

Date: July 25, 2024
To: Environmental Quality Commission
From: Leah Feldon, Director
Subject: Agenda item C, Informational item: Contested Cases Overview
Aug. 6, 2024, EQC meeting

Purpose of item To prepare the Environmental Quality Commission for three contested cases in the fall of 2024.

Background A contested case is a proceeding before an agency where a regulated party has a right to a hearing. Most contested cases involving the Department of Environmental Quality are formal enforcement actions issued by DEQ for violations of Oregon's environmental laws. They include a civil penalty and sometimes require corrective actions. Contested cases may also arise from DEQ permitting actions or license revocations. Contested cases that are not resolved between DEQ and the regulated party are referred to the Office of Administrative Hearings, which issues a Proposed and Final Order. Proposed and Final Orders may be appealed to the EQC, which then issues the agency's Final Order.

Contested cases overview EQC Counsel and DEQ's Manager of the Office of Compliance and Enforcement will provide an overview of the contested case process. The presentation will cover:

- The contested case process that occurs before cases arrive at the EQC;
- The EQC's role in the process;
- Relevant legal authorities and standards of review;
- The types of materials EQC will be presented with in a contested case hearing; and,
- Logistics and structure of EQC hearings.

There are currently three contested cases likely to come before the EQC in the fall of 2024. This item is to help the EQC prepare for that work. The EQC will have the opportunity to ask questions about the process during this item, but the specifics of the three cases cannot be discussed during this item.

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