

## MEETING MINUTES

Environmental Justice Task Force

Friday, September 14, 2018 | 9:00 a.m. – 3:00 p.m.

Four Rivers Cultural Center

676 SW 5<sup>th</sup> Ave

Ontario, OR 97914

### **Attendees:**

Joel Iboa (Chair); Ben Duncan (Vice-Chair); Jennifer Coleman; Bob Collin; Valentin Sanchez; Jim Krieder; Amira Streeter (Governor's Office); Austin Palacios (Governor's Office)

### **Welcome & Introductions (Task Force Members)**

### **Meeting Minutes (Task Force Members)**

Approval of minutes

Edits:

- No edits.

Notes:

- Ben: Follow up on letter of recommendation to Jason Miner
- Department of Forestry agency update
- How can we commemorate 10year anniversary for Salem meeting in December?

Motion to approve by Bob.

Seconded by Jen.

### **Updates:**

#### **LNG Letter**

This letter was drafted by Ben and Joel. Ben would like to get a copy of final or submitted version of the EJTF letter to the Governor so it can be provided to those who would like to see it.

- Bob: the LNG permit, the follow up is there are a lot permits this summer that are overwhelming the Tribe. There is a well-organized community group that is also working against this Canadian corp. that is looking to sell the LNG to Asian countries. Ten tribes are involved in trying to work against this stuff. The tribes want to be more involved and are looking for options to make sure that happens.

#### **NW Metals Letter**

Submitted a letter and they received a response back

- Amira DEQ also sent some correspondence to Governor and the Task Force

## **EJTF Support**

SB 978

- Jim Update: it passed out of legislature asking Public Utility Commission (PUC) to do an overview of the utilities that they regulate. Consumers, Corps, stake holders, public servants. Comment period went out and they had a report a month ago. The electrical industry is a vertical monopoly and now with individuals using less electricity and renewable energy things are getting easier to use. Want a more forward thinking process looking at how the industry can/ could change.
- The Oregon PUC is going to be very cautious.
- We're unhappy with the commission not looking at a more forward thinking process.

Julie Peacock (Phone, PUC): Verde opal environmental justice, Coalitions of Communities of Color, NW energy coalition all participated in the PUC work.

Joel to Julie: What were their main concerns?

6 recommendations:

- Legislative action is category of most interest. (Just and equitable rates! How do we make the income of peoples better connected to costs)
- Cap on GHG emissions
- Enabling public participation in our commission process
- PUC has a footnote about the term Citizen Advocate and are looking for more inclusive language

Questions that arose in discussion:

- Energy Trust, there are questions of how POCs (African Americans) are being treated by this group in terms of getting tax reductions.

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## **Governor's Office Updates:**

Amira Streeter

- Excited to be here and assist. Passions lie in Environmental Justice and Environmental Health.
- Introduction of Austin Palacios – New Support Staff
- Two Vacancies but possibly opening up further for a few others (4-6 opening soon)

Questions:

- Can we get old members and the Governor to attend the December event?
- Can we get the Advocacy Commissions to come together? (Robin is on the commission for now and could work with Amira to work on this.)

## **Eastern Oregon Issues:**

### **Hermiston Airport Road Neighborhood Association**

Richard Miser

- Noise pollution is just as bad as the water pollution and other environmental fallout issues.
- They built a tin/red iron building called a Cultural Center and the sound pollution from this location will go late and effect the city for miles. They don't follow these Noise Ordinances.
- They are not exempt from the noise ordinances, County Resident vs. City ordinance
- Sheriff won't enforce and city won't enforce.

Chris Waine – President of HARNA

I am here from Carta to talk about some of these issues.

- while I was in attendance at this meeting, there was a misrepresentation of facts to sway an Aye vote from the council
- this is alienating residents and favoring the Center group
- We have no voice because we settle in unincorporated county lands
- Based on these struggles, we feel that they were not followed up
- the council and commissioners change this tug at will
- I am willing to work on these issues to give perspective and fix these problems with state agencies, city leadership, and stakeholders.
- The center was put in two years ago and we still haven't gotten a response.
- Went to environmental quality meeting, you guys have a responsibility but we haven't received a response.
- I included a story in the binder about the city violating its own rulings
- No checks and balances
- Please get involved

Suggestions:

- Short term: help us with this issue
- Long Term: help Oregon set a precedence to protect us

Discussion:

- Jen: No response yet from EQC? (Answer: No)
- Valentin: What do you want changed? (Answer: a powerful message would be an EQC memorandum against Hermiston City Council and stating that the legislation isn't sound. And sit with the City and work on making something good)
- Amira: State representatives been contacted? (A: Yes, Rep. Smith & Senator Hansel)
- Land use or Environmental issue: (A: issue for both, every time we submit a complaint it gets escalated to the City Council)

- Ben: We want to get clarity from the agency side of this topic. It is on our radar and Governor's Office radar.
- Bob: I would suggest looking at the land use route as you've done a lot on the environmental level.
- This may become an issue of enforcement.

Official Follow up for EJTF:

- Ask for a formal response from DEQ about where the Authority is on this topic?
- Follow up on the Land Use.
- EJTF will follow up with Richard and Chris.

**EJ Screen Presentation – Dr. Sheryl Stohs, EPA:**

Environmental justice office was moved to office of Environmental Policy

- Regions are starting to get aligned on policy.
- This program (EJ Screen on EPA website) has the ability to show how the pollution fall out works
  - o Shows the demographic quantitative data.
  - o Can give info for schools, socio-economic levels, Public Housing (Section 8), and more.
- We can utilize community members to reach out to their communities.
- EJSCREEN ACS Summary Report: We can use it to understand our demographics and how these environmental issues affect our communities.

Discussion:

Jennifer: is it using 2014 data? (A: Yes – NATA data part, emissions is 2011 and it comes from emissions inventory monitoring.)

Questions:

Randy, DOGMA: is analysis radius adjustable? (A: Yes.)

**RANDY JONES – Oregon Department of Geology and Mineral Industries (DOGAMI):**

Chemical Process Mining Coordinator

Calico Grassy Mountain Gold Project: Regulatory Overview and Environmental Justice:

- Proposal from an Idaho company that is looking at a gold/silver project near Vale using cyanide. Triggers Oregon's chemical process mining and rules. Underground mining proposal, not open pit.
- In 1989 legislation was passed for strict regulation
- Been a few owners, but none passed these strict rules to utilize space.
- They have a patented claim to the land. 62 acres sits around the knoll. It is private property surround by public land.
- DOGAMI is the lead on this task

- Want the application and previewing process to be really open as they figure it all out
- Permit Process:
  - o Pre-application process
  - o Application process
  - o Permit Development
- There is an Environmental Evaluation and a Socioeconomic Impact Analysis
- Final permit will get issues after this ends
- Role of Federal government with BLM and Mining
- They look at wildlife, migration patterns, reclamation processes
- Potential EJ Communities: Malheur County has highest rate of poverty of any eastern Oregon county. 2<sup>nd</sup> highest free & reduced lunch of any southern county. Youngest percent of residents in eastern counties (~35).
- Infuse community with \$10million, \$9million for wages of about 110 for life of mine (7.25years)

#### Questions

Jennifer: Are they accounting for Climate Change in permit process? (A: Yes.)

Ben: How will this affect future permit processes in Oregon? (A: There could be some affect to future permits like this one due to the similarities of landscapes that hold gold.)

#### Suggestions:

Feedback on what we can do to make it more effective. (Give to Randy)

\*Randy will process the first permit

Would love to volunteer to come back and give updates when possible.

Would like to do a monthly briefing with Governor's Office.

Joel: I have deep concerns about gold mining because of the deeply bloody history. Calling with Calico next week but would like support from Governor's Office and Bob.

#### **Ontario Specific issues:**

Affecting immigrant and farmer populations:

- Pesticide usages have abused the workers
- Housing issues (lead in homes, expensive, etc.)

-30% of residents are living in poverty

-Third of renters using at least half of salary for rent

-Homelessness

-Food Security

-Energy issues

-Can the EJTF assist the Governor's office in addressing these issues?

(Answer from Amira: Housing is a high priority for the Governor and our office is working on it. I suggest the Task Force look at the report (will be sent later) and see if there is more they want to know.)

Valentin: They had a meeting and I joined. They talked about many issues relating to farm workers. I wanted to share the story of a participant. She is just over 30yrs old and mother of two children. Lives in housing provided by the employer. It is surrounded by potato and corn fields. She talked about her husband's work and highlighted that he's worked for the employer more than ten years and has no information about pesticide exposure or the effects. He is afraid of speaking up because of fear of the loss of work and housing. 2-3 times a week air dusters spray chemicals and the housing is probably less than ten feet away from drop. They get warning but they have kids and then all their toys are outside and must be rinsed before the kids can play again. They don't know what to do.

Joel: I'm happy that we were able to come out here because these are issues we know are happening and we need to keep a close eye on it.

*Michael – OSHA*

- Near the end of June we adopted a final rule that was not radically different than what they had originally proposed.
  - He does have a 97 page discussion of comments and decisions. We don't believe it is in our legal authority to adopt a prohibition of the pesticides.
  - January 1<sup>st</sup>, 2019: rule will address certain issues, we may not have rules to address play equipment but we can handle the pesticides that don't check the issues when they're there. We need to get on top of enforcement which can be difficult because we have to have proof.
  - WA also enforces pesticide regulation through occupation
  - The challenge is in making the case.
  - Witnesses are needed and some ability to verify if not have them stand in trial.
- During Bush Administration – East Coast OSHA/ICE Training – Became a big no-no moving forward since then.

Jim: outreach is a task we could do better at. What are the patterns of the people we need to inform? Could we use the food pantries for education?

(A: Work on this with the Governor's office)

### **EJTF Business**

-October date with Oregon State Bar: Requested DEQ to have someone talk about us. Bob and his Wife, Robin: They are going to do this presentation. Working with Tiffany from DEQ on it.

-Relationship with OR Sustainability Board: Ben: They've been really taking reports from agencies sustainability plans. We've had several conversations now. I went a

couple months ago to talk about what we can work together on. We are now trying to set up a joint meeting to see how that will/ can play out.

**Proposal:**

EJTF and Sustainability Board should have a meeting to see how they can bring EJ and Equity into what they do as a body.

**Advocacy Commission Representation:**

Black Affairs

Indian Affairs

Amira: could use some help in identifying some options from EJTF. Could we have commissions nominate people to get someone in?

**Membership Representation:**

-Ben is preparing to move on. A new vice-chair will need to be appointed.

-There are currently two commission seats to fill

**Citizens Advocate - Agency**

Department of Forestry

Fire Marshal

Department of Environmental Quality

OSHA

Oregon Department of Agriculture – Kristina

Oregon Health Authority – Gabriella

Oregon Department of Transportation

Water Resources

*ODA – Kristina*

-Update: Concentrated animal feeding operation (CAFO)

-In February, requested temporary restraining order because they refused to follow permits and were out of compliance (Lost Valley Farm)

-In March, the facility was not allowed to produce waste water and had to remove from lagoons. They did not follow this Judge order.

-In June, ODA requested to file a motion to hold Lost Valley in contempt for not following this decision.

-August 24 they were found in contempt and requested shut down. Judge decided to require remedial sanctions. Those decision are still in play. Lost Valley owner did a bankruptcy in April. Federal Judge appointed a trustee now ODA is trying to figure out the next play.

-ODA does not have jurisdiction for the enforcement in Silverton hills in the Valley

*OHA – Gabriella*

-They are planning to have a report to talk about reports on sturgeon and land prey

-On cleaner air Oregon, up for adoption in November.

Jen Coleman: presentation to EQC touch on other vulnerabilities?

- Yes, specific concerns were on children health and children breathing in particular.
- 2018 session passed an act to give policy provisions to set statues for the level which facilities were required to reduce risks.

*Water Resources – Harmony*

- Harney Court/ Harney Water community
- Ground Water study
- 5 year effort for us moving forward with this study and public outreach
- Greater impact to domestic user with shorter wells, sometimes have to deepen their wells due to the groundwater decline.
- In terms of EJ, water is very important on the east side of the state. There is a need to ensure that with ground water declines we are taking everything into consideration and assisting these communities.

*Dept. of Forestry – Andy White*

- When we last met I did give a bit of an overview of this smoke management plan
- Stakeholder groups, tell us what this would look like. These communities of risk need communication plans beforehand to make sure that they don't get hurt in all of this process.
- The only smoke that is regulated that is from areas considered forest land and the area in the Silverton hills that is Dept. of Agriculture lands. Each county has their own regulation.
- Translation Services – DOF doesn't have them but we are looking at those needs now. 40-50 times a year they need those interpretation type of services. Looking to tap into those services.
- Any feedback from Annual Report?
  - Generally, big fans! Ben likes the way they discussed inmate labor.

*Department of Environmental Quality – [Name]*

- NW Metals Update: the civil penalty was sent and it included the waste tire stuff, draining, and more. Two additional communicates, missed deadline for cleaning and need to get a permit for their air quality shredder. Friday was deadline for clearing, yesterday for sampling. Both Missed. By Oct. 1, waste tires all must be removed and he needs to have his permit.
- Questions: Jen- what happens if he abandons this site? What recourse? (A: We are examining our authorities to see what we can do.)

-Jordan Cove updates in December

Amira: Media interest in NW Metals. K2 & KGW has reached out. WW interviewed EJTF and did a print article.

*Michael Heffner – Oregon State Fire Marshal*

- Resource for any questions from the report.
- Right to know: Access to info is big and Ben is happy. Would like a future presentation on that system. 78% of facilities have started using the digital platform.

- Malheur County is donating and they are pushing them to become an official LAPC
- Bob: maybe check out the other reports to expand knowledge.
- Jen: are you guys having conversations about climate change impact and emergency response. (A: We talk about forest fire stuff but we play a small role and coordinate.)

#### *PUC – Kandi*

- This morning you received an update about SB 978 project by Julie Peacock.
- Nothing else to address but if you have more questions we can prepare it for a future meeting.

#### *ODOT - Rebecca Williams*

- When you get a chance to look through it I can answer your questions and give assistance if you need it. If anything else you would like to know, just let me know.
- Bob: How many Title VI complaints? (A: for the last year? I will follow up.)

### **Public Comments**

#### *Oregon Farm Bureau – Jonathan*

- Pesticides. Trying to get everyone on board with pesticide regulation and safety. Proper training is key.
- Report all bad actors please! Call ODA, Call OSHA
- We want everyone protected from retaliation
- We have been doing WS trainings all over the state. Happy to plug in with EJTF and Oregon Law Center
- Farm Worker Housing – tax credit bill SB1 with Senate President Peter Courtney and Senator Chuck Thomsen and are pushing this in the next legislative session (50% tax credit on farm worker housing. Try to expand to include construction of new farm worker housing) Fiscal impact: pretty high last time and why it didn't pass. Trying to bring that down.

#### *Dolores Martinez – Director of Community Engagement*

- She has come to talk about the issues that she feels the Latino community have in this area.
- Right now because of politics, people are fearful of going anywhere and requesting assistance of any kind. Cover All Kids for undocumented children, undocumented and citizens are afraid to apply for these services. Community members don't feel like they can speak up because of political times. There is a lot of issues, health, can't make complaints in work space, housing, financial institutions (loans and such), there is a lot of experience of really high interest rates. Folks finding themselves in trouble they don't feel comfortable calling the police.
- Living in vale, no issues. But in Ontario there is a sense that they are often pulled over for unjust reasons or very minor infractions. They feel the presence that public safety officials don't support.

-Access to medical care? Access to pharmacy & medicine? Community members that go to see a doctor. No insurance, no specialist. Sometimes they get coupons to help with medication but not often.

-Decrease in cooperation with Law Enforcement due to political climate.

-Workers feel like they can't assert their rights

-Generally people of this area can really get along, and it's a good place to live.

*Cassie Cohen- Portland Harbor Community Coalition*

-Introducing to Governor's Office, Jim Mckenna and City of Portland, Port of Portland. Community benefits agreement, active cleanup begins in a couple of years. Where does the waste go? New facility in St. Helens, where does the dredge material go? That makes it kind of a state issue. These toxins are affecting low-income communities. Looking for support from EJTF.

*Fuji Krieder -*

Mention this issue. Boardman Hemingway Transmission Line going through Oregon into Idaho. There are some climate issues that could be fallout to this. Idaho Power in the League. We can talk about this in December maybe? 70% private lands Baker County is watching out for citizens in condemnation process with county lawyers too.

BEN - note

M105 - Wondering whether if they should take a stance. I would like to explore that concept whether we can take a stance. We can comment on existing law, maybe not the ballot measure.

Bob motions to write a letter to the Governor on the existing law (ORS 181A.820)

Ben seconded

All in Favor