**Document Review Checklist**

**Rulemaking Name: Hazardous Waste Fees 2019**

**Document Name: Pre-Inform Memo to Director and EQC**

Every document that will be shared with anyone outside of DEQ staff must go through management review. This includes reports and PowerPoint presentations.

All documents must be reviewed and approved by the Program Manager, Communications, and either the Agency Rules Coordinator or the Air Quality Rules Coordinator.

The Notice of Rulemaking and EQC Staff Report must also be reviewed and approved by the relevant Division Administrator.

You do not need to use this checklist for routine editing. You should use this checklist whenever a required reviewer is completing their required review and approving the document for distribution.

Each required reviewer should add their name and the date when they complete their final review and approve the document for distribution.

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| **Reviewer** | **Name** | **Date** | **Date** | **Date** |
| Program Mgr | David Livengood | 12.21.18 |  |  |
| Communications | Katherine Benenati | 1/7/2019 |  |  |
| DA | Lydia Emer | 1.2.19 |  |  |
| ARC or AQRC | Meyer Goldstein | 12.26.18 |  |  |
| Co-Presenter | Brian Fuller | Jan? |  |  |
| Other | Stephanie Caldera | 12.24.18 |  |  |
| Other | Eileen Naples | 12.24.18 |  |  |
| Co-Presenter | Jeannette Acomb | 1.7.19 |  |  |

#### State of Oregon

Department of Environmental Quality Memorandum

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**Date:** Dec. 19, 2018

**To:** Oregon Environmental Quality Commission

**From:** Richard Whitman, Director

**Subject:** Agenda item \_\_\_, Informational item: Hazardous Waste Fee Increase Rulemaking

Jan. 24, 2019, EQC meeting

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| **Purpose of item** | DEQ is proposing to raise its hazardous waste fees to keep pace with increasing program costs and decreasing revenue since fees last changed in 2007. This is a multi-phase effort to amend current hazardous waste fee funding over several years to secure sufficient funding by 2026. This proposal will amend fees established in rule to generate program funding through 2024. During later phases, DEQ will need to seek statutory amendments to fees to fund the program by 2026. |
| **Background** | DEQ’s Hazardous Waste Program promotes reducing and safely managing hazardous waste, issues permits to waste management facilities, inspects hazardous waste generators and used oil processors, and assists Oregon small businesses in complying with complex federal regulations. The program’s primary objectives are to: * Reduce or eliminate the threat of exposure to hazardous waste
* Reduce the use of toxic chemicals in the workplace
* Deliver excellence in service

Since January 1986, the U.S. Environmental Protection Agency has authorized Oregon to manage the state’s hazardous waste, or Resource Conservation and Recovery Act, program. DEQ implements the state program, as defined in ORS 466.086 and as applied in Oregon Administrative Rule 340-100-0002, to ensure businesses properly manage harmful wastes from “cradle to grave.” Oregon Revised Statute 466.165(1) authorizes DEQ to collect fees to “carry on the monitoring, inspection and surveillance program established under Oregon Revised Statute 466.195 and to cover related administrative costs.” (ORS 466.165(1).)DEQ remains committed to maintaining federal authorization for the hazardous waste program to ensure flexibility and responsiveness in implementing the program in Oregon.Annually, DEQ’s Hazardous Waste Program receives approximately $3.5 million from multiple sources, including various fees (79 percent), a federal grant (19 percent), and small cost recovery funds (2 percent). Required General Fund reductions and shifts to a grant- and fee-based program ended the program’s General Fund allocation in 2014. The Oregon Legislature approved a budget of 25 full-time equivalent staff for the program’s 2017-2019 budget. Current revenue supports 19 full-time staff.The proposed fee increases would address the forecasted $1.2 to $1.5 million deficit in Hazardous Waste Program revenue for the 2019-21 biennium. This shortfall threatens DEQ’s ability to ensure safe management and disposal of hazardous waste and greatly reduces compliance assistance to small businesses. It also potentially affects Oregon’s ability to retain federal authorization of the Hazardous Waste Program.DEQ proposes revising:* Annual hazardous waste generators activity verification fees
* Annual hazardous waste generators management method factor fees
* Annual permitted Treatment, Storage and Disposal compliance determination fees
* TSD permit modification fees
* TSD annual disposal administrative fees

DEQ held three advisory committee meetings and considered the committee’s feedback and recommendations. DEQ prepared a fiscal impact statement and incorporated it into the Public Notice.DEQ held a public comment period between Dec. 14 and Jan. 22, 2019. DEQ held a public hearing on Jan. 17, 2019, in Portland. Responses to public feedback will be included in the EQC Staff Report.DEQ will evaluate feedback received during the public comment period and revise and finalize the proposed rules to present to the EQC in May 2019.  |
| **EQC involvement** | DEQ will ask the commission’s approval to revise Division 102 and 105 for Hazardous Waste Generator Feesrules at the May 2019 EQC meeting.   |

Report compiled by David Livengood

*Hazardous Waste Program manager*