

January 2024

# Annual Report to the Environmental Justice Council

Oregon Department of Environmental Quality



This document was prepared by  
Oregon Department of Environmental Quality  
700 NE Multnomah Street, Portland Oregon, 97232

Contact: Matt Davis  
Phone: 503-847-3265  
[www.oregon.gov/deq](http://www.oregon.gov/deq)



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800-452-4011 | TTY: 711 | [deqinfo@deq.oregon.gov](mailto:deqinfo@deq.oregon.gov)

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# Forward from the Environmental Justice Working Group

The role of the Environmental Justice Working Group is to coordinate the development of DEQ's environmental justice framework that can support the equitable implementation of DEQ's mission of restoring, maintaining, and enhancing environmental quality by understanding and reducing disproportionate impacts from air, land and water pollution and related environmental and public health outcomes for people in Oregon. The EJWG convenes agency expertise to develop tools as well as guiding practices for DEQ at both a project and organizational level. The members of the EJWG coordinate these efforts with staff from across media and management to ensure alignment with the organizational mission and priorities. The EJWG consists of three sub-groups focusing on technical information, policy, and community engagement.



The Oregon specific Environmental Justice mapping tool will inform DEQ which communities are most impacted by environmental burdens. With this information, DEQ can aid in supporting disproportionately impacted communities for administering grants, prioritize cleanup and monitoring efforts and community engagement. DEQ can also provide this information and guidance to other agencies to inform other models and methodologies to understand the impacts to these communities from perspectives such as public health, transportation, planning and other infrastructures that effects community well-being.

The last three years have shown progress within DEQ and throughout the state to center environmental justice in our work, but we have a long path ahead to fully include, train, and develop materials to support staff to move this important work forward. This report highlights a few of the internal DEQ efforts to advance this work forward including understanding and utilizing data layers to contribute to the statewide mapping tool, updating internal processes and policies, and developing important outreach and engagement scaffolding to build trust with our communities. It will take all these efforts along with a strong commitment from the EJC to truly begin to honor the historical harms to our communities.



## Acknowledgements

There are many people whose hard work, dedication and commitment is reflected throughout this report and cannot all be acknowledged by name. We thank everyone at DEQ, at every level of the agency, who has worked to advance and embed environmental justice into the fabric of our work.

Many thanks to Hoang-Van Nguyen (Environmental Justice Council Coordinator) and Rachel Saltzman (Senior Research Analyst, Environmental Justice) for their leadership both as the first employees at DEQ with roles dedicated to advancing environmental justice and for their meaningful contributions to this report.

We thank DEQ's Environmental Justice Working Group leaders who have worked passionately to create a culture at the agency that centers environmental justice. Thanks to the EJWG Emeritus Members (Ximena Cruz Cuevas, Franziska Landes, Meenakshi Rao), Technical Subcommittee leads (Colin Donald, Kiara Winans), Policy Subcommittee leads (Stephanie Caldera, Morgan Schafer), Community Engagement and Outreach Subcommittee leads (Ryan Bellinson, Blair Paulik). Thank you as well to the more than 90 members of staff who are members of the EJWG, your work continues to impact our agency and ability to serve all people in Oregon with dignity and fairness.

Special thanks to the lead authors of this report for the time they dedicated and their thoughtfulness to make the report reflect the diversity of environmental justice initiatives taking place across DEQ: Ryan Bellinson, Ximena Cruz Cuevas, Matt Davis, Blair Paulik Aguililar, Morgan Schafer, Erica Timm.

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# DEQ at a glance

DEQ's mission is to be a leader in restoring, maintaining and enhancing the quality of Oregon's air, water and land. DEQ carries out its mission in order to protect public health and the environment for all Oregonians.

DEQ administers federal and state laws designed to limit air, water and land pollution in order to protect public health and the environment. This includes the federal Clean Air and Clean Water Acts, and the Resource Conservation and Recovery Act and Oil Pollution Act, which covers waste management and underground storage tank programs as well as spills of petroleum and hazardous substances. Federal and state laws are implemented through Oregon Administrative Rules (OARs) adopted by the Environmental Quality Commission. DEQ's rules are found in OAR Chapter 340, Divisions 11 to 180.

DEQ's rule and policymaking oversight body is the Environmental Quality Commission, a five-member citizen commission whose members are appointed by the governor, subject to confirmation by the Senate. The commissioners serve four-year terms at the pleasure of the governor. Commissioners may be reappointed but may not serve more than two consecutive terms. In addition to adopting rules, the EQC also approves the agency's request budget, establishes policy (subject to legislative mandate) and appoints the agency's director (ORS Chapter 468).

DEQ's headquarters is in Portland, with regional administrative offices in Bend, Eugene and Portland. Field offices are located in Coos Bay, Medford, Pendleton, Salem, The Dalles, and Klamath Falls. DEQ operates Oregon's environmental laboratory located in Hillsboro. The Vehicle Inspection Program operates in the Portland metro area, and in Medford, and includes a technical center and six inspection stations in the Portland area, and one inspection station in Medford.

For the 2023-2025 biennium DEQ has a total funds budget of \$716,723,487 and 857 authorized full-time equivalent FTE positions.

- **Director:** Leah Feldon
- **Environmental Justice Liaison:** Matt Davis (acting)

## Air Quality and Greenhouse Gas Programs

DEQ carries out federal and state laws designed to ensure that all Oregonians are breathing healthy air, and that air quality is not harming our environment. DEQ monitors air quality across Oregon to ensure that it meets or exceeds national health-based standards. In the few areas where national standards are not met, DEQ works with local partners to develop and implement programs that address the causes of non-attainment. The air quality program in Lane County is carried out by the Lane Regional Air Pollution Authority.

In addition to its work in controlling pollution from vehicles, wood stoves and wildfires, DEQ regulates about 2,700 facilities that emit air pollutants. This is carried out through two permitting programs, one under Title V of the federal Clean Air Act, and the other under state

law. Existing facilities that present the highest health risks from air toxics also are regulated under the Cleaner Air Oregon Program.

Finally, DEQ is helping Oregonians reduce greenhouse gas emissions through several programs including the Clean Fuels program, the Employee Commute Option program, regulating methane emissions from landfills, and through the Climate Protection Program, which sets declining and enforceable caps on GHG emissions from the use of fossil fuels. To coordinate and consolidate the work on greenhouse gas emissions, DEQ has established an office of Greenhouse Gas Programs.

The Air Quality Program is funded through a variety of fees, including permit fees and vehicle inspection fees, as well as federal grants and General Funds.

## **Water Quality Program**

Federal and state laws require that Oregon's rivers, streams, lakes and ocean waters be clean – clean enough so that fish and other wildlife thrive, and that people can swim drink water without harming their health. The EQC sets specific water quality standards designed to achieve these outcomes. DEQ monitors water quality across the state and, where data show that standards are not met, develops plans (also known as clean water plans, or Total Maximum Daily Loads that show what must be done to meet standards. DEQ also administers more than 3,800 permits that limit wastewater discharges, including both large municipal and industrial treatment systems, and septic system and other on-site sewage treatment and disposal systems. DEQ works closely with the Oregon Department of Agriculture, the Oregon Department of Forestry, the Oregon Watershed Enhancement Board, and the Oregon Department of Fish and Wildlife, as well as the U.S. Forest Service and the federal Bureau of Land Management to control pollution from land and water uses. The water quality program also is a major source of finance for water quality improvement projects through the Clean Water State Revolving Fund.

The Water Quality Program is funded through a variety of permit fees and revenue agreements, federal grants, Lottery Fund and General Fund.

## **Land Quality Program**

This program is a coordinated group of programs involving materials management, solid and hazardous waste management, and remediation of contaminated lands. Land Quality protects human health and the environment by helping Oregonians:

- Produce and use materials more sustainably;
- Reduce the use of toxic chemicals and safely manage the generation of waste;
- Manage materials and waste to minimize the release of toxics to the air, land and water, and to promote the recovery of valuable materials;
- Reduce the risk from exposure to contaminants already in our environment through cleanup of contaminated sites; and
- Prepare for and minimize the danger from spills and other accidental releases of hazardous substances or other emergency events



Land Quality activities touch upon all environmental issues. For example, solid waste reduction can help to reduce GHG emissions, and ensuring compliance with landfill requirements helps contain impacts to the land and prevent hazardous substances from polluting Oregon's rivers and groundwater supplies. Similarly, cleanup of historic pollution ensures people aren't exposed to unhealthy concentrations of hazardous substances in the air or in the soil at specific properties, reduces runoff of harmful chemicals to our rivers and streams and protects against the contamination of drinking water supplies.

The Land Quality Program is funded primarily through fees and other funds, including cost recovery for cleanup work. The program also receives federal funds through grant and cooperative agreements, and a very small amount of General Fund.

## **Office of Compliance and Enforcement**

The Office of Compliance and Enforcement supports DEQ regional offices which work with permittees and other regulated entities to maintain compliance with environmental laws. When voluntary compliance fails, this office conducts a formal enforcement response for the most significant violations and violators. Formal enforcement usually includes the assessment of civil penalties or issuance of enforcement orders, and can involve criminal cases in cooperation with district attorneys, federal agencies or the Oregon Attorney General.

## **Central Services**

Agency Management provides leadership, fiscal management, central services and technical support to accomplish DEQ's mission. The Director's Office provides leadership, intra- and inter-agency coordination, Environmental Quality Commission support, review and issuance of agency enforcement actions, legislative liaison functions, and the newly authorized Environmental Justice positions. The Central Services Division ensures that DEQ satisfies the legal and administrative requirements relating to human resources, organizational development, policy development and implementation, health and safety, budgeting, accounting, information technology, and business systems.

## **Advancing environmental justice**

DEQ is proactively strengthening the agency's capacity to address environmental justice. Over the past three years, staff have come together to lead this work and help strengthen DEQ's commitment to serving communities in Oregon more equitably. The Environmental Justice Work Group has been integral in moving the agency's EJ efforts forward by ensuring the obligations of House Bill 4077 (2022) are met, as well as advancing EJ by integrating it into DEQ processes. Over 90 people across the agency are members of the EJWG.

The legislature authorized new positions at DEQ to support HB 4077 implementation, including providing staff support to the Oregon Environmental Justice Council, and to coordinate DEQ's

involvement in the development of a new statewide EJ mapping tool. Additionally, during the most recent legislative session, DEQ received approval to hire an EJ manager and an EJ coordinator. This commitment to dedicated EJ positions will further support and elevate EJ efforts at all levels of our agency, including staff, managers, and leadership, while building on the ongoing work of the EJWG.

## **Environmental Justice Work Group priorities**

The staff led EJWG is divided into three teams to support EJ inclusion into DEQs work- the technical team, the community engagement and outreach team, and the policy team.

### **Technical**

The Technical Team is focused on cultivating partnerships with agencies and institutional collaborators listed under HB4077 as having a role in the development of a statewide EJ mapping tool. In addition to spearheading this effort, the Technical Team also led the EJ data collection efforts for across the agency's Water Quality, Air Quality and Land Quality Divisions. The team also assisted with the GIS-related data considerations and helped advance cross-agency collaboration on the Open Data Inventory being led by the Department of Administrative Services. These important cross-agency efforts, in addition to EJ Council coordination and collaboration with our sibling agencies and academic partners, will continue as the criteria for data and the intent of the Oregon EJ mapping tool is further defined by the Environmental Justice Council.

### **Community Engagement and Outreach**

The Community Engagement and Outreach team focused on developing tools and resources for DEQ staff to more effectively engage with EJ communities in their programmatic activities. The team is in the process of developing two tools. A '*resource library*' that captures and organizes past experiences to inform future meaningful engagement with impacted communities. And a '*community partners map*' to identify all the relationships staff hold with organizations that represent overburdened communities, with the goal of deepening partnerships with these communities across the state. In addition, this group is working to develop resources to ensure all DEQ programs proactively and meaningfully engage impacted communities, particularly those that are historically overburdened, as well as evaluating the needed internal and external organizational cultural shifts to sustain this level of meaningful involvement and engagement.

### **Policy**

EJWG Policy team is focused on updating DEQ's 1997 agency-wide EJ policy. This team is also developing guidelines for charter development and rulemaking to engage further and consider communities impacted by EJ in forming Rules Advisory Committees (RACs) and implementation. Additionally, the Policy team is working with the Office of Enforcement and Compliance to help support EJ communities through an update of its Supplemental Environmental Project policy.

The work of the Policy Team further demonstrates DEQ's commitment to promoting EJ throughout agency operations. The

By focusing on strengthening EJ capacity, the agency has built a broad and engaged staff-led team working on EJ issues and solutions, increased positions at the agency dedicated to EJ work, cultivated multi-agency partnerships, initiated projects to develop EJ tools and resources for the agency and began updating policies and rulemaking resources to bolster EJ efforts agency wide.

## **Environmental justice mapping tool development**

DEQ plays an active and leading role in the development of Oregon's environmental justice mapping tool. DEQ is also responsible for maintaining a significant portion of the environmental burden datasets that are responsive to statutory direction provided in HB 4077 on the scope of the tool.

Under HB 4077 (2022), the Department of Administrative Services Office of Enterprise Information Services (DAS EIS) is responsible for recommending data quality standards and methodologies for the development and maintenance of the mapping tool. In this capacity, they initiated a statewide data inventory, seeking data from all state agencies that relates to EJ and the development of a statewide EJ mapping tool. DEQ submitted 21 environmental burden data layers to DAS EIS in September.

DEQ has also played a key role as a member of the environmental justice mapping tool leadership team, made up of the agency and academic entities named in HB 4077, and guided by the EJC. To support this team and the development of the environmental justice mapping tool overall, DEQ staff has led the project management efforts, including the creation of a comprehensive project plan to guide the EJC and agency partners to complete the mapping tool by the September 2025 deadline set in statute. The workplan includes detailed information on project deliverables, roles and responsibilities, timeline, and risk management. Beyond DEQ's project management support, agency staff have also been engaged in early conversations regarding the environmental justice mapping tool methodology. In this setting, DEQ is providing key insights on considerations related to aggregating and representing environmental data.

## **Meaningful involvement and participation in agency decision making and rulemaking**

DEQ is a regulatory agency that implements mandates through rule development to protect air, land, and water, while also reducing public health burden throughout Oregon. The rule making process includes conducting informational meetings, holding public hearings, establishing rules advisory committees, RAC meetings and inviting public comment. The RAC is made up of interested parties from industry, community, environmental organizations and other members that could be directly impacted by the resulting rules. The intent of a RAC is to provide guidance and perspective for a balanced rule development. Rule development is done in a very structured

fashion and the resulting staff report includes the proposed regulations and considerations for the Environmental Quality Commission review. The EJWG has prioritized including additional guidance to consider EJ issues and improve meaningful engagement from impacted communities throughout the rulemaking process. ORS 182.545(1) requires that state natural resource agencies "...in making a determination whether and how to act, consider the effects of the action on environmental justice issues." As a part of all rulemaking, DEQ documents this requirement in an "EJ analysis" in the notice of proposed rulemaking, however the agency will benefit from ongoing work to conduct those analyses in a more consistent and robust manner.

There are many opportunities for meaningful engagement outside of the rulemaking process and DEQ hopes to highlight those in the next annual report. We also note all of the 2023 highlights relate to work happening at DEQ to more meaningfully involve and engage communities in our work.

## **Standardizing environmental justice throughout the rulemaking process**

The agency, led by the EJWG Policy team, is working to update templates and public notices to include EJ earlier in the rulemaking process. EJ is considered in all rulemakings, but it is often at the end of a rulemaking within the staff report. By updating these templates and public notices, EJ can be included earlier in the rulemaking process through inclusion of RAC membership, metrics, and understanding the fiscal and racial impacts of a proposed regulation. The goal is to understand the effect of proposed rules on environmental justice communities early in the process and to continue considering the potential impacts throughout the rulemaking process.

## **Developing an 'equity-lens' for agency committee membership**

DEQ is also to create guidance on the inclusion of impacted communities in RACs. This includes considering both up and downstream impacts from rulemaking implementation, geographical considerations, and environmental burden. This guidance will also include how to support these RAC members throughout the rulemaking process, including the timing of meetings, compensation, language translation and interpretation, as well as additional meetings to explain complexities and answer questions for specific audiences. The guidance is to increase public participation of individuals and communities affected by the agency's rules. Guidance only goes so far however, especially for those who may not be familiar with navigating different populations. Additional training and support are needed to fully integrate these considerations into the rulemaking process.

These updates to the rulemaking resources and process will encourage more meaningful public participation and engagement in agency decisions, enable the agency to better determine the effect of its decisions on communities, and improve progress in the future as these updates become more integrated into rulemakings and familiar to agency staff.

## **Developing tools for better engagement**

As noted previously, agency staff are developing two new tools to support effective and meaningful engaging EJ communities in agency decision-making processes. The first tool, a 'Resource Library', will be a set of reference documents that captures how agency programs have tried to facilitate community engagement in creative ways. The Resource Library is intended to give staff ideas about what community engagement could look like and how communities can be given a meaningful role in decision-making processes to spark ideas for the future. Some of the work highlighted in this annual report, such as EJ engagement in Fuel Tank Seismic Stability Rules, and the agency's Climate Protection Program Equity Advisory Committee are likely to be featured in the resource library.

The second tool, a 'Community Partners Map', will serve as an agency-wide contact list of all of the stakeholder groups DEQ staff have worked with in the past. The goal is to help extend individual relationships into institutional agency knowledge. The Community Partners Map will help DEQ deepen and strengthen existing relationships with community representatives and also create a system for staff across the agency to seamlessly share their interested party contacts with agency colleagues, creating an efficient resource for strategic outreach.

## 2023 highlights

The following case-studies represent specific highlights in 2023 of work DEQ has done to conduct more meaningful public engagement, and to consider EJ in the decision we make.

### **Built Environment listening sessions**

The Built Environment Program, situated within the Lifecycle section of the Materials Management Program, was formalized in early 2022. The BE program's overarching mission is to foster relationships, influence policy, and support endeavors that expedite progress toward mitigating the adverse impacts of the built environment. This includes enhancing the well-being of both people and the environment and envisioning a more equitable future for all.

Guided by the Built Environment Strategic Plan, the program conducted a series of listening sessions throughout the state. These sessions aimed to achieve several objectives:

- Communicate BE program's objectives.
- Connect with stakeholders, including government entities, industry representatives, with a special focus on community groups, to understand their experiences, needs, and priorities concerning the built environment.
- Establish and strengthen relationships and trust with diverse groups.

To facilitate these sessions, DEQ enlisted the services of Envirolssues, a consultant specializing in outreach and facilitation. Community advisors were engaged, tasked with helping to design and host the in-person sessions, as well as recruiting participants. Community advisors were paid a stipend at a rate of \$125 per hour, with a total payment of up to \$4,500 depending on participation in various tasks. Notably, a conscious effort was made to ensure diverse representation across backgrounds, geographies, race, ethnicity, and age.

Six community groups participated in the sessions, spanning various regions: Black Rural Network (Tillamook County), Euvalcree (Ontario), Aging in the Gorge (Hood River, The Dalles, and Dufur), NextUp, Coalition of Communities of Color, and Central City Concern (Portland Metro). To acknowledge participants' contributions, the project team allocated funding for participant stipends at a rate of \$100 per hour, with a total potential payment of \$450 in Visa gift cards for those attending all three sessions.

From August to November 2023, the Built Environment team, alongside EnviroIssues and community advisors, traveled around the state conducting a series of three in-person sessions with each community group. The sessions covered introductory discussions, a prioritization exercises utilizing both quantitative and qualitative responses, and reviews of findings and potential projects. Key takeaways from the sessions included the acknowledgment that every issue raised was important, a consensus on urgent priorities related to basic needs, and a positive reception of the Listening Sessions format.

The sessions yielded both quantitative and qualitative data, reflecting the lived experiences and needs of communities in Oregon. Sixty-one respondents participated, offering valuable insights that will directly influence the BE program's priorities, projects, and resource allocations. Common themes centered on basic needs, including home affordability, renters' rights, access to healthy food, fair pay, and workforce development opportunities.

As a direct outcome, the BE team is formulating a work plan for 2024, focusing on priorities identified during the sessions. Additionally, efforts are underway to fund demonstration projects with each community group, with allocations of small direct awards up to \$25,000.

The Listening Sessions have proven instrumental in gathering data, understanding community perspectives, and shaping the future direction of the Built Environment program. The team is committed to translating these insights into tangible actions and continuing the relationships they have built through the sessions, thereby contributing to the improvement of the built environment in Oregon and beyond.

## **Community climate investments**

Oregon's Community Climate Investment Program is an important component to the Climate Protection Program, Oregon's cap and invest regulation on greenhouse gas emissions.

The CCI Program incorporates environmental justice principles in multiple ways and defines environmental justice communities as communities of color, communities experiencing lower incomes, tribal communities, rural communities, coastal communities, communities with limited infrastructure and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards, including seniors, youth, and persons with disabilities.

Fuel suppliers, regulated by the CPP, can choose to use a limited number of Community Climate Investment credits to meet their compliance. Fuel suppliers can choose to contribute funds to DEQ-approved CCI entities, to earn these credits. The CCI entities then invest those funds in projects that reduce greenhouse gas emissions, prioritizing Oregon's environmental justice communities. Project priorities are:

- Reducing greenhouse gas emissions on average at least one ton per CCI credit
- Reducing emissions of other air contaminants, particularly in or near environmental justice communities
- Promoting public health, environmental, and economic benefits for environmental justice communities
- Accelerating the transition to clean energy particularly in or near environmental justice communities

The CCI Program has also built in an important key partner, the Equity Advisory Committee. This committee plays an important role in determining what types of emission reduction projects are supported by investments and where the projects are located. The EAC is currently 9 individuals from around the state who have lived experience, expertise, or interest in the following areas:

- Environmental or economic justice
- Climate change impacts and experience
- Air pollution and/or health and community impacts
- Clean, renewable energy, or energy efficiency
- Reducing greenhouse gas emissions and air pollution from fossil fuels
- Community engagement, advocacy, or outreach

Community engagement and representation is crucial for ensuring that CCIs are invested as intended and meeting program goals and the EAC will continue to play an important role in this space.

## **Fuel Tank Seismic Stability rules**

Oregon is requiring major oil distribution terminals to improve their facilities to prevent oil spills after a major earthquake. The facilities are located in areas with concerns about overburdened and underserved communities. The work is expected to take ten to fifteen years to complete and includes significant environmental justice components.

In early 2020, Multnomah County's Office of Sustainability and the City of Portland Bureau of Emergency Management commissioned a study of the Critical Energy Infrastructure Hub located along the Willamette River in Portland. The study's purpose was to characterize and quantify the anticipated damages from the CEI Hub in the event of a Cascadia Subduction Zone earthquake. The last Cascadia event occurred in January 1700 and there is a 37% chance the next one will occur in the Pacific Northwest within 50 years or by 2073. More than 90% of all liquid fuel in Oregon is stored at the facilities in the CEI Hub. Other hazardous materials are also stored at the CEI Hub. Many of these tanks are old; the average year the tanks were built is 1954. The total potential release of hazardous materials stored at the CEI Hub as a result of a Cascadia Subduction Zone earthquake ranges from about 94.6 million to 193.7 million gallons. That is an unimaginable threat to the Willamette and Columbia rivers, to the Pacific Ocean and to the

many communities working and living near these facilities or depending on these natural resources.

In 2022, Senate Bill 1567 authorized DEQ to develop a program to evaluate the vulnerability of large capacity fuel storage and distribution facilities in Columbia, Lane and Multnomah counties in the event of an earthquake. The bill requires these facilities to develop and implement a plan to reduce risk to protect the life and safety of employees, surrounding communities and the environment. DEQ conducted rulemaking to implement the state law. A 13-member Rules Advisory Committee representing neighborhoods in the vicinity of the fuel facilities, emergency response, community groups and potentially regulated parties was created to advise DEQ in the development of these rules. The rule development outreach work included time spent connecting with community action groups, tribal representatives and the Oregon Environmental Justice Council.

Rule development included a comprehensive [environmental justice review](#) conducted by Portland State University's Institute for Sustainable Solutions. The review employed a combination of geospatial social vulnerability analysis, focus groups, and field visits and asked the following questions:

1. Who are the communities to consider as socially vulnerable to earthquake hazard impact due to the presence of fuel storage tanks? and
2. What are the various impacts and challenges on these communities due to the presence of fuel storage tanks?

ISS also hosted a workshop to identify possible projects and funding sources which could improve the safety and resilience of communities who live nearby facilities regulated by SB1567 and DEQ's Fuel Tank Seismic Stability program. Based on the findings of the environmental justice review and the workshop, ISS provided recommendations for improving safety and resilience and to promote environmental justice, public safety, and the wellbeing of all residents and employees in the vicinity of fuel storage facilities.

Fuel Tanks Seismic Stability Rules [OAR 300-340](#) including provisions for ongoing public involvement were approved on Sept. 14, 2023. Community engagement using, and expanding, the community vulnerability results will continue during facility mitigation plan development and implementation. Community outreach work will include a public comment and response process before mitigation plan approvals are issued.

## **Updating DEQ's policy for Supplemental Environmental Projects**

Over the last year the EJWG Policy Team has partnered with the Office of Enforcement and Compliance to help support EJ communities through Supplemental Environmental Projects. DEQ's Office of Compliance and Enforcement has updated its Supplemental Environmental Project policy to incorporate the principals of environmental justice. A SEP is an environmentally beneficial project that a violator may agree to undertake in lieu of paying a portion of its civil penalties to the state General Fund. DEQ's SEP policy directs DEQ staff on the factors to consider in reviewing and approving a SEP proposal. The updated policy incorporates the principals of environmental justice by creating scenarios where community members, impacted by the



violations, may contribute to the project selection process. In addition, the updated policy directs DEQ staff to host annual community listening sessions to discuss the policy and its effectiveness and to solicit SEP project ideas for pre-approval. Finally, the policy directs DEQ to post all pre-approved projects on its website to enhance participation in the policy.

## **Future direction for environmental justice at DEQ**

To prepare this section of the annual report, agency staff, managers and leadership reflected on the challenges and opportunities DEQ faces in advancing EJ in our work. Key themes emerged and are described below.

### **Opportunities**

#### **Updating DEQ's environmental justice policy**

As noted previously, the agency is undertaking an extensive update to the agency's current EJ policy. DEQ is reviewing other states and agency policies to inform these updates. The three main areas that DEQ is focusing on for the new policy include legal frameworks and related structures; agency EJ objectives and goals; and metrics, measures and milestones. The primary goal for the policy update is to empower staff to include EJ throughout their programs and projects. A focus on metrics will also aid DEQ in understanding its impact on EJ communities and the agency's progress on meeting internal goals and improving plans to further the progress of environmental justice in Oregon. DEQ views this policy update as foundational work to advancing EJ at DEQ.

#### **Relationship building**

There are many overburdened communities around the state that DEQ does not engage with on a regular basis. This leads to the agency having an overly simplistic understanding of different communities' needs and priorities – or even be completely unaware of their interests entirely.

To begin to overcome this current dynamic, DEQ has begun and will continue to proactively seek out new relationships with overburdened communities. The agency is focused on forging these new relationships so it can eventually expand the diversity of 'voices in the room' and be able to develop a comprehensive understanding about how agency decisions could better support all residents of Oregon's needs, particularly those that are overburdened by pollution.

DEQ is approaching this need in several ways. First, an increasing number of programs are creating positions dedicated to outreach and engagement, a staffing commitment to developing and nurturing relationships with the communities we serve. Second, the DEQ communications team has begun to reevaluate its relationship with the public and is beginning to transition away

from prioritizing resources and capacity on facilitating one-way communication *to* the public towards fostering on-going two-way dialogue *with* the public. Thirdly, agency staff are increasingly expected to develop and maintain relationships with interested parties that could be interested or impacted by their programs and will be supported to make this shift through resources being developed by the EJWG Community Engagement and Outreach subgroup (e.g., the resource library, and community partners map).

## **Valuing lived experience**

DEQ is a science-based organization and has extensive capacity utilizing quantitative data throughout our work. However, the agency has far less proficiency evaluating qualitative data and incorporating that information into our programs. The agency is increasingly recognizing that communities around the state have diverse lived experience that provides them with experiential knowledge that could help improve agency decision-making, particularly in contexts pertaining to environmental justice.

To enable DEQ to learn from communities with diverse lived experiences from around the state, program staff are working closely with the agency's procurement team to develop an internal policy aligned with DAS protocols that will enable programs to fairly compensate community members for sharing their lived experience with us. An increasing number of programs at DEQ have dedicated budgets to pay community members to fill out surveys, participate in focus groups, attend listening sessions and serve on advisory committees but there is not a consistent amount of money or agency process to compensate community members for these different types of engagements. The agency anticipates piloting this new policy in 2024. This will enable DEQ to both effectively learn from communities around the state and appropriately reimburse those individuals that choose to share their lived experience with us.

## **Building capacity for environmental justice**

In the last two years the legislature has authorized four positions at DEQ, dedicated to EJ related work. These include:

- Environmental Justice Council Coordinator and Policy Analyst
- DEQ Environmental Justice Coordinator
- Senior Environmental Justice Research Analyst
- Environmental Justice Manager

This level of dedicated staffing represents a significant investment in DEQ's EJ work, and an opportunity to advance and resource the efforts described in this annual report. Three of the four positions are vacant (two are not authorized until January 1, 2024). DEQ will prioritize the recruitment and onboarding of these positions in 2024 and support their integration into a newly announced Office of Equity at DEQ.

# **Challenges**

## **Time and resources**

EJ work cannot effectively be achieved by one team within DEQ. It requires all staff, regardless of position or seniority, to embrace EJ: the fair treatment and meaningful engagement of all people. This shift will require cultivating an agency-wide mindset shift – seeing EJ as integral to our core work, not as separate or additional from our core work. However, in practice that also means it requires dedicated time and resources, a perennial challenge at DEQ.

DEQ is excited about the new, dedicated, EJ positions but still struggles to create time for all positions to advance their EJ knowledge and practice. This is particularly true of positions that are funded through revenue sources with a narrow set of allowable expenditures.

Despite the amazing work of the agency's EJWG, the unavailability of resources (tools, guidance, etc.) to improve EJ practice poses a challenge to fully incorporating EJ in the agency's work. This is an area where DEQ expects the dedicated staffing, and partnership with the EJC, will be beneficial.

## **Organizational silos**

DEQ's organizational structure, budget and programmatic activities are deeply rooted in media-based silos (i.e., air, land and water). This presents challenges to addressing cross-cutting environmental justice issues and to engaging communities in holistic ways. Specific ways this challenge can manifest include:

- Challenges pursuing federal funding opportunities that don't neatly align with one of DEQ's air, land or water division (e.g., Environmental Justice collaborative problem solving grants).
- Engaging communities facing multiple environmental health disparities as one DEQ, as opposed to program specific engagements that do not address the totality of community concerns and interests.
- Leveraging lessons learned when incorporating environmental justice principles across the department.

The EJWG is an example of a strategy to address this challenge. The EJWG includes engagement from staff across all parts of the agency, focusing on issues and capacity building that cuts across the traditional DEQ silos. It is a model for the agency to consider as it continues to experience the consequences of organizational siloing.

# Engaging with the Environmental Justice Council

DEQ anticipates continuing to engage directly and deeply with the Environmental Justice Council throughout 2024. We expect this engagement to feature in three distinct domains.

## Providing staff support to the council

HB 4077 (2022) designates DEQ as an agency that may provide staff support to the EJC, under an agreement with the Governor's office. DEQ employs the council's coordinator and the agency provided significant administrative and operational support to the council throughout 2023. DEQ anticipates that to continue in 2024.

Specifically, the EJC Council Coordinator and Policy Analyst is responsible for:

- Managing the logistic and technical aspects of council meetings (public notice, securing meetings venues, etc.)
- Supporting the Governor's Office and council leadership in agenda setting and other meeting documentation
- Serving as a liaison with guest speakers and the public
- Advising the council on approaches to advancing their work
- Convening representatives of state Natural Resource Agencies to coordinate on shared issues

The Council Coordinator and Policy Analyst is a resource to Oregon state agencies, and serves as a liaison between the executive branch and EPA Region 10 environmental justice staff, and other states advancing environmental justice work.

In addition to employing the council coordinator, DEQ expects to continue providing project management support to the council and to be advancing budget request on behalf of the council to the Governor's Office and the legislature for consideration.

## Statewide environmental justice mapping tool

As noted previously in this report, DEQ holds a leadership position in the development of a new Oregon-specific statewide EJ mapping tool. DEQ is directed in statute to assist the council in their work to develop this tool, and provides that assistance in partnership with the Oregon Health Authority, Portland State University, Oregon State University and the state's Office of Enterprise Information Services.

In 2024, DEQ expects to be working with the council to further develop and execute a project plan focused on the development of a tool that identifies EJ communities (as defined in legislation) throughout Oregon. We expect this work to be informed by community listening sessions and EJC deliberations. Major elements of this work may include:

- Identifying and solidifying a methodological approach underpinning the tool
- Identifying domains of data to be included in the design on an EJ index (e.g., environmental burden data layer, demographic data-layers, health burden data layers, etc.)
- Identifying specific datasets to be included in each domain

In addition to providing project management support to the council and entities working on the tool, DEQ will continue to serve as the lead on technical issues relating environmental burden datasets.

## **Cross-cutting issues**

As a Natural Resource Agency, DEQ also expects to assist the council in fulfilling its work and benefiting from its discussions and leadership. As an agency rooted in environmental protection, and long striving to advance environmental justice principles (DEQ has had an agency policy on Environmental Justice since the mid-1990s), we are in a unique position to benefit from the work of the council.

In 2024, DEQ hopes to learn from, and support the council as they fulfill various reporting mandates detailed in HB 4077. DEQ believes the network of Natural Resource agencies will benefit from:

- Statewide guidance and best practices on “meaningful engagement” and on using the EJ mapping tool can be used to inform that engagement
- Statewide guidance and best practices on considering EJ impacts in decision-making and on using the EJ mapping tool to assist in those analyses
- Advice to Natural Resource agencies and the Governor’s Office on approaches to complex EJ issues that span the jurisdictions or interests of multiple state agencies

DEQ believes that communities throughout Oregon will be best served by an executive branch that approaches these issues in a similar manner, striving to provide a consistent level of service. The EJC is uniquely positioned to be advising agencies and the Governor on that work.

# Related legislation

DEQ identified two bills, adopted by the legislature during the 2023 session that explicitly reference the Environmental Justice Council:

- HB 2001 establishes the Oregon Housing Needs Analysis, extends the notification requirement for termination of residential rental agreements for nonpayment, provides funding for modular housing development, moderate income housing predevelopment loans, and agriculture workforce housing. the Oregon Department of Housing and Community Services is directed to develop and update annual housing equity indicators. One such indicator must be “environmentally just” housing outcomes, informed by the statewide EJ mapping tool developed by the Environmental Justice Council.
- HB 3409 is an omnibus bill incorporating over a dozen bills relating to climate change. There are three instances in the bill where a state agency is directed to consult with the Environmental Justice Council, or reference the statewide EJ mapping tool. They include:
  - Section 2 requires that when certain state agencies are carrying out programs related to energy efficiency in buildings, they also consider actions aimed at reducing greenhouse gas emissions. As part of that consideration, agencies are directed to consult with the Environmental Justice Council and as appropriate reference the statewide EJ mapping tool.
  - Section 6 directs the Department of Consumer and Business Services to consider and integrate the prevention or reduction of impacts from climate change and the state’s greenhouse gas emissions reduction goals into the department’s planning, budgeting, investment and policy-making decisions. As part of that work, the department is directed to consult with the Environmental Justice Council when evaluating priorities, the department sets and actions the department takes to adapt to and mitigate the impacts from climate change.
  - Section 37 directs the department of Land Conservation and Development to work with an advisory committee to develop a report related to the siting of photovoltaic solar energy generating facilities. The department is directed to deliver a final report on that work to the Environmental Justice Council by Dec. 31, 2025.

While DEQ does not have a role in implementing the sections of these bills relevant to the Environmental Justice Council, the agency does acknowledge how important progress on the development of a statewide EJ mapping tool is. DEQ also expects to continue having a lead role in providing support to the EJC and to agency partners in the tool development. As noted in other sections of this annual report, we expect that to be a key focus of DEQ’s EJ work in 2024.