



State of Oregon Department of Environmental Quality

Minutes: 414th Oregon Environmental Quality Commission meeting

May 20, 2021: Teleconference (Zoom and telephone)

Thursday, May 20: 12:15 to 5 p.m., executive session 5 to 5:45 p.m.

- **Present:** Chair Kathleen George, Vice-chair Sam Baraso, Commissioner Molly Kile and Commissioner Wade Mosby
 - *Vice-chair Baraso had a partial excused absence for this meeting, and joined at 12:55 p.m. He was not present for Items A and B.*

Welcome and meeting open

Chair George convened the meeting at approximately 12:15 p.m. Commissioners reviewed the agenda and no changes were made to the agenda.

A. Informational: Commissioner reports

Commissioners provided updates on their recent activities of interest to the commission and agency.

Commissioner Mosby noted his support for the increased advertising for the DEQToo program; stated that his term will end this fall and that will require a change in the liaison assignment for a commissioner to the Board of Forestry. Director Whitman noted that the State Forester recently resigned and the state intends to conduct a nationwide recruitment, with an interim acting State Forester, likely the currently Deputy State Forester, until the position is filled.

Commissioner Kile provided updates about her work as the liaison to OWEB, including that body's work with the Global Warming Commission in response to Executive Order 20-04 for cultural and natural resource planning related to climate change response, and ongoing discussions with Forestry, DEQ and the Health Authority for drinking water protections.

Chair George noted that she participated in an informal local meeting of a Yamhill County Water Task Force to discuss water and wastewater issues in that area; attended an update session for Tribal governments about the Jordan Cove project; recently met with representatives of the Forest Waters Coalition to hear their concerns about source water protections on forested lands, particularly in coastal areas of the state.

B. Action: Meeting minutes

The commissioners reviewed the draft meeting minutes from the March 25-26, 2021, regular EQC meeting. Chair George noted an amendment to reflect that Vice-chair Baraso's absence for parts of the March meeting were excused absences. Director Whitman noted a correction to the wording regarding a rescheduled item from March's agenda.

Action: Approve the minutes with amendments as discussed for the March 25-26, 2021, regular EQC meeting.

Move: Commissioner Mosby

Second: Commissioner Kile

The commission unanimously approved the action as presented.

C. Action: High Hazard Rail rules

Director Whitman provided an overview of the proposal and introduced the presenters for this item. Wes Risher, Land Quality Emergency Response Manager, provided background information on the rulemaking proposal and emergency response operations at DEQ. Brandon Bertilson, High Hazard Rail Program staff, described the reasons for DEQ's rule proposal and updates as directed by legislation to improve the planning and the state's spill response capabilities along rail lines. Kyrion Gray, High Hazard Rail Program staff, described the established routes for high-hazard rail through the state, and the overall increase in oil and other hazardous materials traveling through Oregon along these lines.

Gray described the proposed rule updates, summarized public comments and presented the staff recommendation for commission action. Commissioners asked clarifying and informational questions throughout the presentation, and noted their concerns for contingency planning on the short-line rail lines, which are outside the scope of this rule proposal, that are used to transport hazardous materials.

Action: Adopt the proposed rule amendments as seen in Attachment A of the report for this item as part of Chapter 340 of the Oregon Administrative Rules

Move: Commissioner Mosby

Second: Commissioner Kile

The commission unanimously approved the action as presented.

D. Informational: Clean Truck rulemaking update

Director Whitman noted that the staff presentation is information and in preparation for a rule proposal planned for commission action in November 2021. Ali Mirzakhali, Air Quality Division Administrator, provided background information on the rulemaking development, as one approach to reduce emissions from medium- and heavy-duty trucks in Oregon.

Eric Feeley, Air Quality Planner, described the effects of diesel pollution and noted that DEQ, and the State of Oregon, has multiple programs and approaches in operation and development for emissions

reduction from diesel engines. Rachel Sakata, Air Quality Planner, described the commission's authorities to regulate diesel engines, and noted that Oregon is one of 16 states that has opted-in to California's more stringent emission standards under Section 177 of the federal Clean Air Act. This allows Oregon, and the other states, to have emissions standards that are more protective than federal regulations as long as they are identical to the standards used by California.

Sakata described California's Advanced Clean Trucks rule, and outlined the projected market availability of lower-emission medium- and heavy-duty trucks being manufactured to comply with the obligations of that rule. Feeley described the Heavy-Duty Low-NOx recently adopted by California, which complements many of Oregon's diesel emission reduction strategies. Sakata explained that DEQ's Clean Trucks rule development will also include updates to Oregon's low- and zero-emission vehicle program rules, and described the next steps and timelines for the proposed rules.

Commissioners asked clarifying and informational questions about the Clean Trucks rulemaking and related diesel emission reduction strategies. Director Whitman provided information about anticipated federal actions for vehicle standards are related emission reductions.

E. Informational: Climate Protection Program update

Colin McConnaha, Office of Greenhouse Gas Programs manager, provided background information about the Climate Protection Program's regulatory scope and program design. Nicole Singh, Senior Climate Policy Analyst, outlined key program design elements and issues being discussed by DEQ and the Climate Protection Program Rules Advisory Committee members as part of the rule and program development process.

Singh described the agency's equity and environmental considerations for the program, including specific efforts for meaningful engagement in and with communities disproportionately burdened by climate change. Singh presented policy and modeling scenarios and examples of way the program could be implemented. Commissioners asked clarifying and informational questions throughout the presentation, and provided feedback on the program's design elements. Director Whitman described additional discussions happening between DEQ, advisory committee members and other external parties who would be involved with the eventual program. He also clarified the potential funding relationships related to community climate investments, one program design element created to provide more equitable outcomes for all communities.

F. Public Comment

Thirty-four people signed up to present comment to the commission. The names, any organizational affiliations given, and general nature or topic of the comment are listed below as a summary.

1. Catherine Chudy: Climate Protection Program design and elements, including fracked gas plant regulations

2. Deborah McGee, 350Eugene: Climate Protection Program design and elements, including fracked gas plant regulations
3. Bonnie McKinley: Climate Protection Program design and elements, including fracked gas plant regulations
4. Susan Watkins, Stop the Dump Coalition: Riverbend Landfill issues
5. Viktoria Paykar: Clean Trucks rulemaking, diesel emissions
6. Patricia Kullberg: Climate and greenhouse gas concerns
7. Damon Motz-Storey, Oregon Physicians for Social Responsibility: Climate Protection Program design and elements, including fracked gas plant regulations
8. Alan Journet, Southern Oregon Climate Action Network: Climate Protection Program design and elements, including fracked gas plant regulations
9. Angus Duncan, Natural Resources Defense Council/Global Warming Commission: Clean Trucks rules, climate concerns
10. James Neu, 350Eugene volunteer: Climate Protection Program design and elements, including fracked gas plant regulations, comment on the high hazard rail rules
11. Jan Zuckerman, multiple group affiliations stated: Climate Protection Program design and elements, including fracked gas plant regulations
12. Dr. Pat DeLaquil, Metro Climate Action Team: Climate Protection Program design and elements, including fracked gas plant regulations
13. Bill Harris, Metro Climate Action Team: Climate Protection Program design and elements, including fracked gas plant regulations
14. Matt Beyer, Union of Concerned Scientists: Clean Trucks rules
15. Brian Stewart, Electrify Now Coalition: Climate Protection Program
16. Ben Kirsch, Deschutes River Alliance: Requested EQC to direct DEQ to take action on the dissolved oxygen standard for the Deschutes River, as requested in a submitted request for policy direction
17. Kathy Moyd: Climate Protection Program design and elements, including fracked gas plant regulations
18. Dr. Janet Lorenzen, 350Salem and professor: Climate Protection Program design and elements, including fracked gas plant regulations
19. Allie Rosenbluth, Rogue Climate and Climate Protection Program Rules Advisory Committee member: Climate Protection Program design and elements
20. Nora Lehman, Families for Climate: Climate Protection Program design and elements, including fracked gas plant regulations
21. Ramsey McPhillips, McMinnville farmer/Stop the Dump Coalition: Riverbend Landfill concerns
22. Virginia Camberos, Regional Director of Unite Oregon (Rogue Chapter): Workshop for climate, general climate concerns
23. Dylan Plummer, Cascadia Wildlands: Climate Protection Program design and elements, including fracked gas plant regulations
24. Dr. Theodora Tsongas, multiple affiliations stated: Climate Protection Program design and elements, including fracked gas plant regulations and committee discussions

25. Bob Yuhnke, Elders Climate Action (Oregon Chapter): Climate Protection Program design and elements, including fracked gas plant regulations and committee membership and process
26. Dan Serres, Power Past Fracked Gas: Climate Protection Program design and elements, including fracked gas plant regulations
27. Grace Brahler, Beyond Toxics: Climate Protection Program design and elements, including fracked gas plant regulations
28. Jane Stackhouse, Metro Climate Action team: Climate Protection Program design and elements, including fracked gas plant regulations
29. Ted Gleikman: Climate Protection Program design and elements, including fracked gas plant regulations
30. Stuart Liebowitz, Douglas County Climate Coalition: Climate Protection Program design and elements, including fracked gas plant regulations
31. Kristen Edmark: Climate Protection Program design and elements, including fracked gas plant regulations
32. Nora Apter, Oregon Environmental Council: Climate Protection Program design and elements, including fracked gas plant regulations
33. Priya Choezem, Power Past Fracked Gas: Climate Protection Program design and elements, including fracked gas plant regulations
34. Diane Hodiak, 350Deschutes: Climate Protection Program design and elements, including fracked gas plant regulations

G. Employee recognition

Director Whitman introduced this item and co-presented with Deputy Director Feldon. They presented the DEQ staff nominated by their colleagues as Ambassadors of Public Service in 2020. For each employee, Director Whitman or Deputy Director Feldon outlined the work of the staff, notes shared as part of their nominations and some additional reflections on the difficulty of public service in 2020. The commissioners offered their thanks and appreciation for the employees recognized, and for all DEQ staff and others in public service.

H. Informational: Director's report

Director Whitman noted key agenda highlights for upcoming regular EQC meetings. He summarized the written entries provided in the report for this item and provided additional verbal updates on agency, state and federal activities and issues of interest to the commission. Commissioners asked clarifying and informational questions throughout the presentation.

Adjourn

Chair George adjourned the regular meeting at 5:16 p.m. Following adjournment, the commission held an executive session by teleconference and pursuant to ORS 192.660(2)(f) and (h) from 5:20 to 6:05 p.m.
