

Minutes of the 373rd regular meeting of the Oregon Environmental Quality Commission

June 19-20, 2013
Corvallis, Oregon

Wednesday, June 19 – Regular meeting: 10 a.m. to 4:30 p.m.

- Willamette Room, Holiday Inn Express on the River – 781 NE 2nd Street, Corvallis

Chair Blosser convened the meeting at 10 a.m.

Present: Chair Blosser, Vice-chair O’Keeffe and Commissioner Armstrong

A. Action item: Minutes from the March 20-21, 2013, regular EQC meeting

Commissioners reviewed the draft minutes from the March 20-21, 2013 commission meeting.

Action: Approve as presented

Move: Vice-chair O’Keeffe

Second: Commissioner Armstrong

The commission approved the March 20-21, 2013, EQC meeting minutes as presented.

B. Informational item: City Club of Portland air quality report and recommendations

Bill Savery and Spencer Ehrman, City Club of Portland, presented the spring 2013 City Club report about air quality and air toxics in Portland. The report includes specific recommendations for action, many of which involve the commission or DEQ.

Ehrman provided an overview of the research and process to create the report, air quality regulation history and the impetus for the report and recommendations. He presented report findings and described the 10 recommendations. Savery provided more detail about the recommendations, and the City Club’s prioritized emphasis for action.

Director Pedersen asked Andy Ginsburg, Air Quality Division administrator, and Sarah Armitage, air quality planner, to provide clarifying information about DEQ’s air quality work. Ginsburg and Armitage provided information about the programs and answered questions. The commissioners discussed the report, its recommendations and other opportunities for air quality monitoring in Oregon. Director Pedersen provided closing remarks for the item, and thanked the City Club of Portland for its work and presentation. Ehrman noted that the City Club intends to return to the commission to discuss progress in the next 12 to 18 months.

C. Informational item: Umatilla Depot updates

Joni Hammond, deputy director, and Lissa Druback, Eastern Region solid and hazardous waste manager, presented an update about activities and closure progress at the Umatilla Depot and facility. Rich Duval, senior environmental engineer, joined this item by phone. Druback described the depot and facility actions since the March 2013 update to the commission. The commissioners asked about the eventual reuse of the land. Druback noted that those details are not final, and DEQ will provide more information in the next commission update.

D. Action item: Proposed temporary rules for Umatilla Depot

Joni Hammond, deputy director, and Lissa Druback, Eastern Region solid and hazardous waste manager, presented temporary rules for commission action. Rich Duval, senior environmental engineer, joined this item by phone. Druback described the need for the proposed rules, rule details and the outcomes if adopted. The commissioners asked clarifying and informational questions about the proposed temporary rules. Druback noted that an addendum, distributed prior to the meeting, modified the recommendation to remove the specific date of filing with the Secretary of State, if the temporary rules are approved.

Action: Amend the proposed temporary rules in attachment A of the item as part of chapter 340 of the Oregon Administrative Rules, to be effective upon filing with the Secretary of State, and adopt the statement of findings in attachment B necessary for the temporary rule.

Move: Commissioner Armstrong

Second: Vice-chair O'Keeffe

The commission approved the proposed temporary rules as presented, with the amended language noted in the commission motion.

E. Informational item: Conversion technology

Wendy Wiles, Land Quality Division administrator, Peter Spendelow, solid waste staff, and Bob Barrows, Western Region solid waste policy analyst, presented information about the solid waste conversion technology rules under development. Barrows described the current types of solid waste treatment and permits in Oregon, and new types of facilities that would be covered by the proposed draft conversion technology rules and permits. Spendelow and Barrow described the types of waste conversions and resulting fuel and chemical products for resale that could be covered under the new rules and permits. They noted that the activities which will be covered under the proposed rules and permits do not meet the normal parameters of existing DEQ permits and the conversion technology permits would be a new class of permits to appropriately regulate these emerging technologies. Spendelow described some of the issues raised through the rule development process, and Barrows summarized the rules and DEQ's intent to propose the rules for commission action at the August 2013 EQC meeting.

Chair Blosser urged DEQ, in the long term, to consider the phrasing for materials to no longer be "waste" and be understood as "feed stocks" for reuse. Wiles noted that DEQ will be working over the next year to evaluate statutory changes that would allow DEQ to advance the 2050 Vision for Materials Management.

Lunch and executive session

Commissioners, legal counsel and some DEQ staff met for a working lunch and executive session from approximately 12:15 to 1:15 p.m. The session was held pursuant to ORS 192.660(2) (h).

F. Informational item: Innovations in water quality protection and treatment

Director Pedersen provided opening comments regarding the panel of co-presenters assembled for this item to discuss innovative approaches to water quality and wastewater treatment in Oregon. The panel included representatives from the Eugene Water and Electric Board, City of Albany, Clean Water Services, City of Corvallis, Roseburg Urban Sanitary Authority, City of Eugene/Metropolitan Wastewater Management Commission and the Oregon Association of Clean Water Agencies.

The presenters described various programs, regulatory and voluntary, for water quality protection and wastewater treatment in Oregon. The commissioners asked clarifying questions about the projects, and thanked the presenters for their work implementing Oregon's environmental regulations and commission policy.

Chair Blosser recessed the regular meeting at approximately 3 p.m. until 8:30 a.m. on Thursday, June 20, 2013.

G. Tour: Albany-Millersburg Talking Water Gardens

City of Albany staff led the commission and guests on a tour of Talking Water Gardens, an engineered wetland used as a natural wastewater treatment system for municipal and industrial wastewater.

Evening session: Meet-and-greet with local officials

The commission held an informal session from 5:30 to 6:30 p.m. with local officials. No commission business was held during this session, which was an opportunity for commissioners to meet the local, municipal and state representatives from the Corvallis area.

Commissioners and some DEQ staff attended an informal, optional and self-pay dinner in Corvallis on Wednesday evening. No commission business was held during dinner.

Public meeting law requires notice of this dinner.

Thursday, June 20 – Regular meeting: 8:30 a.m. to 3:30 p.m.

- Agricultural Science Room, LaSells Stewart Conference Center, Oregon State University - 875 SW 26th Street, Corvallis

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

Present: Chair Blosser, Vice-chair O’Keeffe and Commissioner Armstrong

H. Public forum

At 8:30 a.m., the commission opened public forum. Three presented comments, two in Corvallis and one via phone at the Medford DEQ office.

1. Ed Gormley, Riverbend Stewardship Committee, presented comments about planning for land related to Riverbend Landfill in McMinnville.
2. Tony Meeker, Riverbend Stewardship Committee, presented comments about the role of the stewardship committee and its process.

Chair Blosser recessed the public forum at 8:45 a.m. and moved to the next agenda item, pending arrival of a person who indicated intent to comment from Medford. Chair Blosser reopened public forum at 9:05 a.m. to receive comment from Medford.

3. Tara Mattis, Wolf Creek resident, presented comments about water quality and supply concerns in the Grave Creek Watershed related to drinking water sources and protection in rural communities. She asked the commission to help her unincorporated community request assistance to obtain status as a groundwater study area.

Chair Blosser noted that the Water Resources Department is the best state contact for water supply, and EQC does not have those authorities. The commission discussed groundwater concerns, monitoring opportunities and priorities related to DEQ’s existing and planned water quality programs.

Chair Blosser closed the public forum at 9:35 a.m.

I. Action item: Water Quality Division nonpoint source proposed rules

Greg Aldrich, Water Quality Division administrator introduced this item and his co-presenters, Gene Foster, water quality manager, and Koto Kishida, water quality analyst. Kishida explained that the proposed rules would revise language for water quality standards in the nonpoint source control program.

The commission asked clarifying questions about the proposed rules and comments received from the public. Larry Knudsen, the commission's legal counsel, provided clarification related to certain legal provisions of the proposed rules.

Action: Adopt the proposed permanent rules in attachment A of the item as part of chapter 340 of the Oregon Administrative Rules

Move: Vice-chair O'Keeffe

Second: Commissioner Armstrong

The commission approved the rules as presented.

J. Informational item: Institute for Natural Resources

Dr. Lisa Gaines, director of the Institute for Natural Resources, presented an overview of the institute's work, which supports science-based decision-making at DEQ and many other state and local agencies. She introduced her co-presenter, Janine Salwasser who leads the Oregon Explorer Program.

Dr. Gaines described the history of the Institute for Natural Resources, its mission and role, its goals and its services. She explained that INR works with state, local and federal agencies and organizations to develop products and services supporting science-based decisions and communications of those decisions.

Janine Salwasser described the content and purpose of the Oregon Explorer natural resources digital library and described its products and information. She showed several of the databases and other parts of the Oregon Explorer and described opportunities for gathering data locally with user-friendly tools and making that information available and accessible.

Dr. Gaines discussed INR initiatives and research areas of interest to the commission and DEQ, and the commissioners offered feedback on opportunities for DEQ to work with INR.

K. This item was removed from the agenda

M. Informational item: Budget and legislative updates

Director Pedersen presented updates about federal, state and agency budget and legislative matters. He noted that the Senate and House approved DEQ's budget, voicing strong support for how DEQ presented information and worked with legislators to explain it. The Oregon Legislature adjourns in July, at which time DEQ will receive its final budget approvals. DEQ will provide the commission with additional budget and legislative information as it is available through July and at the August commission meeting.

This item was taken out of order

N. Informational item: Director's dialogue

Director Pedersen presented updates on DEQ activities and projects of interest to the commission including:

- Clean Fuels Program status
- Air quality attainment status in Klamath Falls
- Updates to the Oregon Smoke Management Program and DEQ's role in improved communication among wildfire-response agencies

- Updates and revisions to DEQ’s Division 12 rules, and DEQ committed to bring an informational item on Division 12, broadly, to the August EQC meeting
- New guidance documents for communities planning for wastewater infrastructure projects
- Updates and revisions to the water quality toxics standards
- A recent ballast water enforcement action to protect Oregon from invasive aquatic species
- DEQ’s 2050 Vision and Framework for Materials Management
- The 2012 annual report from the U.S. Army Corps of Engineers on total dissolved gas at the four dams on the lower Columbia River.
- A recent Court of Appeals rejection of the Columbia Gorge Commission’s challenge to an air quality management plan
- DEQ’s public comment period and process for draft permits related to proposed Coyote Island Terminal projects for coal, with all-day hearings July 9 in Portland and Hermiston
 - Joanie Stevens-Schwenger, DEQ’s Office of Communications and Outreach manager, provided details about the new hearings process
- DEQ’s implementation of its outcome-based management system and a recent quarterly measure review
- A new protocol for nuisance review and response
- Director Pedersen’s Environmental Council of States work at the federal level

This item was taken out of order

P. Informational item: Commissioner reports

Only Commissioner Armstrong presented an update. He noted that EQC received a presentation about the Oregon Department of Forestry report on the 2013 wildfire season, as presented at the June 5 Board of Forestry meeting. The Board of Forestry will also be receiving an evaluation tool, related to the board’s effectiveness and other elements, and there may be an opportunity for EQC to look at adjusting its own self-evaluation mechanisms.

This item was taken out of order

L. Informational item: Commission recognition

Director Pedersen recognized Chair Blosser for his service on the commission. Commissioners and staff provided their thanks and comments for Chair Blosser’s work.

Chair Blosser adjourned the regular commission meeting at 12:15 p.m., prior to the executive session held over a working lunch.

Lunch and executive session

Commissioners, legal counsel and some DEQ staff met for a working lunch and executive session from approximately 12:15 to 2 p.m. The session was held pursuant to ORS 192.660(2) (h).

O. This item was removed from the agenda

2013 EQC meetings

Aug. 21-22, 2013: La Grande

Oct. 16-17, 2013: Tillamook

Dec. 11-12, 2013: Portland