**Email to Fiscal Advisory Committee Members**

Note: yellow highlight indicates where tailoring is needed to fit addressee

Dear XXXX,

This email is to confirm your participation as a member of the OR Department of Environmental Quality’s **Nonpoint Source and/or Toxics** Fiscal and Economic Impact Advisory Committee**(s)** associated with the *Corrections and Clarifications to Toxics and Nonpoint Source Regulations Rulemaking*. DEQ anticipates that the proposed changes will be adopted by the Environmental Quality Commission (EQC) in June 2013. DEQ is holding one meeting of the Fiscal and Economic Impact Advisory Committee scheduled for:

 **January 24 10:00 – 11:30 in Room EQC A, 10th Floor / 1:00 – 3:00 in Conference Room 10, 10th Floor**

 **DEQ Headquarters**

 **811 SW Sixth Avenue**

**Portland, OR 97204**

**Conference Call-In Number: 866-680-0146**

**Participant Code: 839266**

Participants may choose to conference call if traveling to DEQ Headquarters is inconvenient for you. Please let Andrea Matzke (contact information below) know if you will conference call in to the meeting. If you have been asked to be a member of both Advisory Committees, there will be a brief lunch break (on your own) between committee meetings. The following stakeholder groups have also been asked to participate in this Advisory Committee:

(As appropriate depending on addressed committee member)

**Farm Bureau**

**Association of Oregon Industries**

**Northwest Pulp and Paper Assocation**

**OR Association of Clean Water Agencies**

**Oregon Environmental Council**

**Columbia Rivers Inter-Tribal Fish Commission**

**\*Commercial fishing association (get spec. name)**

**Oregon Forest Industries Council**

**Oregon Small Woodlands Association**

**Oregon Cattlemen’s Association**

**Oregonians for Food and Shelter**

**Oregon Department of Agriculture**

**Oregon Department of Forestry**

As a committee member, you will be asked to review and provide input on the statement of need and fiscal and economic impact for the draft proposed rule revisions. A draft statement of need and fiscal and economic impact and proposed rule changes will be e-mailed to you no later than January 17. Please review the draft fiscal document in context of the proposed rule changes and be prepared to provide input, such as costs, benefits, and need of rulemaking at the January 24th meeting. Feel free to e-mail documents, materials, etc. supporting any input you may have to: Andrea Matzke: matzke.andrea@deq.state.or.us Koto Kishida: kishida.koto@deq.state.or.us

 **Background**

The *Corrections and Clarifications to Toxics and Nonpoint Source Regulations Rulemaking* is comprised of proposed changes to both toxics and nonpoint source regulations. Neither rulemaking presents policy issues that need to be considered. The proposed revisions are either non-substantive corrections or clarify the water quality standard consistent with the original intent. These rulemakings were combined for the purpose of program rulemaking efficiency. Given the non-substantive changes in these rulemakings, DEQ is conducting an abbreviated advisory committee process to focus on the fiscal impact statement for these rulemakings. As required for any rulemaking, DEQ is required to solicit information regarding any potential fiscal impact either of the rulemakings will present. DEQ will prepare two separate fiscal statements (i.e. one for the nonpoint source revisions and one for the toxics revisions) and hold two separate meetings to review the information DEQ develops. More information about these proposed revisions are described below.

*Nonpoint Source Rulemaking*

         DEQ is conducting a rulemaking to remove several provisions in its water quality rules addressing nonpoint source compliance with water quality standards. These nonpoint source provisions proposed for removal from the rules duplicate and may cause confusion regarding the statutory requirements contained in the Oregon Forest Practices Act and the Agriculture Water Quality Management Act.

        This issue has come to light through the temperature litigation, and as such, DEQ has agreed to recommend to the EQC that the EQC remove these rules since they are duplicative with Oregon statutes with respect to obligations of land owners and managers to meet water quality standards.

        DEQ has an agreement in principle with Northwest Environmental Advocates and EPA to conduct a rulemaking to remove most of these provisions by June 2012.

*Toxics Rulemaking*

         Separately, DEQ identified the need to make certain corrections to its toxics criteria rule and associated tables. In reviewing documentation to prepare for EPA’s upcoming action (by January 31, 2013) on DEQ’s 2004 aquatic life criteria, DEQ identified typographical errors, omissions, and needed text clarifications. In addition, DEQ identified several typos associated with the human health criteria adopted in 2011.

         In order to ensure that all the aquatic life criteria are effective upon EPA’s action (or as soon as possible thereafter), are easily found, and are clear and useable for regulatory purposes, DEQ is proposing to undertake this rulemaking now and couple the administrative process for this rulemaking with that for the nonpoint sources.

* A separate toxics rulemaking will follow this rulemaking to address more complex issues such as; revisions to and derivation of aquatic life toxics criteria to address the National Marine Fisheries Service’s recent biological opinion and other updates, as needed.

For questions about the nonpoint source proposed revisions, please contact Gene Foster or Koto Kishida.

Gene Foster, Manager

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Koto Kishida

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For questions about the toxics proposed revisions, please contact Jennifer Wigal or Andrea Matzke

Jennifer Wigal, Manager

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Andrea Matzke

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