

Draft Advisory Committee Charter

**Clean Fuels Program Corrections Rulemaking**

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# Background

The 2009 Oregon Legislature passed House Bill 2186 authorizing the Oregon Environmental Quality Commission to adopt rules to reduce lifecycle emissions of greenhouse gases from Oregon’s transportation fuels by 10 percent over a 10-year period.

The EQC adopted phase 1 rules on Dec. 7, 2012 that required Oregon transportation fuel producers and importers to register, keep records and report the volumes and carbon intensities of the transportation fuels they provide in Oregon.

The EQC adopted phase 2 rules on Jan. 7, 2015 that required Oregon transportation fuel importers to reduce the average carbon intensity of fuels they provide in Oregon by 10 percent over a 10-year period.

The 2015 Oregon Legislature passed Senate Bill 324 that removed the Dec. 31, 2015 sunset date in House Bill 2186 (2009) and further amended the Oregon Clean Fuels Program.

The EQC adopted updated rules on Dec. 9, 2015 to implement SB 324 (2015).

DEQ proposes to amend Oregon Clean Fuels Program rules under division 253 of chapter 340 of the Oregon Administrative Rules. The proposed rule changes would correct a miscalculation of how the clean fuel standards and the carbon intensity values of two fuel pathways were calculated in the rules adopted by the EQC on Dec. 9, 2015.

# Objectives and Scope

This committee is being convened solely to assess the fiscal and economic impact of the Clean Fuels Program Corrections Rulemaking. As ORS 183.333 requires, DEQ will ask the committee to consider the fiscal and economic impact of the proposed rules including:

* Whether the rules will have a fiscal impact, and if so, what the extent of that impact will be, and,
* Whether the rules will have a significant adverse impact on small businesses, and if so, provide recommendations on how DEQ can meet the requirements of ORS 183.540.[[1]](#footnote-1)

All other topics are out of scope of this committee.

# Roles

## Chair

Responsibilities of the Chair:

* Facilitate the conversation so the committee stays focused on the agenda and on intended outcomes of the meeting;
* Ensure that all perspectives are heard;
* Ensure that all members adhere to the process and ground rules;
* Facilitate comments and input from the public when relevant.

## Committee Members

In convening this committee, DEQ has selected members that reflect the range of entities both directly and indirectly affected by the scope of this rulemaking. Representatives should be able to consider the technical, fiscal and economic impact of the program for their business and/or organization that they represent. The committee will include representatives from:

* Importers of various transportation fuels - gasoline, diesel, ethanol, biodiesel, natural gas and propane;
* Large and small businesses that may be regulated parties, credit generators or brokers;
* The general public and conservation organizations with members that may be impacted by the program.

A roster of the committee members can be found here: <http://www.oregon.gov/deq/RulesandRegulations/Pages/Advisory/acleanfuelsupdate.aspx>.

DEQ expects the advisory committee members to evaluate information for accuracy and relevance to conditions in Oregon as well as contribute information and recommendations based on their professional expertise. These duties are advisory only.

DEQ expects committee members to:

* Participate actively in all scheduled meetings;
* Lead and contribute resources and time to committee endeavors;
* Comment constructively and in good faith.
* Consult with constituencies to inform them on the process and gather their input.
* Treat everyone and his or her opinions with respect.
* Avoid representing to the public or media the views of any other committee member or the committee as a whole.
* Keep an open mind.

## Support

DEQ’s Air Quality Planning section will be responsible for providing necessary support for the committee.

Meeting materials will be posted on the advisory committee webpage at: <http://www.oregon.gov/deq/RulesandRegulations/Pages/Advisory/acleanfuelscorrections.aspx>. DEQ will not prepare formal meeting minutes or a formal committee report. A meeting summary will document the highlights of committee discussions and the different perspectives and recommendations of committee members.

# Meetings

There will be one meeting for this committee. The meeting will be:

* held on Wednesday, June 1, 2016 from 9:00 am to 10:00 am
* held in Portland at the DEQ Headquarters office at 811 SW 6th Avenue
* accessible via a call-in number
* open to the public
* advertised on DEQ’s webpage and to the Clean Fuels Program GovDelivery e-mail list

## Decision making

DEQ will not seek consensus positions from the committee, nor will the committee be asked to vote on specific issues. DEQ will seek input and recommendations from each individual committee member.

DEQ will use the committee’s discussions in forming draft rules. The draft rules will be part of the required formal notice process that includes public hearings and an opportunity for the public to comment.

## Recordkeeping

All committee and any subcommittee records, formal and informal, become part of the rulemaking record. All DEQ rulemaking records are available for public inspection and copying. DEQ does not assume responsibility for protecting proprietary or confidential business information shared during committee or subcommittee meetings.

DEQ captures and maintains committee agendas, minutes, materials and committee reports and recommendations. DEQ will destroy the committee record 10 years after Oregon repeals the related rules.

## Information Exchange

###### Committee members will provide information as much in advance as possible of the meeting at which such information is used. The members will also share all relevant information with each other to the maximum extent possible. If a member believes the relevant information is proprietary in nature, the member will provide a general description of the information and the reason for not providing it.

## Public Involvement

All meetings will be open to the public and have time set aside for the public to speak. Additionally, citizens who wish to submit comments are encouraged to communicate directly with a committee member or directly with DEQ staff.

Once the committee process is complete, DEQ will develop draft rules and conduct a public rulemaking process to seek broader public and stakeholder input. Individual committee members can provide comments to DEQ on the full draft rule at this time. DEQ’s final rule proposal may be modified based on public comment. DEQ intends to take a final proposed rule to the EQC for consideration in December 2015.

## Communications and Media Coverage

DEQ will respond to public or media inquiries associated with the organization, structure, process and goals for the program and committee process. While free to communicate and share individual perspectives with the media and others, DEQ asks committee members to offer their personal viewpoint only and to refrain from speaking for other committee members or the committee as a whole. We ask committee members to vet ideas and issues concerning the program at committee meetings before discussing them outside of the committee structure, since the way in which positions are publicly represented may affect the ability of the committee to work together. When asked for information about the purpose or activities of the committee, DEQ asks you to refer others to the committee website.

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1. If the statement of cost of compliance effect on small businesses required by ORS 183.335 (2)(b)(E) shows that a rule has a significant adverse effect upon small business, to the extent consistent with the public health and safety purpose of the rule, the agency shall reduce the economic impact of the rule on small business by: (1) Establishing differing compliance or reporting requirements or time tables for small business; (2) Clarifying, consolidating or simplifying the compliance and reporting requirements under the rule for small business; (3) Utilizing objective criteria for standards; (4) Exempting small businesses from any or all requirements of the rule; or (5) Otherwise establishing less intrusive or less costly alternatives applicable to small business. [↑](#footnote-ref-1)