



State of Oregon Department of Environmental Quality

Notes: Oregon Environmental Quality Commission meeting

420th regular meeting: May 19-20, 2022

Thursday, May 19: 12:15 to 5 p.m.

- Present: Chair Kathleen George, Vice-chair Sam Baraso (remote, left after 2:45 p.m. – *excused absence*), Commissioner Greg Addington (remote), Commissioner Molly Kile and Commissioner Amy Schlusser

Welcome and meeting open

Chair George convened the meeting at 12:20 p.m. The commissioners reviewed the day's agenda.

A. Action: Oregon Clean Vehicle Rebate Program rules

Ali Mirzakhilili, Air Quality Division Administrator, introduced the item and Rachel Sakata, Air Quality Planner, provided a program overview and described the permanent proposed rule revisions. Sakata noted that the permanent revisions were based on the temporary rules approved in November 2021 by the commission and reflect updates to the program based on legislative actions in March 2022. Director Whitman provided additional context related to updates to charging infrastructure for electric vehicles. Commissioners asked clarifying and informational questions throughout the presentation.

Action: Adopt the proposed rule amendments seen on pages 34 through 45 of the report for this item as part of Chapter 340 of the Oregon Administrative Rules.

Move: Commissioner Kile

Second: Commissioner Schlusser

The commission unanimously approved the rules as presented

B. Informational: Oregon Clean Fuels Program updates

Colin McConnaha, Office of Greenhouse Gas Programs Manager, introduced the item and presented background information for the Oregon Clean Fuels Program. Cory-Ann Wind, Oregon Clean Fuels Program Manager, summarized the purpose and outcomes of the program. Commissioners discussed policy options for the program and rule updates, including the ways the Clean Fuels Program supports emissions reduction efforts coordinated across agency programs and in collaboration with other relevant state agencies. Wind discussed the next steps for the program and noted that DEQ intends to propose rule updates to the commission in late 2022.

Commissioners asked clarifying and informational questions. Commissioner Addington requested additional data on general West Coast demand for renewable fuels in context of the production of these fuels in Oregon.

C. Action: Asbestos Program Fee rules

Ali Mirzakhilili, Air Quality Division Administrator, introduced the item and Hillarie Sales, Asbestos Program Coordinator, provided an overview of the program and its regulations. Sales described the proposed fee increase and summarized DEQ’s discussions with the rulemaking advisory committee and public comment received for the proposal.

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 Schlusser

Second: Commissioner Kile

The commission unanimously approved the rules as presented

Break: Chair George recessed the commission from approximately 2:45 to 2:55 p.m. Vice-chair Baraso exited the meeting during this break, as an excused absence, for the remainder of the meeting.

D. Discussion/concurrence: TMDLs by rule, 2022-2024

Jennifer Wigal, Water Quality Division Administrator, introduced the item and provided an outline of the presentation topics. Gene Foster, Watershed Management Section Manager, described the TMDLs, or watershed management plans, proposed for EQC consideration in 2023 and 2024. Wigal summarized the proposed schedule and some general information about the TMDLs and their development process.

Commissioners asked clarifying and informational questions throughout the presentation. They collectively indicated their concurrence with the list, as presented, of TMDLs to be brought for commission action by rule in 2023 and 2024.

E. Informational: Water quality memorandum of agreement between DEQ and Oregon Department of Agriculture

Jennifer Wigal, Water Quality Division Administrator, introduced the item. She and Isaak Stapleton, Oregon Department of Agriculture, co-presented the background of collaborative water quality work between the two agencies, the current state of the MOA for the protection of water quality across the state related to agricultural operations and the timeline for next steps related to the MOA. Commissioners asked clarifying and informational questions throughout the presentation.

F. Public forum

The commission opened a public comment opportunity on any general environmental or public health concern relevant to DEQ or EQC. Seventeen people presented comment during this item. A summary of their comments is below, associated with individuals' names and affiliations, if provided.

1. Melanie Plaut requested that DEQ and the commission oppose the permits and development associated with NEXT Renewables at Port Westward.
2. Dan Serres, Columbia Riverkeeper, requested that DEQ and the commission oppose the permits and development associated with NEXT Renewables at Port Westward.
3. Karen Harrington, Climate Reality Portland, noted support for the Oregon Clean Fuels Program expansion and accelerated expansion of vehicle electrification.
4. Rev. Richenda Fairhurst, Ecumenical Ministries of Oregon, noted the importance of greenhouse gas emissions reductions, centering environmental justice in DEQ's work and support for the Oregon Clean Fuels Program expansion.
5. Dale Feik, Washington County Citizen Action Network, provided general comments on several agenda items.
6. Jane Stackhouse supported prior comments about Oregon Clean Fuels Program expansion and targets greater than a 37 percent emissions reduction.
7. Janet Ault, Great Vow Zen Monastery, requested that DEQ and the commission oppose the permits and development associated with NEXT Renewables at Port Westward.
8. Brandon Schilling, farmer in Clatskanie/Save Port Westward, requested that DEQ and the commission oppose the permits and development associated with NEXT Renewables at Port Westward.
9. Elizabeth Graser-Lindsey supported prior comments about Oregon Clean Fuels Program expansion and targets greater than a 37 percent emissions reduction.
10. Nora Apter, Oregon Environmental Council, supported prior comments about Oregon Clean Fuels Program expansion and targets greater than a 37 percent emissions reduction.
11. Justin Green, NE Oregon Water Association, provided comments regarding groundwater contamination and ongoing water quality challenges in the Lower Umatilla Basin Groundwater Management Area.
12. Alan Journet, Southern Oregon Climate Action Now, supported prior comments about Oregon Clean Fuels Program expansion and targets greater than a 37 percent emissions reduction.
13. Bill Harris, NW Portland resident, supported prior comments about Oregon Clean Fuels Program expansion and targets greater than a 37 percent emissions reduction.
14. Mary Anne Cooper, Oregon Farm Bureau, provided comments about the TMDLs by rule process and general EQC meeting processes.

15. Helena Birecki requested that DEQ and the commission oppose the permits and development associated with NEXT Renewables at Port Westward and noted concerns about biogas from farm-derived manure.
16. Jasmine Lillich, Save Port Westward, requested that DEQ and the commission oppose the permits and development associated with NEXT Renewables at Port Westward.
17. Stuart Liebowitz, Douglas County Global Warming Commission, supported prior comments about Oregon Clean Fuels Program expansion and accelerated electrification of Oregon’s vehicle fleet.

Recess: Chair George recessed the public meeting at 5:19 p.m. until 9:15 a.m. on Friday, May 20, 2022. Commissioners noted they would hold an executive session, not open to the public, starting at 8:30 a.m. on Friday.

Friday, May 20: Executive session 8:30 to 9:15 a.m.; regular meeting 9:15 a.m. to 12:30 p.m.

- Present: Chair Kathleen George, Commissioner Greg Addington (remote, *excused absence from approximately 9:15 to 9:30 a.m.*), Commissioner Molly Kile and Commissioner Amy Schlusser

Executive session

The commission held an Executive Session pursuant to ORS 192.660(2)(f) and (h) from 8:36 to 9:14 a.m. One member of the media attended the session, which is a closed meeting for commissioners, specific DEQ staff and staff from the Oregon Department of Justice, to discuss confidential legal information and updates. Per state law, members of the media may attend executive session; however, they may not report on the specifics or details of any discussions or information presented during executive session.

Welcome and meeting open

Chair George reconvened the public meeting at 9:20 a.m. The commissioners reviewed the day’s agenda.

G. Action: Draft meeting minutes

The commissioners reviewed the draft minutes from the April 6-7, 2022, EQC meeting.

Action: Approve the April 6-7, 2022, EQC regular meeting minutes as presented.

Move: Commissioner Schlusser

Second: Commissioner Kile

The commission unanimously approved the April 6-7, 2022, meeting minutes as presented. Chair George participated in the vote for this item.

H. Informational: Commissioner reports

Commissioners provided verbal updates on their activities and work of interest to the commission and DEQ.

- Commissioner Schlusser discussed her recent work as liaison to the Board of Forestry and water quality-related discussions at that Board.
- Commissioner Kile discussed her recent work as OWEB liaison, and the transition of that role to Commissioner Addington this spring, and provided updates on recent OWEB meetings and activities.
- Commissioner Addington discussed his transition into the OWEB liaison role and requested briefings on several upcoming rulemakings and a general update on Port of Morrow groundwater issues.
- Chair George discussed her engagement with a regional water planning workgroup and noted that EPA has requested Tribal engagement on the draft CEJST tool, similar to EJSCREEN but using different parameters and types of outputs, and noted some drawbacks and data gaps identified in the draft tool.

I. Informational: Aquatic life use rulemaking development

Jennifer Wigal, Water Quality Division Administrator, introduced the item and provided an overview of the presentation outline. Debra Sturdevant, Water Quality Standards Program Lead, described the objectives of the rulemaking and outlined the categories and uses included in the rulemaking. She described the development process and timeline, leading up to DEQ's proposal of rules for commission action in late 2022.

James McConaghie, Water Quality Specialist, discussed the details of the rulemaking and DEQ's analytical and technical processes used to evaluate the proposed revisions. Sturdevant summarized key issues for the rulemaking and provided additional process information. Commissioners asked clarifying and informational questions throughout the presentation.

J. Informational: 2022 Water Quality Integrated Report

Jennifer Wigal, Water Quality Division Administrator, introduced the item and provided background information on the development process for the agency's Integrated Report. Connie Dou, Water Quality Standards and Assessment Program Manager, described the content of the Integrated Report and the ways that DEQ uses the data to protect Oregon's waters. Travis Pritchard, Water Quality Analyst, provided detail on the 2022 Water Quality Integrated Report and the agency's findings. Commissioners asked clarifying and informational questions throughout the presentation.

Break: Chair George recessed the commission from approximately 11:25 to 11:35 a.m.

K. Recognition: DEQ's Ambassadors of Public Service

Director Whitman described the nominations process and presented brief comments on each of the employees recognized in 2022 as Ambassadors of Public Service by the Governor's Office. Commissioners thanked the staff and noted their appreciation for all DEQ employees working in service for Oregon's environment.

L. Informational: Director's report

Director Whitman presented verbal highlights of items included in the written report for this item and responded to some issues raised during the public comment section of the meeting. Deputy Director Feldon provided updates on the agency's strategic planning process and timeline.

Adjourn: Chair George adjourned the meeting at 1:09 p.m.
