



2024 Water Quality Fee Rulemaking

Advisory Committee Charter

Rulemaking Contact: Jason Simpson

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800-452-4011 | TTY: 711 | deqinfo@deq.oregon.gov

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Objectives and Scope

Objectives

The Oregon Department of Environmental Quality is reviewing Water Quality Program permit fees to ensure there are necessary funds to maintain and successfully operate water quality permitting programs. A fee increase will enable DEQ to continue to deliver services to regulated entities and fulfill the Water Quality Program's mission to protect and improve Oregon's water quality. DEQ convened this committee to provide input on these draft fee increases.

Not more than once each calendar year, DEQ proposes rule amendments for Environmental Quality Commission adoption to increase the fees established under ORS 468.065, Issuance of permits and for permits issued under ORS 468B.050, Water quality permits. The amount of the annual increase may not exceed the anticipated increase in the cost of administering the permit program or three percent, whichever is lower, unless a larger increase is provided for in the DEQ's legislatively approved budget. Accordingly, in addition to the three percent fee increase, the Onsite Septic Program is proposing a one-time fee increase of approximately 14% to fund resource enhancements authorized by the 2023 Legislature in Policy Option Package 123. DEQ will present these proposed rules to the Environmental Quality Commission for adoption in July 2024.

This rulemaking process will engage a variety of interested parties and public representatives to evaluate and provide policy recommendations, as necessary, for Oregon Administrative Rules 340, divisions 45 and 71 under the authority of Oregon Revised Statute 468B.051. The Water Quality Programs included in this rulemaking are:

- Stormwater Permitting Program
- Water Pollution Control Facility Permitting Program
- National Pollution Discharge Elimination Systems Permitting Program
- General Permits
- Onsite Septic System Permitting Program

As an outcome from the 2023 Legislative Session, House Bill 3208 (Oregon Laws 2023, chapter 258) expanded EQC's fee adjustment authority to include four additional Water Quality Program areas:

- Dredge and Fill Certification Program (Division 48)
- Wastewater System Operator Certification Program (Division 49)
- Underground Injection Control - Rule Authorizations
- Residential Onsite Septic Program

Note: This rulemaking will not include placer mining general permit (700PM) fees authorized by Oregon Revised Statute 468B.118.

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 role of the facilitator is to:

- Encourage open, candid, and robust dialogue.
- Start and end the meetings and agenda items on time.
- Encourage innovation by listening to all ideas.
- Track ideas throughout the consensus process; and
- Recognize 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 the Rules Advisory Committee meeting on Feb. 15, 2024. If the committee members are unable to adequately address this proposed rulemaking at the first meeting, an additional meeting will be scheduled. An alternate may be assigned if needed. It is each committee member's responsibility to fully brief their alternate on all relevant issues and prior committee discussions to meet the meeting objectives. If a member's absence is unavoidable, please notify the DEQ project manager.

The role of a committee member is to:

- Prepare and set aside time for the meetings.
- Provide DEQ project manager with copies of relevant research and documentation cited during the meeting.
- Stay focused on the specific agenda topics.
- Comment constructively and in good faith.
- Use expertise from the communities you represent to address proposed fee rulemaking.
- Treat everyone and their opinions with respect.
- Allows one person to speak at a time.
- Avoid sidebar discussions; and
- Avoid representing to the public or media the views of any other committee member or the committee.

Non-Committee Members

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

DEQ Staff Support

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

- Establishing clear committee goals, meeting objectives and agendas.
- Giving committee members a point person at DEQ for communications.
- 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 an 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 web page](#).

Committee Meetings

1. All committee meetings will be:
 - Open to the public; DEQ may allow time at the end of the meeting for comments.
 - Advertised on [DEQ's online calendar](#) two weeks before the meeting.
 - [Sent by email](#) to the Water Quality GovDelivery list.
 - Advertised on DEQ's Facebook and Twitter/X accounts.
 - Accessible via a call-in number or webinar.
2. The committee is expected to meet one time virtually. If the committee members are unable to adequately address this proposed rulemaking at the first meeting, an additional meeting will be scheduled.
3. Meeting materials and agenda will be posted to the [advisory committee web page](#).

Decision Making

DEQ will use the committee's discussions to form the draft rule. The draft rule will be available for broader public review and comment as part of DEQ's rulemaking process.

When DEQ shares information with the group, a reasonable amount of time will be available for comments.

Membership

In convening this committee, DEQ selected members that reflect the range of interested parties the proposed rules affect, both directly and indirectly. Representatives should be able to consider the policy, fiscal and economic impact of the proposed fee increase on the business or organization they represent. A committee roster is on the [advisory committee web page](#).

Travel Expenses

No travel expenses are expected to accrue due to virtual meeting format.

Public Records and Confidentiality

Committee communications and records, such as formal documents, discussion drafts, meeting summaries and exhibits are public records and available for public inspection and copying. DEQ does not assume responsibility for protecting proprietary or confidential business information shared during committee or subcommittee meetings. 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. If non-committee members are present at a meeting, DEQ may allow time at the end of the meeting for their comments.

Once the committee process is complete, DEQ will develop draft rules and proceed with the 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 the July 2024 meeting.

DEQ Contacts

Primary Contact:

Jason Simpson, Project Manager at Jason.Simpson@deq.oregon.gov or 503-995-4054

Alternate Contact: Rebecca Bodnar, Water Quality Permitting and Program Development Manager at Rebecca.Bodnar@deq.oregon.gov or 971-269-5363