

From: [BACHMAN Jeff](#)
To: [ROOT Jenny](#)
Subject: FW: Action needed: explanation of change to food processor category
Date: Tuesday, January 07, 2014 12:39:33 PM

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Oregon Dept. of Environmental Quality
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From: CARLOUGH Les
Sent: Friday, March 22, 2013 11:46 AM
To: BACHMAN Jeff; NOMURA Ranei
Cc: MOORE Beth; ADES Dennis R
Subject: RE: Action needed: explanation of change to food processor category

We sent the discussion draft to the advisory committee for their review in early March because we are meeting with them in two weeks. The draft contains all the things we'd developed in the various workgroups. Some of the ideas are still being evaluated. We told the advisory committee that there could be additional changes before and after we meet with them. We've always told the committee that we want their ideas and feedback so that we can make the best decisions for the regulatory system and the state, but that that we do not need consensus or committee approval and that DEQ will be making the final decision about what goes out for N&C. In other words, I think it better to include a placeholder so that people are at least aware that DEQ is considering a change to that provision, whether we ultimately do it or not.

I don't have an opinion on the substance of the change you are discussing as I don't know enough about it.

From: BACHMAN Jeff
Sent: Friday, March 22, 2013 11:01 AM
To: NOMURA Ranei; CARLOUGH Les
Cc: MOORE Beth; ADES Dennis R
Subject: RE: Action needed: explanation of change to food processor category

If the idea is that by removing the placeholder than we end discussion of the proposal, than I against removing placeholders. I would like to hear Les' thoughts on whether we can insert a change later that addresses something that was never raised with the advisory committee.

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From: NOMURA Ranei
Sent: Friday, March 22, 2013 10:59 AM

To: BACHMAN Jeff; CARLOUGH Les
Cc: MOORE Beth; ADES Dennis R
Subject: RE: Action needed: explanation of change to food processor category

The “major” refers to our fee structure so it should be changed to “Tier 1” just like the other change proposed at 340-012-0140(2)(E)(ii): “(ii) A person that has a ~~major~~ **Tier 1** industrial source NPDES permit.” When Dick did these rules we still referred to our fee structure with the terms major and minor. We have since changed our rules to use Tier 1 and Tier 2.

BTW – The reference in 340-012-0140(2)(E)(ii) to major industrial source NPDES permit includes food processors, which is why (iv) referred only to major WPCF permits. We only have three permit “categories”: industrial, domestic, and stormwater.

The stormwater managers do not like the idea of placeholder ideas going to the advisory committee that they do not agree with. I am working on talking with the permit managers today but I would imagine they have the same feeling.

From: BACHMAN Jeff
Sent: Friday, March 22, 2013 9:56 AM
To: NOMURA Ranei
Cc: MOORE Beth; CARLOUGH Les
Subject: RE: Action needed: explanation of change to food processor category

Beth sorry to drag you into this. The changes to the matrix language for the food processors and miners was prompted by a case that Susan Elworth did in which the current language in Div. 12 was inconsistent with the actual language in our permits and rules. For example, we don’t have a specific permit for a “major fruit or vegetable processing facility” or mines that process more than 500,000 cubic yards of material. This language was drafted by Dick Nichols in 2005 and we assumed that he had the nomenclature correct. I reviewed the language with Beth and it seemed to me that proposed language changes better captured the intent of the original language. If you or others in WQ disagree, I suggest we leave the current language in as a placeholder in the version that goes to the advisory committee and we work out any differences in the coming weeks.

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From: NOMURA Ranei
Sent: Thursday, March 21, 2013 5:39 PM
To: BACHMAN Jeff
Subject: Action needed: explanation of change to food processor category

Beth could not enlighten us on the food processor change. See my email to managers. The change will make a difference to 37 permittees so I’d like to be able to explain to the managers why we should do it.

I haven’t had time to look up the mining operations but I will do that tomorrow and let you know.

Thanks!

From: MOORE Beth
Sent: Thursday, March 21, 2013 4:18 PM
To: NOMURA Ranei; SCHNURBUSCH Steve; YELTON-BRAM Tiffany; HUTCHENS-WOODS Cheryl
Subject: RE: Extra info on food processors for your info. FW: Action needed: Input on Div 12 revisions that you may have not heard about

Hi. Ranei and Managers ...Jeff's e-mail correctly indicates we talked about the use of the term 'major' and 'tier 1.' That's about it. I am not in on the Div 12 workgroup.

From: NOMURA Ranei
Sent: Thursday, March 21, 2013 4:15 PM
To: SCHNURBUSCH Steve; YELTON-BRAM Tiffany; HUTCHENS-WOODS Cheryl; MOORE Beth
Subject: Extra info on food processors for your info. FW: Action needed: Input on Div 12 revisions that you may have not heard about
Importance: High

Beth – According to Jeff's email below, he discussed the revision to the language in Div 12 for food processors with you. Can you give us some background on why you thought it was okay to include all individual permits for food processors in the \$8000 rather than keep the rule as is, which is Tier 1 in \$8000 and Tier 2 in \$6000?

Steve, Tiffany, and Cheryl - The potential change in Div 12 dealing w/food processors will take what used to be "minor" (now known as Tier 1) food processors with individual permits, which are currently in the \$6000 matrix (soon to be \$8000), and put them into the \$8000 matrix (soon to be \$12000) matrix. I thought you might be interested in Beth's input as well as knowing how many food processors this would impact in your region to help you decide whether you can support this change. Here is the data from WQSI:

	Tier 1	Tier 2
ER	3	17
NWR		10
WR	1	10
total	4	37

The penalty matrices are tiered for Major, Moderate, and Minor violations as follows (red is proposed increase):

Class	Magnitude	\$8,000	\$12,000		\$6,000	\$8,000	
Class I	Major	8000	12000	50%	6000	8000	33%
	Moderate	4000	6000	50%	3000	4000	33%
	Minor	2000	3000	50%	1500	2000	33%
Class							

II	Major	4000	6000	50%	3000	4000	33%
	Moderate	2000	3000	50%	1500	2000	33%
	Minor	1000	1500	50%	750	1000	33%
Class III		750	1000	33%	500	750	50%

The proposed increases in the penalty matrices are just proposals at this time and may not happen; however, if the language of the proposed revision is not changed, the “smaller” food processors will be subject to the higher \$8,000 matrix.