



State of Oregon Department of Environmental Quality

Minutes: Special meeting of the Oregon Environmental Quality Commission

April 24, 2020: Teleconference

Chair George convened the meeting at 8:30 a.m.

- Present: Chair Kathleen George, Vice-chair Sam Baraso, Commissioner Greg Addington, Commissioner Molly Kile and Commissioner Wade Mosby

A. Action: Cleaner Air Oregon Hazard Index Rulemaking

Deputy Director Feldon introduced this item and noted appreciation for the many staff at DEQ and the Oregon Health Authority who worked on the proposals. Ali Mirzakhilili, Air Quality Division administrator, provided an overview of the program and the rulemaking proposal.

Sue MacMillan, Air Quality Division Toxics Science and Policy analyst, described the development process for the proposed rules and their content. Holly Dixon, Oregon Health Authority toxicologist, provided detail on some elements of the proposal, including the toxicological information for the chemicals assessed during the rulemaking. Commissioners asked clarifying and informational questions throughout the presentation.

Action: Adopt the proposed rules and rule amendments as seen in Attachment A of this staff report for this item as part of Chapter 340, Division 245 of the Oregon Administrative Rules

Move: Commissioner Kile

Second: Vice-chair Baraso

The commission approved the action as presented with three in support (Kile, Baraso, Mosby) and one opposed (Addington).

- *Please note that, per current commission practice, Chair George does not vote on motions unless there is a tie and her vote must be used as tie-breaker.*

B. Action: Title V General Permit rule amendments

Ali Mirzakhilili, Air Quality Division administrator, provided an overview of the program and the rulemaking proposal. Jill Inahara, Air Quality engineer, described the proposed rules and amendments to the Title V Air Quality General Permit Program. Commissioners asked clarifying and informational questions throughout the presentation, and Director Whitman provided additional contextual and clarifying statements regarding the proposed amendments.

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

Move: Commissioner Addington

Second: Vice-chair Baraso

The commission unanimously approved the action as presented

C. Action item: Temporary rules for gasoline blends in Oregon

Michael Orman, Air Quality Division manager, introduced the proposed temporary rulemaking and its relationship to agency operations. Karen Williams, Air Quality Division policy analyst, described the proposed temporary rules. Williams noted that the proposed temporary rules would align Oregon's requirements with a federal waiver, allowing a later implementation for fuel blend requirements based on reduced national demand since mid-February. Ali Mirzakhali, Air Quality Division administrator, provided additional clarifying information in response to commissioner questions throughout the presentation.

Action: Determine that a failure to act promptly would result in serious prejudice to the public interest or the interest of the affected parties for the reasons stated in the Justification section of the staff report for this item; and adopt the proposed temporary rule, as seen in Attachment A of the staff report for this item, as part of Chapter 340, Division 258 of the Oregon Administrative Rules.

Move: Commissioner Kile

Second: Commissioner Mosby

The commission unanimously approved the action as presented

D. Action item: Temporary rules for deferred renewal of certain certificates and licenses

Kieran O'Donnell, Office of Compliance and Enforcement manager, described the proposed temporary rules to allow a deferral period for the renewal of certain DEQ-issued certificates and licenses, due to a current lack of training opportunities for the required re-certifications. O'Donnell described the types of certificates and licenses subject to the proposed temporary rules and general impacts to service providers across the state. Deputy Director Feldon provided additional contextual and clarifying information in response to commissioner questions throughout the presentation.

Action: Determine that a failure to act promptly would result in serious prejudice to the public interest for the reasons stated in the Justifications section of the staff report for this item; and adopt the proposed temporary rule, as seen in Attachment A of the staff report for this item, as part of Chapter 340, Division 11 of the Oregon Administrative Rules, deferring the renewal of DEQ licenses and certifications.

Move: Vice-chair Baraso

Second: Commissioner Mosby

The commission unanimously approved the action as presented

E. Informational item: COVID-19 and agency operations

Director Whitman provided an overview of agency operations and decisions affected by COVID-19 and Governor Brown’s declaration of emergency for the state. Deputy Director Feldon discussed enforcement actions, including communications with the regulated community in order to understand and clarify expectations. Director Whitman described actions related to DEQ’s Vehicle Inspection Program and stations in the Portland and Medford metropolitan areas. Brian Boling, Central Services Division administrator, provided additional information about agency operations, generally, including how DEQ staff and offices are protecting employee and public health and safety.

F. Informational: Commissioner reports

Commissioners provided verbal updates on their recent activities related to environmental and public health issues. All commissioners noted their appreciation to the agency for the work to adjust operations quickly and systematically in order to keep environmental protections in place during the COVID-19 pandemic.

Chair George adjourned the meeting at 11:31 a.m.

Remaining 2020 meeting dates

May 7

July 16-17

September 17-18

November 19-20