



# Ballast Water Rulemaking Advisory Committee Charter

Rulemaking Contact: Josh Emerson

Aug. 24, 2023



[Español](#) | [한국어](#) | [繁體中文](#) | [Русский](#) | [Tiếng Việt](#) | [العربية](#)

Contact: 800-452-4011 | TTY: 711 | [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us)

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities.

Visit DEQ's [Civil Rights and Environmental Justice page](#).

# Table of contents

Table of contents.....	iii
Objectives and scope.....	1
Policy objectives.....	1
Fiscal and economic impact.....	1
Roles .....	1
DEQ facilitator.....	1
Committee members.....	1
Non-committee member attendees .....	2
DEQ staff.....	2
DEQ support and website .....	2
Committee meetings .....	3
Decision making.....	3
Membership .....	4
Public records and confidentiality.....	4
Information exchange .....	4
Public involvement .....	5
DEQ contacts .....	5

# Objectives and scope

## Policy objectives

Objectives are to (1) remove the sunset date on DEQ's 'exchange+ treatment' requirement in order to prevent unwitting introductions of aquatic invasive species ahead of incoming federal rules that contain the same requirement, (2) update the agency's definition of Pacific Coast Region in order to align with the definition used by California and federal regulators, and (3) correct three errata in DEQ's current ballast water rules.

## Fiscal and economic impact

ORS 183.333 requires that DEQ 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.
- Whether the rules will have a significant adverse impact on small businesses, and if so, how DEQ can reduce the rules' negative fiscal impact on small businesses.

# Roles

## DEQ facilitator

The facilitator:

- Encourages open, candid and robust dialogue;
- Starts and ends the meetings and agenda items on time;
- Encourages innovation by listening to all ideas;
- Tries not to lose good ideas to the consensus process; and
- Recognizes when the discussion is outside the scope of the meeting and steers the discussion back to the focus of the meeting.

## Committee members

Advisory committee members must attend each meeting to ensure continuity throughout the process. An alternate may be assigned if needed. However, it is each committee member's responsibility to fully brief their alternate on all relevant issues and prior committee discussions in order to meet the meeting objectives and keep the project on schedule. The primary and alternate members of the committee cannot participate in the same meeting. If a member's absence is unavoidable, please notify the DEQ project manager.

The committee member:

- Prepares for and sets aside time for the meetings;
- Provides DEQ staff with copies of relevant research and documentation cited during the meeting;
- Stays focused on the specific agenda topics for each meeting;
- Comments constructively and in good faith;
- Consults regularly with constituencies to inform them on the process and gather their input;
- Treats everyone and his or her opinions with respect;
- Allows one person to speak at a time;
- Is courteous by not engaging in sidebar discussions; and
- Avoids representing to the public or media the views of any other committee member or the committee as a whole.

## **Non-committee member attendees**

Those who attend the committee meetings, but are not members of the committee are there only to observe and not to actively participate. If non-committee members are present at a meeting, DEQ may allow time during the meeting for their comments.

## **DEQ staff**

DEQ is committed to making the most effective use of committee member's time by:

- Establishing clear committee goals, meeting objectives and agendas;
- Giving committee members reasonable access to staff;
- Encouraging all members to take part in discussions; and
- Providing a clear description of members' roles, the committee timeline, the level of agreement expected and feedback on how members' input is used.

## **DEQ support and website**

DEQ will post agenda and meeting materials on the advisory committee website at least one week in advance. DEQ administrative staff will provide meeting summaries that highlight committee discussions, different perspectives and input of committee members. DEQ will not prepare a formal committee report. DEQ will send draft meeting summaries to the advisory committee for review and input. Final meeting minutes will be posted to the advisory committee website and will be part of the public record.

The advisory committee charter, a full roster of the committee, meeting agendas and minutes, and background materials will all be located on the advisory committee webpage [LINK](#).

# Committee meetings

1. All committee meetings will be:
  - open to the public, although the committee can choose whether the public can actively participate in committee meetings
  - advertised on DEQ's webpage calendar two weeks before the meeting at: [DEQ Event Calendar](#)
  - [noticed by email](#) to the Water Quality Standards GovDelivery list
  - noticed on DEQ's Facebook/Twitter account
  - held online using Microsoft Teams
  - accessible via a call-in number or webinar
2. The committee is expected to meet one time at the following address: Microsoft Teams

The meeting duration times above may vary depending on topics and committee progress.

3. Meeting materials and agenda will be posted to the advisory committee webpage

## Decision making

The committee's discussions will be used by DEQ in forming its draft rule, which will then be proposed for broader public review and comment as part of DEQ's rulemaking process.

When DEQ shares information with the group, DEQ will allow a reasonable timeframe for comments.

# Membership

In convening this committee, DEQ selected members that reflect the range of stakeholders the proposed rules affect, both directly and indirectly. Representatives should be able to consider the policy, fiscal and economic impact of the proposed standard on the business or organization they represent.

<b>Advisory Committee Membership</b>	
<b>Committee Members</b>	
<b>Name</b>	<b>Affiliation</b>
Kate Mickelson	Columbia River Steamship Operators' Association
Carl Bertapelle	Portland Merchants Exchange
Ross McDonald	Sause Bros.
Blake Hamalainen	Port of Portland
Dick Vander Schaaf	The Nature Conservancy
Sarah Kidd	Lower Columbia Estuary Partnership
Catherine de Rivera	Portland State University
James Michelli	United States Coast Guard
Art Leskowich	U.S. Army Corps. of Engineers
Blaine Parker	Columbia River Inter-Tribal Fish Commission
Torey Wakeland	Confederated Tribes of Grand Ronde

## Public records and confidentiality

Committee communications and records, such as formal documents, discussion drafts, meeting summaries and exhibits are public records and 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. However, the private documents of individual committee members generally are not considered public records if DEQ does not have copies.

## 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. The committee can choose whether to allow public input during a committee meeting. DEQ may set aside time for the public to speak.

Once the committee process is complete, DEQ will develop draft rules and conduct a public rulemaking process. That process will include a specified period during which the public can submit comments on the proposed rules. DEQ will also hold a public hearing during which any member of the public can submit written or verbal comments. Individual committee members may provide comments to DEQ on the full draft rule at this time. DEQ may modify the final proposed rules based on public comment. DEQ intends to take a final proposed rule to the EQC for consideration at its meeting.

## DEQ contacts

Primary Contact: Josh Emerson – [joshua.emerson@deq.oregon.gov](mailto:joshua.emerson@deq.oregon.gov) or 509.229.6865

Alternate Contact: Wes Risher – [wes.risher@deq.oregon.gov](mailto:wes.risher@deq.oregon.gov)