City of Portland on Feb. 3, 2025. The draft permit will be available for public review and comment soon, and there will be two hearings scheduled. After the public comment period concludes, Svetkovich said DEQ will evaluate all comments received on the draft permit and make a decision regarding the permit, which may include revisions.

Western Region Administrator Keith Andersen provided the commission with an update on the Josephine County Onsite Program. In early February 2025, Josephine County commissioners voted to return the Onsite Program to DEQ to implement after several months of struggling to staff the program. Like most other counties in Oregon, DEQ has had a Memorandum of Agreement with Josephine and Curry counties for Josephine County to operate the Residential Onsite Septic program. This recent action taken by Josephine County commissioners will result in DEQ operating the program again in Josephine and Curry counties.

Director Feldon closed the Director's Report celebrating Keith Andersen's many years at DEQ and thanking him for his service to the agency. Keith will retire at the end of April.

## **Break**

At 10:55 a.m., the commission took a short break. Chair Donegan reconvened the meeting 11:11 a.m.

## **Item C: Clean Truck Rules 2025 (Informational)**

**Presenters: Eric Feeley, Rachel Sakata, Gerik Kransky**

DEQ provided an update on the Clean Truck 2025 rulemaking, including key considerations, the latest federal actions, market considerations, and progress to date. All commissioners asked clarifying questions.

## **Working Lunch and Executive Session**

The commission recessed for lunch and an executive session at 12 p.m.

### **Item D: Wood Waste Management, LLC Hearing (Action)**

**Presenters:** Diane Lloyd (DOJ), Erin Saylor (DEQ), Frank Hammond (Wood Waste Management, LLC)

Commissioner Moynahan disclosed her past connection to Wood Waste Management, LLC, before the hearing began.

The commission heard oral argument from and had an opportunity to ask questions of both DEQ and Wood Waste Management representatives regarding Wood Waste Management's Petition for EQC Review of the Administrative Law Judge's May 2024 Proposed Order regarding alleged violations of Oregon water quality law at its facility in Portland, Oregon. Attorney Frank Hammond, representing Wood Waste Management, made his opening statement. He said the Administrative Law Judge who heard the case applied the wrong standards. At 1:55 p.m., Erin Saylor, DEQ Environmental Law Specialist, presented DEQ's opening statement and response. At 2:09, Hammond presented a rebuttal, and commissioners asked clarifying questions. Saylor presented DEQ's rebuttal, and the commissioners asked both sides clarifying questions. Commissioner Moynahan expressed appreciation for Hammond's work.

The commission deliberated and determined its decision on the final order in this matter by motion. The motion for action occurred at 2:39 p.m.

**Action:** Uphold the Administrative Law Judge's Proposed Order in its entirety and order Wood Waste Management to submit a 1200-Z Permit application to BES.

**Move:** Commissioner Karen Moynahan

**Second:** Commissioner Mark Webb

The commission approved the motion unanimously, with Chair Matt Donegan, Commissioner Karen Moynahan, Commissioner Amy Schlusser and Commissioner Mark Webb in favor.

## **Break**

At 2:41 p.m. the commission took a short break. Chair Donegan reconvened the meeting at approximately 3 p.m.

### **Item E: Climate Protection Program Temporary Rules (Action)**

**Presenters:** Colin McConnaha, Nicole Singh

DEQ presented a temporary rule amendment to the recently adopted Climate Protection Program. The temporary rule amendment is needed to implement the correct and intended methodology for generating additional 2025 compliance instruments. This temporary rule does not introduce any policy changes.

**Action:** Determine that failure to act promptly would result in serious prejudice to the public

interest or the interests of the parties concerned, as described in the Justification section of the staff report for this item and adopt the temporary rule amendment as shown in Attachment A of the staff report for this item as part of Chapter 340 of the Oregon Administrative Rules to be effective upon filing with the Oregon Secretary of State.

**Move:** Commissioner Mark Webb

**Second:** Commissioner Karen Moynahan

The commission approved the motion unanimously, with Chair Matt Donegan, Commissioner Karen Moynahan, Commissioner Amy Schlusser and Commissioner Mark Webb in favor.

## **Item F: Underground Storage Tanks 2025 (Informational)**

**Presenters:** Michael Kucinski, Mark Drouin, Diana Foss

DEQ provided background information on the Underground Storage Tanks program and presented rule topics that will be addressed in the Underground Storage Tanks 2025 rulemaking that DEQ will bring to the commission for consideration in May 2025.

## **Adjourn Meeting**

Chair Donegan adjourned the meeting at approximately 4:30 p.m.

## **Friday, March 14, 2025**

### **Welcome and Meeting Open**

At 9:04 a.m., Chair Matt Donegan opened the meeting and reviewed the agenda.

Attendees: Chair Matt Donegan, Commissioner Karen Moynahan, and Commissioner Amy Schlusser. DEQ Director Leah Feldon and Department of Justice Counsel Gary Vrooman were also present. Commissioner Mark Webb was unable to attend.

The meeting was held via Zoom and in person at the DEQ Portland headquarters (700 NE Multnomah Street, Portland, Oregon 97232) in the 3<sup>rd</sup> floor conference room.

## **Item G: Oregon Cascade RV Co-op WPCF-OS Permit Request (Action)**

**Presenters:** Sara Slater, Sean Rochette

Interim Deputy Water Quality Manager Sara Slater introduced the item about the Oregon Cascade RV Co-op facility, located near the McKenzie River. The facility has an active application with DEQ for a new Water Pollution Control Facility-Onsite System permit. This is an existing facility that needs septic system repairs/upgrades. There is no proposal to expand beyond its current capacity. The repairs require that the facility obtain a WPCF-OS permit from DEQ based on a design flow of 7,000 gallons per day. Under regulations known as the "Three Basin Rule," this new permit exceeds 5,000 gpd and triggers a process that includes EQC approval. Onsite Program Manager Sean Rochette presented an overview of the facility and permitting requirements. This facility contains several existing septic systems that vary in age and need repair or replacement.

Chair Donegan asked clarifying questions about what triggered the issue, to which staff provided information about the context and history of what they called a “unique” situation. Commissioner Schlusser asked about the facility’s flow rate fluctuations and how much of a buffer is built in. Rochette explained how the flow is monitored. Commissioner Moynahan asked about overflow and later she asked about the discharge the subbasin drain fill and how conclusions were made around that. Rochette provided additional information to address clarifying questions. Chair Donegan asked for more context. Rochette explained that it’s not uncommon for older systems to be upgraded. The Chair also asked if grants are available for upgrades related to the wildfire funds. Rochette said the funding side is handled by other staff and that the funds are unavailable.

**Action:** Under the Three Basin Rule, approve the Water Pollution Control Facility permit for the Oregon Cascade RV Co-op facility with an onsite wastewater design flow of 7,000 gallons per day.

**Move:** Commissioner Karen Moynahan

**Second:** Commissioner Amy Schlusser

The commission approved the motion unanimously, with Chair Matt Donegan, Commissioner Karen Moynahan and Commissioner Amy Schlusser in favor.

## **Item H: 2024 Water Quality Integrated Report (Informational)**

**Presenters:** Jennifer Wigal, Connie Dou, Lesley Merrick

At 9:30 a.m., Water Quality Administrator Jennifer Wigal introduced the item and provided program background. Oregon requires a peer review to addresses assessment and methodology as well as a briefing to the commission, review of public comments, another public comment opportunity. Water Quality Manager Connie Dou presented information about the Clean Water Act Framework to provide context on the 2024 Water Quality Integrated Report. Water Quality Assessment Program Lead Lesley Merrick continued the presentation and focused on the reporting structure, the beneficial uses, the reporting tools, impaired states examples of reporting on impaired status and the IR schedule. She reported on the 2024 updates DEQ made to the assessment methodology and the data and information used in the assessment before providing updates on Oregon’s delistings for 2024.

Chair Donegan asked about the peer review of the methodology and what the quality control step is for collecting data from the public. Merrick said some data comes from DEQ’s lab and federal partners. Once the data is pulled into the assessment phase, it is reviewed again. The process has been tightened over the years. Commission Schlusser asked about compliance with federal regulations and what level of resources DEQ has to fill in the gap when there isn’t support from EPA. Wigal noted that while there may be gaps in data, we have a lot of data from various sources and partners. Chair Donegan asked about the 141 data source organizations. Wigal responded and talked about how monitoring is part of local government data gathering. Donegan asked about assessing water every two years and how the reporting process works. Merrick confirmed the two-year requirement. Commissioner Moynahan asked if the assessment units contain various segments, like three TMDLs, in one assessment unit. Merrick affirmed.

Commissioner Moynahan asked about beneficial uses. Dou explained how that is determined, and she referred to the triennial review and a prioritization process. Wigal added that beneficial uses rarely change. Chair Donegan asked a clarifying question about TMDLs. Commissioner Schlusser asked a clarifying question, to which Wigal responded by saying there were no significant financial impacts. Director Feldon provided information about delistings. DEQ may submit the 2024 Water Quality Integrated Report to EPA for approval in the next few months.

## Break

At 11:03 a.m., the commission took a short break. Chair Donegan reconvened the meeting at 11:23 a.m.

## Item I: Legislative Session and Budget Update (Informational)

**Presenters: Matt Davis, Aeron Teverbaugh, Abby Boudouris, Rian Hooff**

Manager of Policy and External Affairs Matt Davis introduced the item. The update included a summary of proposed legislation impacting the commission and the agency. This item also included an update on the legislative budget process related to DEQ's 25-27 Legislatively Adopted Budget. Aeron Teverbaugh provided an update on air quality and greenhouse gas programs, rulemaking, legislative activities, emissions, including the benefits of the Vehicle Inspection Program, funding and how the programs work and integrate with other programs, GHG reduction goals and landfill methane. Abby Boudouris provided an update on land quality issues. Rian Hooff provided an update on water quality programs, policy highlights, legislative activities, and rulemakings. Hoof talked about PFAS, "forever chemicals," and Oregon's policy work on proposed studies and regulatory action to guide the development of future policy considerations for PFAS in biosolids.

## Lunch Break

The commission took a lunch break at 12:09 p.m., and Chair Donegan reconvened the meeting at approximately 1:30 p.m.

## Item J: Public Forum

The commission held a comment opportunity for any environmental and public health issues relevant to DEQ and EQC. Sign-ups to comment occurred shortly before the start of this agenda item, and people were asked to limit comments to two minutes or less. The commission could not accept comment on the following proposed rule: Willamette River Mainstem and Major Tributaries TMDL.

Name	Affiliation (if stated)	Topic
1. Dale Feik	Washington County Citizen Action Network	On Tyranny
2. Kristopher Fortin Grijalua	Oregon Environmental Council	Advanced Clean Truck Rule
3. Representative Pam Marsh	Oregon Legislature – Elected Official	Advanced Clean Truck Rule

4. Mackenzie Springer	Neighbors for Clean Air	Advanced Clean Truck Rule
5. Brian Ettling	Mobilizing for Climate Action Together	Advanced Clean Truck Rule
6. Brett Morgan	Climate Solutions	Advanced Clean Truck Rule
7. Tim Miller	Oregon Business for Climate	Advanced Clean Truck Rule
8. Jamie Johnson	Green Energy Institute – Lewis and Clark Law School	Advanced Clean Truck Rule
9. Dan Serres	Columbia Riverkeeper	NEXT
10. Tom Easley	Corvallis Resident	Climate Protection
11. Damon Motz-Storey	Sierra Club	Advanced Clean Truck Rule
12. Eliza Walton	Oregon League of Conservation Voters	Advanced Clean Truck Rule
13. Kai Cooper	Electric Vehicle Charging Association	Advanced Clean Truck Rule
14. Tom Van Heeke	Rivian	Advanced Clean Truck Rule
15. Noelani Derrickson	Tesla	Advanced Clean Truck Rule
16. Margaret Boelter	Zeem Solutions	Advanced Clean Truck Rule
17. Kirk Hamrick		Disaster Preparedness

## Adjourn Meeting

Chair Donegan adjourned the meeting at approximately 2:20 p.m.

## Other Resources

- [Thursday, March 13 Zoom recording](#) – passcode: BH&i&8dL
- Friday, March 14 Zoom recording – please reach out to Lindsay Trapp ([lindsay.trapp@deq.oregon.gov](mailto:lindsay.trapp@deq.oregon.gov)) for access to this recording
- [March 2025 EQC web page](#)

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