



# Considerations

## Workbook Summary

### Increase water quality permit fees by up-to-3 percent to address increasing program costs.

Surface Water Mgmt. Section - water quality

#### Brief description of rule proposal

The 2005 Oregon Legislature adopted a recommendation that authorizes the EQC to raise fees annually in an amount not to exceed the anticipated increase in the cost of administering the permit program or 3 percent, whichever is lower. This rulemaking will increase water quality permit fees by up-to-3 percent. Permit fees will increase for most water quality permits. Fee increases were adopted by the EQC in 2007 (3 percent), 2008 (3 percent), 2010 (3 percent) and 2011 (2 percent).

#### Worksheets

	Do nothing severity rating	Risk rating low → high
1 <a href="#">Warm up</a>		
2 <a href="#">Basics</a>		
3 <a href="#">Stakeholders</a>		
4 <a href="#">Program</a>		
5 <a href="#">Environmental</a>		
6 <a href="#">Timing</a>		
7 <a href="#">Financial</a>		
8 <a href="#">Legal</a>		
9 <a href="#">Technical</a>		
10 <a href="#">Policy</a>		
11 <a href="#">Political</a>		
12 <a href="#">Implementation</a>		

#### Schedule

legislative session

2012				2013				2014			
Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
			<Start	---	Effective>						
				<AdvCom>							
				<Notice>							
				EQC							



#### Environmental

The proposed rules have no direct correlation to the environment.

#### The proposed rules involve

Compliance	not involved
Penalties	not involved
Permits, certifications	involved, not new or expanded
Fees	increase existing
State Implementation Plan	not involved
Land use rules	involved

## Ideal

What we want to happen.

EQC adopts fee increase with little to no opposition from stakeholders.

## Alternatives considered

The only alternative is to do nothing.

## Reality

What we are trying to change.

Current fees do not provide enough revenue to keep up with increasing program costs.

## Research/data needed

BSD Budget Analyst will provide amount of fee increase using a budget model.

## Consequences

What will happen if we don't change.

Permitting program expenses may exceed fee revenue.

## Models

The budget model for fee increases already exists and has been used in previous years.

## Public involvement

Interest in this proposal is low. DEQ plans to use our standing committee and estimates we will meet 1 times. We plan to ask the committee to provide advice.

## Affected parties

Business


Manufacturing


City/county/state


Individuals


Custom entry


Custom entry


 affects thousands currently regulated

 affects hundreds currently regulated

 affects hundreds currently regulated

 affects hundreds currently regulated

 not affected

 not affected

Monday, October 15, 20





## 1 Warmed up

Action	Object	Driver
carry out	Oregon law	stable funding source

### Optional discussion

### Process improvement

Monday, October 15, 2012

The 2005 Oregon Legislature adopted a recommendation that authorizes the EQC to raise fees annually in an amount not to exceed the anticipated increase in the cost of administering the permit program or 3 percent, whichever is lower . This rulemaking will increase water quality permit fees by up-to-3 percent. Permit fees will increase for most water quality permits. Fee increases were adopted by the EQC in 2007 (3 percent), 2008 (3 percent), 2010 (3 percent) and 2011 (2 percent).

## Strengths/weaknesses going into rulemaking

## Ideal - What do we envision?

## Reality - What are we trying to change?

## Consequences - What will happen if we do nothing?

## Alternatives to rulemaking already considered or to explore

Short	The only alternative is to do nothing.
Long	blank

Research or data needed to develop proposal

Short

BSD Budget Analyst will provide amount of fee increase using a budget model.

Long

blank

Models that could be leveraged for this proposal

Short

The budget model for fee increases already exists and has been used in previous years.

Long

blank

Land Use/SIP

Land use rules

Y

State Implementation Plan

Out of the scope for this proposal

Topic	Reasoning

Compliance, penalties, permits, certifications, registrations and licensing

	Extent that proposal addresses listed items				
	n/a	Reduced	Involved	New	Expanded
Compliance	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
Penalties	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
Water quality					
NPDES permit	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
Sewage Disposal Service Business Licensing	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
Stormwater Discharge permit	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
UIC Registration/Permits	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
WastewaterSystem Operator Certification	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
Water Pollution Control Facilities Permit	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
Water Quality Permit Program	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
Enter custom item here	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
Enter custom item here	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>
Enter custom item here	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>	<div><div></div></div>

**Optional discussion**

**Reminders**

**Process improvement**

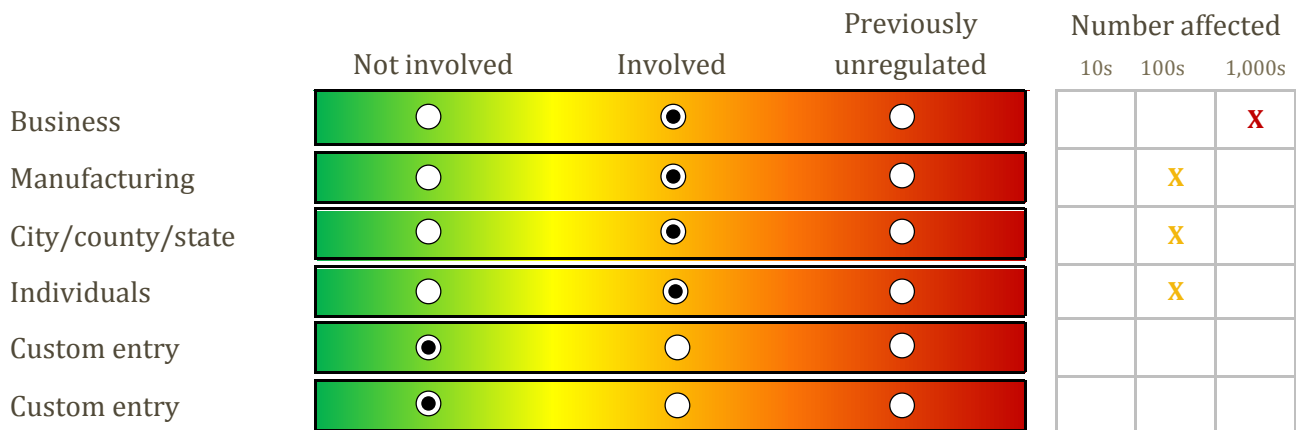


### 3 Stakeholders and public involvement

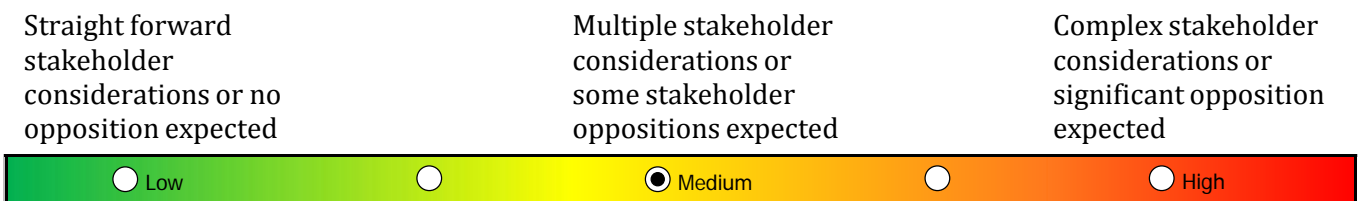
p-to-3 percent to address increasing program costs.

"The Legislative Assembly finds and declares that it is the policy of this state that whenever possible the public be involved in the development of public policy by agencies and in the drafting of rules. The Legislative Assembly encourages agencies to seek public input to the maximum extent possible before giving notice of intent to adopt a rule. The agency may appoint an advisory committee that will represent the interests of persons likely to be affected by the rule, or use any other means of obtaining public views that will assist the agency in drafting the rule." ORS 183.333

#### Affected parties



#### Stakeholder complexity



#### External stakeholder interest

Selecting an interest level indicates the group to the left is a stakeholder.

Group	Interest	Riskometer
Regulated community	minor interest	
Business and industry	minor interest	
Environmental groups	minor interest	
Public	no interest	
State legislators	no interest	
Federal environmental regulators	no interest	
Other state and federal agencies	no interest	
Local governments	minor interest	
Tribal nations	no interest	

Custom entry

does not apply

6 7 8 9

Custom entry

does not apply

6 7 8 9

Interest average

6 7 8 9

Optional stakeholder information

## Advisory committee appointment



- ☐ No advisory committee
- ☒ Use a standing committee
- ☐ Reconvene a committee
- ☐ Convene a new committee

### Type of committee (check all that apply)

- ☒ Fiscal
- ☐ Policy
- ☐ Technical
- ☐ Implementation
- ☐ Scientific
- ☐ Rule language
- ☐ Legally required
- ☐ Custom entry

No. of meetings

1

Describe appointment strategy

Review fiscal impact statement only.

Describe how DEQ will use their input

Modify proposal as appropriate.

## Information meetings/hearings during public notice

### Information meetings/hearings

- ☒ Portland area
- ☒ Regional

No. of meetings

1,2 or 3

### Public notice

- ☐ No public notice
- ☐ Public notice, no hearing
- ☒ Public notice with hearing
- ☐ Re-notice

Optional hearing information

Number of hearings to be decided.

## Reminders

## Process improvement

October 15, 2012

## 4 Program

Increase water quality permit fees by up-to-3 percent to address increasing program costs.

**Program name**

**Media**

### Program consequences of doing nothing

**Severity**

medium				
1	2	3	4	5

☐

- ☐ Loss of delegation
- ☐ Failure to keep commitment
- ☐ Failure to respond to legislature
- ☐ Increased difficulty doing business
- ☐ Unclear administrative rules
- ☐ Loss of reputation
- ☒ Loss of needed revenue
- ☐ Enter custom consequences here

### Subject program considerations

### Other DEQ program considerations

### Dependencies

Not dependent on  
success of other  
projects/programs or  
no legislation

Some dependence on  
success of other  
projects/programs or  
legislation required

Fully dependent on  
success of other  
projects/programs or  
potentially controversial  
legislation needed

<input checked="" type="radio"/> Low	<input type="radio"/>	<input type="radio"/> Medium	<input type="radio"/>	<input type="radio"/> High
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### Optional dependency information

### Include program considerations in:

Committee charter  
Message map  
Proposal

Y

**Complexity**

potential for minor complexity				
1	2	3	6	

### Reminders

**Process Improvement**



Monday, October 15, 2012

## 5 Environmental

Increase water quality permit fees by up-to-3 percent to address increasing program costs.

The proposed rules have no direct correlation to the environment.

**The team does not need to complete this worksheet.**

### Environmental consequences of doing nothing

Severity

does not apply

- ☐ Science does not apply to Oregon
- ☐ Delay in public health protection
- ☐ Adverse effect on vulnerable populations
- ☐ Adverse effect on environmental justice communities
- ☐ Enter custom environmental consequence here
- ☐ Enter custom environmental consequence here

### Describe environmental considerations

### Environmental reach

Select the most expansive environmental reach of this proposed rule.

Local

Regional OR

Statewide

Regional US

National

Beyond



### Links

#### [2011-2015 EPA Strategic Plan](#)

The proposed rules align with actions in the EPA Strategic Plan:

- ☐ Taking Action on Climate Change/Improving AQ
- ☐ Protecting America's Waters
- ☐ Ensuring Safety of Chemicals/Preventing Pollution
- ☐ Enforcing Environmental Laws
- ☐ Cleaning Up Communities/Advancing Sustainable Development

#### [the Natural Step](#)

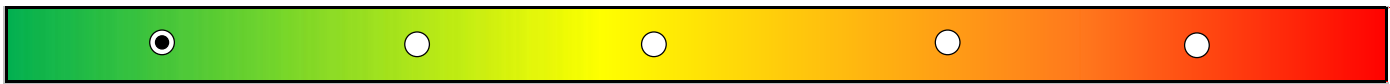
The proposed rules support the elimination of Oregon's contribution to:

- ☐ The progressive buildup of substances extracted from the Earth's crust (for example, heavy metals and fossil fuels)
- ☐

- ☐ The progressive buildup of chemicals and compounds produced by society (for example, dioxins, PCBs, and DDT)
- ☐ The progressive physical degradation and destruction of nature and natural processes (for example, over harvesting forests and paving over critical wildlife habitat)
- ☐ Conditions that undermine people's capacity to meet their basic human needs (for example, unsafe working conditions and not enough pay to live on)

## Environmental data

No new data; Leverage existing data or methods; No accuracy, applicability or reliability uncertainties; Easy to explain in common language	Some uncertainty about leveraging existing data, it's accuracy or applicability; Data or methods need translating into common language; Potential for stakeholder mistrust	Original or unique data; Potential sources of error; Challenging translation to common language; High probability for
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## Include environmental consideration in:

Committee charter ☐

Message map ☐

Proposal ☐

**Complexity**

does not apply

6

## Reminders

## Process Improvement

Monday, October 15, 2012

## 6 Timing

Increase water quality permit fees by up-to-3 percent to address increasing program costs.

### Rationale for developing proposal now - drivers

Anticipated EQC date of June 2013 to align with fiscal year.



Consider any challenges to the rulemaking for each activity below that may occurs during a legislative session (Q1 of even years, Q1 and Q2 of odd years.)

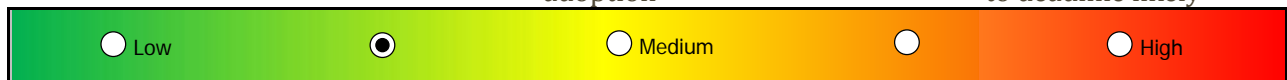
	START		END	
	Year	Qtr	Year	Qtr
Start	2012	4		
Advisory committee	2013	1	2013	1
Rulemaking notice	2013	1	2013	1
EQC Action	2013	2		
Effective	2013	2		

### Timing challenges

No challenge in meeting rule adoption

Compressed or extended timeframe for rule adoption

Difficult schedule, no contingencies allowed, uncontrolled changes to deadline likely



### Include timing rationale above in:

Committee charter	<input type="checkbox"/>
Message map	<input checked="" type="checkbox"/>
Proposal	<input type="checkbox"/>

### Complexity

potential for moderate complexity



### Reminders

Potential delays may occur due to stakeholder opposition.

### Process Improvement

Monday, October 15, 2012

## 7 Financial

Increase water quality permit fees by up-to-3 percent to address increasing program costs.

### Funding source

Rulemaking	unknown
Implementation	unknown

### Financial consequences of doing nothing

- ☐ Loss of program funding
- ☒ Failure to address costs
- ☐ Loss of federal funding
- ☒ Insufficient funding
- ☐ Failure to address undue burden
- ☐ Enter custom financial consequence here
- ☐ Enter custom financial consequence here

Severity

medium
1 2 3 4 5 6

Optional notes


### Fees

#### Action

- ☐ Establish new fees
- ☒ Increase existing fees
- ☐ Decrease existing fees

#### DAS Fee Approval

☐

Required

☒

Exempt under ORS 291.55(2)(d)

☐

Exempt under ORS 291.55(2)(m)

Authority to adopt, amend or repeal fees:

ORS

### Fiscal impact on:

Regulated community  
Small business (50 emp or less)  
Business and industry  
Local governments  
Other state or federal agencies  
Public  
DEQ  
Program -Air Quality  
Custom entry  
Custom entry

#### Impact

moderate cost increase
moderate cost increase
moderate cost increase
moderate cost increase
moderate cost increase
moderate cost increase
no fiscal impacts
no fiscal impacts
no fiscal impacts
no fiscal impacts

#### Riskometer

1 2 3 4 5 6	1 2 3 4 5 6
1 2 3 4 5 6	1 2 3 4 5 6
1 2 3 4 5 6	1 2 3 4 5 6
1 2 3 4 5 6	1 2 3 4 5 6
1 2 3 4 5 6	1 2 3 4 5 6
1 2 3 4 5 6	1 2 3 4 5 6
6	6
6	6
6	6
6	6
1 2 3 4 5 6	1 2 3 4 5 6

Fiscal impact average

Optional fiscal discussion



## Invoicing system

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Develop new     | <input type="checkbox"/> CHRIS              | <input type="checkbox"/> TRAACS           |
| <input type="checkbox"/> Access database | <input type="checkbox"/> HazWaste Invoicing | <input type="checkbox"/> UST Invoice.new  |
| <input type="checkbox"/> Access template | <input type="checkbox"/> SWIFT              | <input checked="" type="checkbox"/> WQSIS |
| <input type="checkbox"/> Custom entry    | <input type="checkbox"/> Custom entry       | <input type="checkbox"/> Custom entry     |

**Since an invoicing system is involved with this rulemaking, please consult with resource system owner early in the rulemaking process.**

## Description

Update fee amounts in WQSIS.

## Include description above in:

Committee charter	<input type="checkbox"/>
Message map	<input type="checkbox"/> Y
Proposal	<input type="checkbox"/>

Complexity

potential for moderate



## Reminders

## Process improvement

Monday, October 15, 2012

## 8 Legal

ter quality permit fees by up-to-3 percent to address increasing program costs.

### Current authority

ORS 454.625, 468.020, 468.065	links	links

### Requirement

Environmental Quality Commission		

### Dependencies

None		

### Legal consequences of doing nothing

- ☐ Rules will not align with the law
- ☐ Risks noncompliance
- ☐ Failure to comply with Clean Water Act
- ☐ Failure to comply with Clean Air Act
- ☐ Failure to comply with Resource Conservation and Recovery Act
- ☐ Enter custom legal consequence here
- ☐ Enter custom legal consequence here

#### Severity

does not apply

6

#### Optional notes


### Describe legal consideration

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### Include description above in:

Committee charter

Message map

Proposal


#### Complexity

definitely not complex

6

### Reminders

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### Process improvement

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## 9 Technical

Increase water quality permit fees by up-to-3 percent to address increasing program costs.

### Describe technical considerations

### Innovation

No new technology,  
development, methods,  
production or tools

New techniques but with stable  
application, known techniques  
but with new application

New or untried technology,  
development, methods or  
tools, high degree of  
complexity or uncertainty



### Infrastructure

No new infrastructure  
requirements

Infrastructure required,  
packaged software, data  
migration, some links to other  
internal or external systems

Significant infrastructure  
requirements, complex data  
migration, extensive or complex  
links to internal/external systems



### Include technical considerations below in:

Committee charter

Message map

Proposal

☐  
☐  
☐

Complexity

does not apply

6

### Reminders

### Process improvement

Monday, October 15, 2012

## 10 Policy

use water quality permit fees by up-to-3 percent to address increasing program costs.

### Describe policy considerations

### Policy risks

Policy is very clear, high assurance policy will be developed or no need for

Developing clear policy, some assurance clear policy will be developed

Policy lacks clarity, low assurance that clear policy will be developed



### Include policy consideraion below in:

- Committee charter ☐
- Message map ☐
- Proposal ☐

### Complexity

definitely not complex

1 6

### Reminders

### Process improvement

Monday, October 15, 2012

## 11 Political

7 permit fees by up-to-3 percent to address increasing program costs.

### Describe political considerations

Stakeholders may provide opposition with regards to the 60:40 funding split. This rulemaking has been completed several times in years past and usually receives little attention.

### Include political consideration below in:

Committee charter	<input type="checkbox"/>
Message map	Y
Proposal	<input type="checkbox"/>

### Complexity

potential for moderate complexity



### Reminders

### Process improvement

Monday, October 15, 2012

12 Implementation

Increase water quality permit fees by up-to-3 percent to address increasing program costs.

Describe implementation considerations

Forms and website will need to be updated. Internal and external notifications to be sent based on EQC approval.

Include description below in:

- Committee charter
- Message map
- Proposal

Complexity

potential for minor complexity

126

Reminders

Process improvement