



State of Oregon Department of Environmental Quality

# Minutes: Oregon Environmental Quality Commission special meeting

**Dec. 3, 2020: Teleconference**

**Thursday, December 3: 12:30 to 5 p.m.**

- **Present:** Commissioner Greg Addington, Commissioner Molly Kile, Commissioner Wade Mosby

## **Welcome and meeting open**

Director Whitman opened the meeting and noted that neither Chair George nor Vice-chair Baraso could attend; however, the commission agreed to assign Commissioner Addington as the presiding commissioner for the special meeting.

Commissioner Addington convened the special meeting at 12:33 p.m.

## **A. Action: Meeting minutes**

The commissioners reviewed the proposed draft minutes from the Sept. 17-18, 2020, regular and Oct. 9, 2020, special meetings.

**Action:** Approve the minutes as presented

**Move:** Commissioner Mosby

**Second:** Commissioner Kile

*The commission unanimously approved the action.*

## **B. Informational: Director's report**

Director Whitman presented verbal highlights of the written report for this item, and provided additional verbal updates regarding the Governor's Recommended Budget, released earlier this week, and wildfire recovery operations across the state. Commissioners asked clarifying and informational questions about some items during this presentation.

## **C. Action: Update to the CAFO Memorandum of Understanding**

Justin Green, Water Quality Division Administrator, introduced this item and described background information on the Confined Animal Feeding Operations Program and related permits. Wym Matthews, Oregon Department of Agriculture CAFO Program Manager, described the implementation of the CAFO Program, ODA's role to implement the program and general program information regarding current and anticipated permits and actions.

**Action:** Approve the extension of the current Memorandum of Understanding for the Confined Animal Feeding Operations Program, as seen in Attachment A of the report for this item.

**Move:** Commissioner Mosby

**Second:** Commissioner Kile

*The commission unanimously approved the action.*

#### **D. Informational: Waters of the U.S. and 401 Certification Program updates**

Justin Green, Water Quality Division Administrator, introduced the item. Steve Mrazik, Water Quality Program manager, described the elements of the 401 Certification Program, its relationship to recent changes in federal definitions of Waters of the U.S, and provided an outline of the presentation.

Marilyn Fonseca, 401 Hydropower Program coordinator, provided detail on the agency's hydro certification program. Sara Slater, 401 Dredge and Fill Certification Program coordinator, described the challenges faced by the dredge and fill portion of the program due to the changes in federal rule language. Throughout the presentation, commissioners asked clarifying questions regarding the program, federal changes and potential next steps.

#### **E. Discussion/Action item: Follow-up on the Rules Advisory Committee for the Greenhouse Gas Cap and Reduce Program**

Director Whitman and Colin McConnaha, Office of Greenhouse Gas Programs manager, co-presented this update to the commission regarding the membership of the Greenhouse Gas Cap and Reduce Program Rules Advisory Committee. Commissioners discussed their feedback on the committee roster and additional potential members. The commissioners affirmed their shared interest in having more representation of working lands and freight sectors, and proposed adding two individuals, both of whom had previously applied but not been recommended for the committee, to the membership list. The two proposed additions were Erin Hansell-Heideman, affiliated with Blown Away Ranch and Morrow County Wheat Growers, and Jana Jarvis, affiliated with the Oregon Trucking Association.

**Action:** Add Erin Hansell-Heideman and Jana Jarvis to the Greenhouse Gas Cap and Reduce Rules Advisory Committee membership roster, as previously approved at the Nov. 19, 2020, regular commission meeting.

**Move:** Commissioner Mosby

**Second:** Commissioner Kile

*The commission unanimously approved the action.*

#### **F. Informational item: Recycling system modernization update**

Abby Boudouris, Land Quality Division Senior Policy Analyst, introduced the item and provided an overview of the recycling system steering committee, its organizing principles and committee work over the past two years. David Allaway, Materials Management Program manager, described the committee's research and analyses of potential frameworks for improvements of Oregon's recycling system, agency engagement activities on these topics and outlined the recommended models for significant changes to the recycling system in Oregon.

Sanne Stienstra, Materials Recovery Specialist, provided detail on the ways DEQ would implement these recommended models through legislative changes in 2021. Allaway and Stienstra discussed the details of the potential legislation, and ways a producer responsibility-based model for recycling could be implemented in Oregon. Throughout the presentation, commissioners asked clarifying and informational questions about the models, and provided their feedback on next steps for the agency and state recycling systems.

**G. Discussion item: Annual self-evaluation survey**

Director Whitman presented a summary of the results from the commission’s annual self-evaluation survey, for the 2019 meeting year. Commissioners discussed the results, generally, and Director Whitman noted that, in response to the commission feedback, DEQ plans to updates to the engagement and comment processes at commission meetings as part of the January 2021 regular meeting.

**H. Public forum**

The commission opened an opportunity for any person to address the commission on environmental topics. People presenting comment were asked to limit their speaking time to three minutes or less. Seven people presented comment to the commission. Comments included general support for greenhouse gas emission reductions, concerns regarding the Perennial Wind Chaser Station, a natural gas-powered power plant in Umatilla County, and feedback regarding the rules advisory committee for Cap-and-Reduce regulations.

**I. Informational item: Commissioner reports**

Commissioners provided verbal updates on their recent activities as liaisons to other boards or commission or present other items of interest related to the commission, public health and the environment.

- Commissioner Kile described the recent meeting of OWEB, at which the board provided funding for fire response and recovery and discussed its actions to implement Executive Order 20-04 for greenhouse gas emissions reduction
- Commissioner Mosby noted positive conversations with small businesses engaged through the VIPToo program and relayed information of the passing of Marty Myers, Oregon Board of Agriculture member and long-time advocate for sustainable agriculture.
- Commissioner Addington noted his interest in receiving ongoing updates from the Office of Greenhouse Gas Programs to ensure he has adequate research and time to evaluate any proposals for commission action.

Commissioner Addington adjourned the special meeting at 4:08 p.m.

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State of Oregon Department of Environmental Quality

# Minutes: 411<sup>th</sup> Oregon Environmental Quality Commission meeting

**Nov. 19, 2020: Teleconference**

**Thursday, Nov. 19: 11 a.m. to 12:30 p.m.**

- **Present:** Vice-chair Sam Baraso, Commissioner Greg Addington, Commissioner Molly Kile, Commissioner Wade Mosby

## **A. Welcome and meeting open**

Vice-chair Baraso convened the meeting at approximately 11 a.m., and noted that Chair George could not attend and he would be presiding for the meeting. He read the DEQ mission statement and took roll-call of the commissioners present. Director Whitman provided additional comments to open the meeting and noted that the agenda for the meeting was shortened to include only two time-sensitive action items, and other items previously scheduled for Nov. 19-20, 2020, will be heard at a special meeting in early December, tentatively scheduled for Dec. 3-4, 2020.

## **B. Action: Vehicle Inspection Program rules**

Ali Mirzakhali, Air Quality Division administrator, introduced the item. He noted that the proposed updates include a proposal to make permanent the temporary fee increases approved by the commission this past spring. Karen Williams, Air Quality Division analyst, described the rulemaking development process, outlined the need for the proposed rules and discussed the comments and feedback received by DEQ for the proposals. Mike Skorupka, Vehicle Inspection Program manager, discussed the cost effectiveness provisions of the proposed rules, and provided additional detail on program operations. The commissioners asked clarifying and informational questions, and asked specific questions about the VIPToo subpart of the program.

**Action:** Find that, in accordance with ORS 468A.400, the Vehicle Inspection program, including the proposed 2020 fee increase, is the most cost effective program consistent with Clean Air Act requirements; adopt the proposed rules as seen in pages 34 through 92 of the staff report for this item as part of Chapter 340 of the Oregon Administrative Rules; approve incorporating these rule amendments into the Oregon Clean Air Act State Implementation Plan under OAR 340-200-0040; and direct DEQ to submit the SIP revision to the U.S. Environmental Protection Agency for approval.

**Move:** Commissioner Mosby

**Second:** Commissioner Kile

*The commission unanimously approved the action.*

### **C. Action: Greenhouse Gas Program Cap-and-Reduce Rules Advisory Committee Appointments**

Director Whitman introduced the item and discussed the context of the Cap-and-Reduce Rules Advisory Committee process as part of Office of Greenhouse Gas Programs' implementation of Executive Order 20-04 from March. Colin McConnaha, Office of Greenhouse Gas Programs manager, described the timeline of this rule development process, including public engagement with a series of technical workshops held by the program over the summer months.

McConnaha discussed the application process, agency review of applicants and the key perspectives represented by the proposed roster. McConnaha also presented a timeline of other rule development processes that will result in proposed rules for commission action over the next two years in response to Executive Order 20-04. Director Whitman presented the proposed membership list for the Cap-and-Reduce Rules Advisory Committee and noted the significant amount of work to be done by this committee and the eventual volume of material and decisions to be considered by the commission for greenhouse gas emissions reductions.

Commissioners discussed the proposed roster, and the overall scope of work for the Office of Greenhouse Gas Programs. Commissioner Addington raised concern that the proposed membership may under-represent the interests of some business sectors, including agricultural working lands and those associated with freight and trucking. The commission discussed these concerns and deliberated one change to be made to the proposed roster, per discussion at the meeting, and a request to review all the applications received for the potential addition of another member before the Rules Advisory Committee begins its work.

**Action:** Appoint the proposed members of the Cap and Reduce Program Development Rules Advisory Committee, as seen on pages four and five of the staff report for this item, with an amendment to add Allie Rosenbluth and remove Nora Apter from that appointment list; and direct Director Whitman and other DEQ staff to meet with Commissioner Greg Addington to review the applicants to potentially add one member as part of the Dec. 3-4, 2020, EQC special meeting.

**Move:** Commissioner Mosby

**Second:** Commissioner Kile

*The commission approved the action with three in favor and one abstaining (Commissioner Addington).*

Vice-chair Baraso adjourned the meeting at approximately 12:55 p.m.

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