

# ADMINISTRATIVE RULES

(3) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision or probation status.

(4) Proper Hygiene Standards: Practicing a level of personal cleanliness and grooming necessary to maintain good health and to avoid body odor or bad breath.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: CD 25-1978, f. 9-13-78, ef. 9-15-78; CD 17-1981(Temp), f. & ef. 6-30-81; CD 40-1981, f. & ef. 10-30-81; CD 17-1985, f. & ef. 8-2-85; CD 5-1987, f. & ef. 1-20-87; CD 17-1990, f. & cert. ef. 9-17-90; CD 22-1993, f. 9-15-93, cert. ef. 10-1-93; DOC 12-2013, f. & cert. ef. 11-1-13

## 291-123-0015

### Procedures

(1) Personal Appearance:

(a) A new identification photograph will be taken whenever an inmate's appearance substantially varies from the current photograph.

(b) Fingernails will be neatly trimmed and clean and will not be of a length that presents a hazard to safety and security. When looking at the hand palm side up, the fingernails will not extend past the fingers and shouldn't be visible from that view or otherwise.

(c) Inmates will not tattoo themselves or others; pierce theirs or others' ears, noses, or other body parts.

(2) Personal Hygiene:

(a) Head and facial hair must be maintained daily in a clean and neat manner.

(b) If a hair search needs to be conducted by staff, it may be necessary to require that the inmate unbraid, loosen, or cut the hair to complete the search.

(c) Inmates who work with machinery and whose hair length, in the judgment of staff, poses a safety or health problem must wear protective hair covering when performing their job assignment in conformance with OSHA guidelines.

(d) Haircuts and styles which draw undue attention to an individual or group will not be allowed.

(e) The only hair styling items permitted shall be those purchased through the commissary or issued by the supervisor of the Barber/Cosmetology Program. Hair styling items will only be used in the inmate's assigned cell/bunk housing area or the Barber/Cosmetology area.

(f) Eyebrows will not be removed or their appearance altered in a manner that draws undue attention to an individual.

(3) Showers:

(a) Inmates will be afforded the opportunity to shower at least three times weekly unless security staff availability, space limitations, or safety considerations dictate otherwise as authorized by the functional unit manager. Facility standards may require more frequent showering for inmates on specific program or work assignments. Shower schedules and instructions for use will be posted at each institution.

(A) Inmates shall maintain proper hygiene standards. Inmates who fail to maintain proper hygiene standards may be directed by staff to correct deficiencies in order to maintain a minimally acceptable level of personal hygiene and to protect the health and safety of the inmate, other inmates, and staff.

(B) Inmates with medical conditions may require more or less frequent showering than the rest of the inmate population based upon documented medical need and directive or Behavioral Health Services need and directive.

(b) Towels and shower caps will be worn only in the shower area or assigned cell/bunk area.

(4) Personal Hygiene Supplies:

(a) Toiletry items for showering and other personal hygiene requirements will be issued to each inmate.

(b) Inmates will be permitted to possess personal hygiene items authorized for purchase from the commissary.

(c) Information regarding provision of supplies will be provided to inmates at each institution.

(5) Clothing:

(a) Inmates will be issued DOC clothing that is properly fitted, durable, presentable, and suitable for the activity in which the inmate may be involved.

(b) Inmates must be properly attired outside their cell/bunk area as stated in the inmate handbook.

(c) Inmates may be permitted to wear department-approved personally owned or other non-uniform civilian type clothing as approved by the functional unit manager.

(A) Non-uniform clothing designated for release will be maintained by the institution in the receiving and release area as determined by each facility.

(B) Upon return to department custody, the inmate will change into institutional uniform clothing and enter population.

(d) Any clothing that is associated with an unauthorized organization will not be permitted.

(e) All clothing must be worn in a manner for which it was designed.

(f) Clothing will not be altered unless authorized by the functional unit manager/designee.

(g) Inmates shall ensure their clothing is in good repair and neat appearance.

(h) Information regarding issue, exchange, repairs, and proper wearing will be provided to inmates at each institution.

(6) Sanitation:

(a) Cleaning activities will be supervised at all times. Each inmate is responsible for maintaining an acceptable level of sanitation of his/her living area.

(b) Any condition conducive to harboring or breeding insects, rodents, or other vermin will be referred immediately to the safety manager for immediate corrective action. Licensed pest control professionals will be used when necessary to clean or fumigate the facility.

(c) Liquid and solid wastes will be collected, stored, and disposed of in a manner that will avoid nuisance and hazards and protect the health and safety of inmates and staff in accordance with the requirements in the Department of Corrections policy on Hazard Communications (20.6.8) and other appropriate department directives.

(d) Provisions will be made for at least weekly exchange of linen. A cleaning schedule for linen and bedding will be published in inmate newsletters as appropriate. Each facility will ensure the issue of bedding and linen is sufficient to provide comfort under existing temperature conditions.

(e) A cleaning or exchange schedule for linens will be established for each institution.

(f) All areas will be inspected daily by those responsible to ensure that the work performed is consistent, proper and thorough, and the equipment and supplies are not wasted.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: CD 25-1978, f. 9-13-78, ef. 9-15-78; CD 17-1981(Temp), f. & ef. 6-30-81; CD 40-1981, f. & ef. 10-30-81; CD 17-1985, f. & ef. 8-2-85; CD 5-1987, f. & ef. 1-20-87; CD 17-1990, f. & cert. ef. 9-17-90; CD 22-1993, f. 9-15-93, cert. ef. 10-1-93; DOC 9-2001, f. & cert. ef. 3-21-01; DOC 12-2013, f. & cert. ef. 11-1-13

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**Rule Caption:** Validation and Evaluation for classification risk instrument in Community Corrections

**Adm. Order No.:** DOC 13-2013

**Filed with Sec. of State:** 11-1-2013

**Certified to be Effective:** 11-1-13

**Notice Publication Date:** 6-1-2013

**Rules Repealed:** 291-078-0045

**Subject:** This rule is no longer needed. The validation and evaluation of the instrument is covered under OAR 291-078-0031

**Rules Coordinator:** Janet R. Worley—(503) 945-0933

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## Department of Environmental Quality Chapter 340

**Rule Caption:** Increase most water quality permit fees 2.9 percent to address program costs

**Adm. Order No.:** DEQ 8-2013

**Filed with Sec. of State:** 10-23-2013

**Certified to be Effective:** 11-1-2013

**Notice Publication Date:** 8-1-2013

**Rules Amended:** 340-045-0075, 340-071-0140

**Subject:** The EQC amended rules to increasing most water quality permit fees by 2.9 percent.

Regulated parties include individuals, private businesses and government agencies.

Permit fees would increase for most National Pollutant Discharge Elimination System, Water Pollution Control Facility, and Water Pol-

## ADMINISTRATIVE RULES

lution Control Facility -Onsite septic system permits. The fee increase would not affect:

Suction dredge permits. These fees are set in statute and can only be changed by the Oregon Legislature.

Graywater permits, in an effort to encourage graywater reuse.

Small offstream mining operations under permit WPCF 600. There are no application fees or annual fees for this type of permit.

**Rules Coordinator:** Maggie Vandehey—(503) 229-6878

### 340-045-0075

#### Permit Fee Schedule

(1) The fee schedule for onsite sewage disposal system permits, including WPCF permits, and graywater reuse and disposal system WPCF individual permits is found in OAR chapter 340, division 071.

(2) The department has established fees for various industrial, domestic and general permit categories. The industrial and domestic permit categories and fees are listed in Tables 70B and 70C. The general permit categories are defined in OAR 340-045-0033 and the fees are listed in Table 70G.

(3) The department must consider the following criteria when classifying a facility for determining applicable fees. For industrial sources that discharge to surface waters, discharge flowrate refers to the system design capacity. For industrial sources that do not discharge to surface waters, discharge flow refers to the total annual flow divided by 365:

(a) Tier 1 industry. A facility is classified as a Tier 1 industry if the facility:

- (A) Discharges at a flowrate that is greater than or equal to 1 mgd; or
- (B) Discharges large biochemical oxygen demand loads; or
- (C) Is a large metals facility; or
- (D) Has significant toxic discharges; or
- (E) Has a treatment system that will have a significant adverse impact on the receiving stream if not operated properly; or
- (F) Needs special regulatory control, as determined by the department.

(b) Tier 1 domestic facility. A facility is classified as a Tier 1 domestic facility if the facility:

- (A) Has a dry weather design flow of 1 mgd or greater; or
- (B) Serves an industry that can have a significant impact on the treatment system.

(c) Tier 2 industry or domestic facility: does not meet Tier 1 qualifying factors.

(4) New-permit application fee. Unless waived by this rule, the applicable new-permit application fee listed in Table 70A, 70C or 70G (available on the department's website or upon request) must be submitted with each application. The amount of the fee is based on the facility category and type of permit (e.g., individual vs. general).

(5) Permit modification fee. Permit modification fees are listed in Tables 70A and 70C (available on the department's website or upon request). They vary with the type of permit, the type of modification and the timing of modification as follows:

(a) Modification at time of permit renewal:

(A) Major modification — involves an increase in effluent limitations or any other change that involves significant analysis by the department;

(B) Minor modification — does not involve significant analysis by the department.

(b) Modification prior to permit renewal:

(A) Major modification — involves an increase in effluent limitations or any other change that involves significant analysis by the department. A permittee requesting a significant modification to their permit may be required by the department to enter into an agreement to pay for these services according to ORS 468.073. ORS 468.073 allows the department "to expedite or enhance a regulatory process by contracting for services, hiring additional staff or covering costs of activities not otherwise provided during the ordinary course of department business;"

(B) Minor modification — does not involve significant analysis by the department.

(6) Annual fees. Applicable annual fees for General and Industrial permit holders may be found in Tables 70G and 70B (available on the department's website or upon request). Annual fees for domestic sources may also be found in Table 70C (available on the department's website or upon request), and consist of the following:

(a) Base annual fee. This is based on the type of treatment system and the dry weather design flow;

(b) Population-based fee. A permit holder with treatment systems other than Type F (septage alkaline stabilization facilities) must pay a pop-

ulation-based fee. The applicable fee may be found in Table 70D (available on the department's website or upon request);

(c) Pretreatment fee. A source required by the department to administer a pretreatment program pursuant to federal pretreatment program regulations (40CFR, Part 403; January 29, 1981 and amendments thereto) must pay an additional annual fee plus a fee for each significant industrial user specified in their annual report for the previous year. The applicable fee may be found in Table 70E (available on the department's website or upon request).

(7) Technical activities fee. Technical activity fees are listed in Tables 70F and 70H (available on the department's website or upon request). They are categorized as follows:

(a) All permits. A permittee must pay a fee for NPDES and WPCF permit-related technical activities. A fee will be charged for initial submittal of engineering plans and specifications. Fees will not be charged for revisions and re-submittals of engineering plans and specifications or for facilities plans, design studies, reports, change orders, or inspections;

(b) General permits. A permittee must pay the technical activity fee shown in Table 70H (available on the department's website or upon request) when the following activities are required for application review:

(A) Disposal system plan review;

(B) Site inspection and evaluation.

(8) For permits administered by the Oregon Department of Agriculture, the following fees are applicable until superseded by a fee schedule established by the Oregon Department of Agriculture:

(a) WPCF and NPDES General Permits #800 for Confined Animal Feeding Operations Filing Fee — \$50;

(b) Individual Permits:

(A) Filing Fee — \$50;

(B) New applications — \$6,280;

(C) Permit renewals (including request for effluent limit modifications) — \$3,140;

(D) Permit renewals (without request for effluent limit modifications) — \$1,416;

(E) Permit modifications (involving increase in effluent limit modifications) — \$3,140;

(F) Permit modifications (not involving an increase in effluent limitations) — \$500;

(G) Annual compliance determination fee for dairies and other confined feeding operations — \$705;

(H) Annual compliance determination fee for facilities not elsewhere classified with disposal of process wastewater — \$1,885;

(I) Annual compliance determination fee for facilities not elsewhere classified that dispose of non-process wastewater (e.g., small cooling water discharges, boiler blowdown, filter backwash, log ponds) — \$1,180.

(c) Annual compliance determination fee for facilities that dispose of wastewater only by evaporation from watertight ponds or basins — \$705.

(9) A surcharge in the amount listed below is imposed on municipalities that are permittees as defined in 2007 Oregon Laws chapter 696, section 2. The surcharge is imposed to defray the cost of conducting and administering the study of persistent pollutants discharged in the State of Oregon required under 2007 Oregon Laws chapter 696, section 3. A permittee subject to the surcharge must pay one half of the surcharge on or before July 15, 2008 and the other half of the surcharge on or before July 15, 2009.

Each municipality will pay a surcharge based on a dry weather design flow in millions of gallons per day (mgd) as follows:

less than 5 mgd = \$6,975.

5 mgd to 9.9 mgd = \$13,950.

10 mgd and greater = \$20,925.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 468.020, 468B.020 & 468B.035

Stats. Implemented: ORS 468.065, 468B.015, 468B.035 & 468B.050

Hist.: DEQ 113, f. & ef. 5-10-76; DEQ 129, f. & ef. 3-16-77; DEQ 31-1979, f. & ef. 10-1-79; DEQ 18-1981, f. & ef. 7-13-81; DEQ 12-1983, f. & ef. 6-2-83; DEQ 9-1987, f. & ef. 6-3-87; DEQ 18-1990, f. & cert. ef. 6-7-90; DEQ 10-1991, f. & cert. ef. 7-1-91; DEQ 9-1992, f. & cert. ef. 6-5-92; DEQ 10-1992, f. & cert. ef. 6-9-92; DEQ 30-1992, f. & cert. ef. 12-18-92; DEQ 20-1994, f. & cert. ef. 10-7-94; DEQ 4-1998, f. & cert. ef. 3-30-98; Administrative correction 10-22-98; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 2-2002, f. & cert. ef. 2-12-02; DEQ 7-2004, f. & cert. ef. 8-3-04; DEQ 5-2005, f. & cert. ef. 7-1-05; DEQ 11-2006, f. & cert. ef. 8-15-06; DEQ 5-2007, f. & cert. ef. 7-3-07; DEQ 8-2008, f. 6-27-08, cert. ef. 7-1-08; DEQ 7-2010, f. 8-27-10, cert. ef. 9-1-10; DEQ 9-2011, f. & cert. ef. 6-30-11; DEQ 15-2011, f. & cert. ef. 9-12-11; DEQ 6-2012, f. 10-31-12, cert. ef. 11-1-12; DEQ 8-2013, f. 10-23-13, cert. ef. 11-1-13

### 340-071-0140

#### Onsite System Fees

(1) This rule establishes the fees for site evaluations, permits, reports, variances, licenses, and other services the department provides under this division.

## ADMINISTRATIVE RULES

(2) Site evaluation and existing system evaluation fees are listed in Table 9A. [Table not included. See ED. NOTE.]

(3) Permitting fees for systems not subject to WPCF permits are listed in Table 9B and Table 9C. [Table not included. See ED. NOTE.]

(4) WPCF permit fees. Fees in this section apply to WPCF permits issued pursuant to OAR 340-071-0162. WPCF permit fees are listed in Table 9D. [Table not included. See ED. NOTE.]

(5) Innovative or Alternative Technology or Material Review fees are listed in Table 9F. [Table not included. See ED. NOTE.]

(6) Material Plan Review fees are listed in Table 9F. [Table not included. See ED. NOTE.]

(7) Sewage Disposal Service License and Truck Inspection fees are listed in Table 9E. [Table not included. See ED. NOTE.]

(8) Contract county fee schedules.

(a) Each county having an agreement with the department under ORS 454.725 must adopt a fee schedule for services rendered and permits issued. The county fee schedule may not include the department's surcharge established in section (9) of this rule unless identified as a department surcharge.

(b) A copy of the fee schedule and any subsequent amendments to the schedule must be submitted to the department.

(c) Fees may not exceed actual costs for efficiently conducted services.

(9) Department surcharge.

(a) To offset a portion of the administrative and program oversight costs of the statewide onsite wastewater management program, the department and contract counties must levy a surcharge for each site evaluation, report permit, and other activity for which an application is required in this division. The surcharge fee is listed in Table 9F. [Table not included. See ED. NOTE.] This surcharge does not apply to sewage disposal service license applications, pumper truck inspections, annual report evaluation fees, or certification of installers or maintenance providers.

(b) Proceeds from surcharges collected by the department and contract counties must be accounted for separately. Each contract county must forward the proceeds to the department in accordance with its agreement with the department.

(10) Refunds. The department may refund all or a portion of a fee accompanying an application if the applicant withdraws the application before any field work or other substantial review of the application has been done.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 454.625, 468.020 & 468.065(2)

Stats. Implemented: ORS 454.745, 468.065 & 468B.050

Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 19-1981, f. 7-23-81, ef. 7-27-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 13-1986, f. & ef. 6-18-86; DEQ 15-1986, f. & ef. 8-6-86; DEQ 6-1988, f. & cert. ef. 3-17-88; DEQ 11-1991, f. & cert. ef. 7-3-91; DEQ 18-1994, f. 7-28-94, cert. ef. 8-1-94; DEQ 27-1994, f. & cert. ef. 11-15-94; DEQ 12-1997, f. & cert. ef. 6-19-97; Administrative correction 1-28-98; DEQ 8-1998, f. & cert. ef. 6-5-98; DEQ 16-1999, f. & cert. ef. 12-29-99; Administrative correction 2-16-00; DEQ 9-2001(Temp), f. & cert. ef. 7-16-01 thru 12-28-01; DEQ 14-2001, f. & cert. ef. 12-26-01; DEQ 2-2002, f. & cert. ef. 2-12-02; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 7-2008, f. 6-27-08, cert. ef. 7-1-08; DEQ 10-2009, f. 12-28-09, cert. ef. 1-4-10; DEQ 7-2010, f. 8-27-10, cert. ef. 9-1-10; DEQ 9-2011, f. & cert. ef. 6-30-11; DEQ 6-2012, f. 10-31-12, cert. ef. 11-1-12; DEQ 8-2013, f. 10-23-13, cert. ef. 11-1-13

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**Rule Caption:** Increase Air Contaminant Discharge Permit fees

**Adm. Order No.:** DEQ 9-2013(Temp)

**Filed with Sec. of State:** 10-24-2013

**Certified to be Effective:** 10-24-13 thru 4-22-14

**Notice Publication Date:**

**Rules Amended:** 340-210-0100, 340-216-0020, 340-216-0062, 340-216-0064

**Subject:** The 2013 Oregon Legislature approved Policy Package 111 as part of DEQ's budget bill, Senate Bill 5520. The policy package restores staff positions to the air contaminant discharge permit program based on an approximate 20 percent fee increase. DEQ expects that the annual revenue from a 20 percent fee increase will fully fund the permit program through 2017. The fees were last increased in 2007, also by 20 percent. The fee for an air contaminant discharge permit is not indexed to the consumer price index to provide regular inflationary increases.

Without the fee increase, DEQ would have cut 6.67 full-time equivalent positions dedicated to the permit program. The legislatively adopted budget authorizes DEQ to restore 3.67 of the 6.67 positions identified to be cut. DEQ cannot maintain adequate service in the program without restoring the 3.67 positions funded by the fee increase. DEQ is able to operate the program without the other

three positions permanently cut in the budget because of permitting process improvements.

DEQ proposes temporary rule amendments to increase air contaminant discharge permit fees by 20 percent. A temporary rule is needed to allow DEQ to issue permit invoices in October as scheduled and avoid a supplemental billing. DEQ will propose permanent rules for adoption in 2014.

The proposed rule amendments also revise the greenhouse gas reporting fees from 15 percent to 12.5 percent of the permit fee. DEQ considers this a technical correction to the greenhouse gas reporting fee. Greenhouse gas reporting is a separate program from air contaminant discharge permitting, but the greenhouse gas reporting fees are based on the permit fees. If the greenhouse gas reporting fees are not amended, facilities holding air contaminant discharge permits will inadvertently pay higher greenhouse gas reporting fees as a result of the proposed fee increase.

The proposed rule amendments also reduce an economic hardship that will result from correcting an invoicing error for facilities holding simple permits, which are a category of air contaminant discharge permits. DEQ recently became aware of the error through an audit of invoices going back nine years. DEQ determined that a large number of facilities holding simple permits were invoiced for a low annual fee, but do not meet the low fee criteria. The current rule requires facilities to pay all fees owed, including late fees; however, DEQ is proposing rules that will reduce the amount of fees owed for companies who are able to certify they were unaware they were underpaying the fees. Identifying which fee criteria a facility met was a complex process and DEQ is clarifying the process to prevent the invoice error from recurring. This is a one-time exemption and DEQ will not propose permanent rules for this exemption. The exemption would apply only to facilities that underpaid the simple permit annual fee for 2013 and earlier operating years.

**Rules Coordinator:** Maggie Vandehey — (503) 229-6878

### 340-210-0100

#### Registration in General

(1) Any air contaminant source not subject to Air Contaminant Discharge Permits, OAR 340 division 216, or Oregon Title V Operating Permits, OAR 340 division 218, must register with DEQ upon request pursuant to OAR 340-210-0110 through 340-210-0120.

(2) The owner or operator of an air contaminant source listed in subsection (2)(a) of this rule that is certified through a Department approved environmental certification program and subject to an Area Source NESHAP may register the source with DEQ pursuant to OAR 340-210-0110 through 340-210-0120 in lieu of obtaining a permit in accordance with OAR 340-216-0020, unless DEQ determines that the source has not complied with the requirements of the environmental certification program.

(a) The following air contaminant sources may be registered under this section:

(A) Motor vehicle surface coating operations.

(B) Dry cleaners using perchloroethylene.

(b) Approved environmental certification program. To be approved, the environmental certification program must, at a minimum, require certified air contaminant sources to comply with all applicable state and federal rules and regulations and require additional measures to increase environmental protection.

(c) Fees. In order to obtain and maintain registration, owners and operators of air contaminant sources registered pursuant to this section must pay the following annual fees by March 1 of each year:

(A) Motor vehicle surface coating operations — \$288.00.

(B) Dry cleaners using perchloroethylene — \$216.00.

(C) Late fees.

(i) 8-30 days late: 5% of annual fee.

(ii) 31-60 days late: 10% of annual fee.

(iii) 61 or more days late: 20% of annual fee.

(D) Failure to pay fees. Registration is automatically terminated upon failure to pay annual fees within 90 days of invoice by DEQ, unless prior arrangements for payment have been approved in writing by DEQ.

(d) Recordkeeping. In order to maintain registration, owners and operators of air contaminant sources registered pursuant to this section must maintain records required by the approved environmental performance program under subsection (2)(b) of this rule. The records must be kept