

HB 2007 Retrofit Compliance Rulemaking 2021

Advisory Committee Charter

Sept. 18, 2020

For Information Contact: Rick Reznic

Vehicle Inspection Program

1240 SE 12th Ave
Portland, OR 97214
Phone: 503-229-5066
877-476-0583

Fax: 971-673-1640

Contact: Rick Reznic

Reznic.rick@deq.state.or.us

www.oregon.gov/DEQ

DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.



State of Oregon
Department of
Environmental
Quality

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.

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Background

In 2019, the Oregon Legislature passed House Bill 2007. The legislation authorizes the Environmental Quality Commission of the Oregon Department of Environmental Quality to adopt rules for certification of approved retrofit technologies of a diesel engine that powers a medium-duty truck or a heavy-duty truck.

The legislation includes prohibitions on registering and titling older diesel engines in Clackamas, Multnomah and Washington counties after certain deadlines unless they are equipped with retrofit technologies established by the commission or DEQ.

Purpose and Scope

This rulemaking will produce guidelines for issuing an EQC certification confirming a diesel engine has been retrofitted with approved retrofit technology. The committee will provide input on:

- Approved retrofit compliance requirements
- Timelines for submitting proof of compliance
- Engine model year (EMY) retrofit compliance notice and determination
- Owner/operator record keeping requirements
- Training resources for owner/operators
- Frequency of compliance certification and retrofit maintenance documentation requirements
- Identifying areas of program focused customer service delivery

Fiscal and Economic Impact

ORS 183.333 requires DEQ to 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

All other topics are out of the scope of this committee.

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.

Key staff includes:

- Rick Reznick, Implementation and Operations Analyst
- Mike Skorupka, Vehicle Inspection Program Manager

- Gary Beyer, Environmental Engineer
- Monty Grubbs, Vehicle Emissions Resource Coordinator
- Matt Davis, Senior Policy Analyst
- Additional staff as needed

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

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 GovDelivery list
- Noticed on DEQ’s Facebook/Twitter account
- Accessible via a call-in number or webinar

DEQ expects this rulemaking to include 3-5 committee meetings. The meetings may be conducted via online (virtual) software platform.

Prelim. Mtg. Dates	Draft Agenda	Draft Outcomes
Sept. 18, 2020	Review Retrofit Program and Proposals	Input on policy concepts
Oct. 26, 2020	Review Draft Rules	Input on rule language
Dec. 14, 2020	Review Final Rules & Fiscal Impact Statement	Open public comment

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

Advisory Committee Membership		
Name	Affiliation	Representing
Larry Gescher	Association of General Contractors	Construction Companies
Warren Gadberry	Clackamas County Fleet Services	County regulated by HB 2007
Corky Collier	Columbia Corridor Association	Small Fleets
Audrey Lawson	Commerce & Compliance Division (ODOT)	State of Oregon HB 2007 Partner Agency
Steve Hoke	Diesel Emission Service	Retrofit Technology Installation and Service
Allen Schaeffer	Diesel Technology Forum	Diesel Equipment and Technology
Dave Scarfe	Elite Emission Products	Retrofit Technology Installation and Service
Tommy Moreno	Franz Bakery Corporate Fleet	Fleets regulated by HB 2007
Kevin Brown	Manufacturers of Emission Controls Association	Emission Control Industry
David Silva	Multnomah County Fleet Services	County regulated by HB 2007
Mary Peveto	Neighbors for Clean Air	Clean Air Community-Based Organization
Rich Angstrom	Oregon Concrete & Aggregate Producers Association	Concrete & Aggregate Business
Morgan Gratz-Weiser	Oregon Environmental Council	Environmental Community Based Organization
Andrea Fogue	Oregon Refuse & Recycling Association	Solid Waste Management Industry
Jana Jarvis	Oregon Trucking Association	Private Heavy-Duty Fleets
Kenechi Onyeagusi	Professional Business Development	Disadvantaged, minority-, women- and service-disabled veteran-owners
Tracy Olander	Policy and Operations (DMV)	State of Oregon HB 2007 Partner Agency
David Breen	Port of Portland	Intermodal Freight, Ports and Drayage
Jason Novak	United Parcel Service Fleet Services	Fleets regulated by HB 2007
Tom Keyser	Washington County Fleet Services	County regulated by HB 2007

Travel Expenses

DEQ is able to reimburse any in-state, out-of-town committee members for travel expenses, if DEQ approves them in advance.

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:

Rick Reznick, Operations & Implementation Analyst

rick.reznick@state.or.us

971-673-1632

Alternate Contact:

Mike Skorupka, Vehicle Inspection Program Manager

michael.skorupka@deq.state.or.us