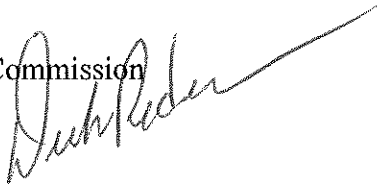


State of Oregon
Department of Environmental Quality

Memorandum

Date: June 8, 2015
To: Environmental Quality Commission
From: Dick Pedersen, Director 
Subject: Agenda item C, Informational item: Director's report
June 10-11, 2015, EQC meeting

Commissioner reappointments

In May, Vice-chair Armstrong and Commissioner Rider were both confirmed by the Senate for their second terms as commissioners. The second terms will officially begin July 1, for a period of four years.

Updates regarding groundwater concerns near Intel

In early May, a Portland-area TV news station aired a story that highlighted cleanup work at the Aloha campus of the Intel corporation in Beaverton. Unfortunately, the story had a factual inaccuracy regarding worker safety, which the station quickly corrected, and caused some concern for people at or near that campus regarding the safety of their drinking water. The drinking water at the site is safe, and the cleanup focused on issues associated with contaminated groundwater, which is not used for drinking water at or near the site, from activities in the late 1970s and early 1980s.

In 1982 it was discovered that chlorinated solvents had spilled from an underground storage tank. Several phases of environmental investigations were subsequently completed under DEQ to characterize soil and groundwater impacts. A groundwater extraction and treatment system was installed and began operation in February 1996 in order to prevent migration of contaminated groundwater off-site.

In 2003, DEQ approved the remedial investigation report and risk assessment. The risk assessment determined that soil contaminants do not pose a threat to humans or wildlife. The feasibility study was approved in 2005, and following public notice DEQ issued a Record of Decision in January 2006. The selected remedy consisted of continued operation of the groundwater extraction system and in-ground treatment by enhanced bioremediation to remove on-site contamination.

Intel installed the in-ground treatment system in 2007 and initiated the first phase of treatment. Treatment continued until 2010, in addition to regular groundwater monitoring. Several years of post-treatment groundwater monitoring data have demonstrated that as a result of the treatment activities concentrations have been reduced to below federal drinking water standards in nearly all on-site monitoring locations. Presently, groundwater extraction continues and regularly monitoring is performed. DEQ is working with Intel to determine whether the ongoing actions can be discontinued and a no further action determination can be issued.

Goal 11 exception request for South Deschutes/North Klamath area

DEQ, Deschutes County and Oregon Department of Land Conservation and Development held four public meetings to discuss exceptions to the Statewide Planning Goal 11. The proposed exception would allow the extension of sewer infrastructure into portions of unincorporated Southern Deschutes and Northern Klamath counties that includes more than 14,000 lots. The application for the Goal 11 Exception will be released for public review and comment in July, followed by hearings with the Planning Commission and Board of County Commissioners. The request comes from years of community meetings to find remedies for groundwater contamination in this area and is a recommendation of a community-led and DEQ-facilitated advisory committee.

EJSCREEN

On June 10, EPA will release an environmental and demographic data mapping tool known as EJSCREEN. The web-based geospatial information and mapping tool has been under development at EPA, and in consultation with states and partner organizations, for several years and will be available for the public with the June 10 release. EJSCREEN uses census and environmental data to compile indices that any person can use to better understand where there may be environmental justice concerns.

DEQ is very excited to have this powerful tool available for staff and the public to learn more about their environment. DEQ will be providing basic training on the use of EJSCREEN to staff over the next several months and, while it's been made clear by EPA that EJSCREEN is a complement to other analysis tools and should not be considered the only source of data and information for environmental justice concerns, staff will be encouraged to use EJSCREEN when preparing for permit reviews, community outreach and other regular work tasks. EPA has presented numerous webinars to state, Tribal and local governments, and has worked extensively with community-based organizations in advance of the public release. Slides from a 2014 EJSCREEN webinar are attached for your reference.

Oregon's agricultural water quality management program

As you may recall, when EPA and NOAA sought public comment on their proposed decision to disapprove Oregon's coastal nonpoint pollution program in December 2013, they also invited comments on Oregon's agricultural water quality management program because of concerns about the program raised by various interested parties. The federal agencies shared those comments with the state, and on June 2 senior management and staff from DEQ, the Department of Land Conservation and Development and Department of Agriculture met with senior management and staff from EPA and NOAA to kick off a discussion of Oregon's agricultural water quality management program and how it addresses the CZARA agricultural management measures. It was very helpful for federal managers to gain a thorough understanding of the program and how it has evolved since Oregon received interim approval for its agricultural measures in 1998. DEQ expects to have several more staff-to-staff discussions over the next several months to ensure Oregon's agricultural program satisfies federal expectations.

Clean Water State Revolving Loan Fund audit

EPA requires the Clean Water State Revolving Loan Fund to provide its audited financial statements as part of the program's Annual Report. The Annual Report contains two sections, the audited financials as reviewed by the Oregon Secretary of State's audits division and the second part is a report of the program activity, both annual and cumulative.

Although the program isn't required to have audited financials by state law, the EPA requirement provides a valuable double-check to assure that all the revenue and expenditures are reported correctly and are being characterized appropriately. The program values DEQ's positive relationship with the Secretary of State Audits Division, as it is a knowledgeable source for correct Generally Accepted Accounting Principles and to assure that the program stays current with all Government Accounting Standards Board requirements. If the audit reports findings of deficiency, these findings assist DEQ in making appropriate changes to internal control systems to protect program funds and assure transparency.

For Fiscal Year 2015 there were no findings of deficiencies. This means that the program is managing the fund correctly from an accounting standpoint and provides reassurance to EPA and keeps the State Revolving Fund in compliance with the grant agreement. Past audits have found minor deficiencies, though never significant errors or other concerns.

Brownfield grant for cleanup and redevelopment in northeast Portland

On Wednesday, June 10, DEQ staff will join project partners for a celebration of a \$500,000 EPA Brownfields Grant to the Northwest Zen Sangha for cleanup at the Dharma Rain Zen Center. The Zen Center is being built on part of the old LaVelle landfill near NE 85th Ave and NE Siskiyou Street in northeast Portland, and the former landfill has been a brownfield burden on the community for many years. Part of the Zen Center's redevelopment is focused on ecological restoration on the property with public access for a community garden and an easement to the Portland Parks Department for a walking trail and natural area.

Cleanup Program works with University of Oregon students

Over the past several months, students from the University of Oregon's Master of Public Administration program conducted research on DEQ's Cleanup Program. The students looked at 351 sites in Western and Eastern Region where the cleanup decision was made at least 15 years ago. They found that DEQ had an overall accuracy of forecasted land use of 97 percent.

Cleanup levels are partially based on the expected future land use. For example, the amount of cleanup needed for a site where industrial use is expected is less than the amount of cleanup needed for that same site if residential use is expected. It is important that the land use is accurate so that residents or workers on a site are not exposed to hazardous contaminants. It is also important so property owners and responsible parties do not spend more money than is needed to clean up a site.

DEQ is doing a great job of only requiring the level of cleanup that is necessary, and the agency's land use decisions are accurate. The students had several recommendations for DEQ including completion of the analysis for Northwest Region sites and periodically repeating the analysis to make sure the agency remains accurate in its land use decisions. DEQ will work with the Master of Public Administration program to discuss potential additional analysis for Northwest Region Cleanup Program sites, and this partnership is a great example of DEQ working with other state agencies, including Oregon's higher education institutions, to create better environmental outcomes for Oregonians.

Drought conditions and DEQ's response

Many waterbodies are experiencing lower-than-normal flow levels due to ongoing drought conditions across the state. Lower water levels can, in some cases, lead to water quality standard violations for permitted sources that discharge to state waters.

Sources with water quality permits are required to be in compliance with their permits regardless of flows, including the condition that they do not cause or contribute to an in-stream water quality standards violation. However, DEQ has discretion to consider drought conditions when determining compliance or enforcement.

Beginning in early May, DEQ has contacted permit holders to provide information on ways to maintain compliance with permit requirements in the event of low flows, and to offer individualized technical assistance to those who need it. For example, voluntary activities such as maintaining summer effluent limits or limiting effluent discharges can lower the risk that a discharger will violate in-stream water quality standards. Should an in-stream water quality standards violation occur as a result of a discharge, DEQ will consider the permit holder's voluntary actions when assessing whether and if to take enforcement actions.

Rulemaking plan updates

In May, DEQ approved adding four new rulemaking projects to DEQ's Rulemaking Plan. The Rulemaking Plan is the summary of current rulemaking activity and is attached to this report as reference. DEQ periodically updates the plan as new rulemaking activities are proposed, and would like to solicit feedback on how commissioners would like to be involved with items recently added to the planning document. Options for involvement range from no pre-adoption information, an informational item, updates through the director's report, a commission-facilitated hearing or involvement in advisory committee meetings and updates.

The newly-added rulemakings are:

- Update Oregon Air Quality Rules to Meet Federal Standards
 1. *Summarized on page 10 of the Rulemaking Plan, scheduled for commission action in April 2016*
- Water Quality Standards for Bacteria
 1. *Summarized on page 11 of the Rulemaking Plan, scheduled for commission action in August 2016*
- Water Quality Standards for Copper

1. *Summarized on page 12 of the Rulemaking Plan, scheduled for commission action in October 2016*
- Clean Power Plan
 1. *Summarized on page 11 of the Rulemaking Plan, scheduled for commission action in August 2016*

EJSCREEN: Environmental Justice Screening Tool



Background

- ◆ EPA's new tool for EJ screening and mapping
- ◆ Web-based GIS tool and data for EPA and the public
- ◆ Plan EJ 2014 announced EPA's plan to create a new, nationally consistent EJ screening tool
- ◆ Builds upon NEJAC report on EJ screening, and prior work across EPA programs and Regions
- ◆ Peer reviewed by experts on geospatial tools and EJ

Combines environmental & demographic data

◆ EJSCREEN provides:

- » 1. environmental indicators
- » 2. demographic indicators
(predictors of health status and of
potential vulnerability to environment)

and combines them as an index...

- » 3. “EJ index”
for each environmental factor, in each location.

Key Features

- ◆ **12 different environmental factors, including several new or improved metrics (e.g., traffic score)**
- ◆ **Updated demographics – every 1 year, not every 10 years**
- ◆ **A consistent, quantified approach to EJ, not just “overlays” – numerical indexes that combine environmental and demographic indicators**
- ◆ **Accessible and transparent to anyone with a web browser**
- ◆ **Standard printable reports and bar graphs**
- ◆ **Higher resolution maps – 3 times as many data points**
- ◆ **A wealth of additional data maps; can add more from the Web**
- ◆ **Raw data downloads will also be available**

Using EJSCREEN

◆ A tool for everyone

- » Available to all EJ stakeholders and general public
 - › But no requirement that state/tribal/stakeholders use it
- » Basis for further dialogue

◆ EPA uses EJSCREEN in various contexts

- » Outreach and engagement
- » Many aspects of environmental programs
- » Geographically-based initiatives

◆ What does EJ screening show?

- » Helps show which places may be candidates for further review – where to take a closer look, where to start.

Important Notes About How EPA Uses EJSCREEN

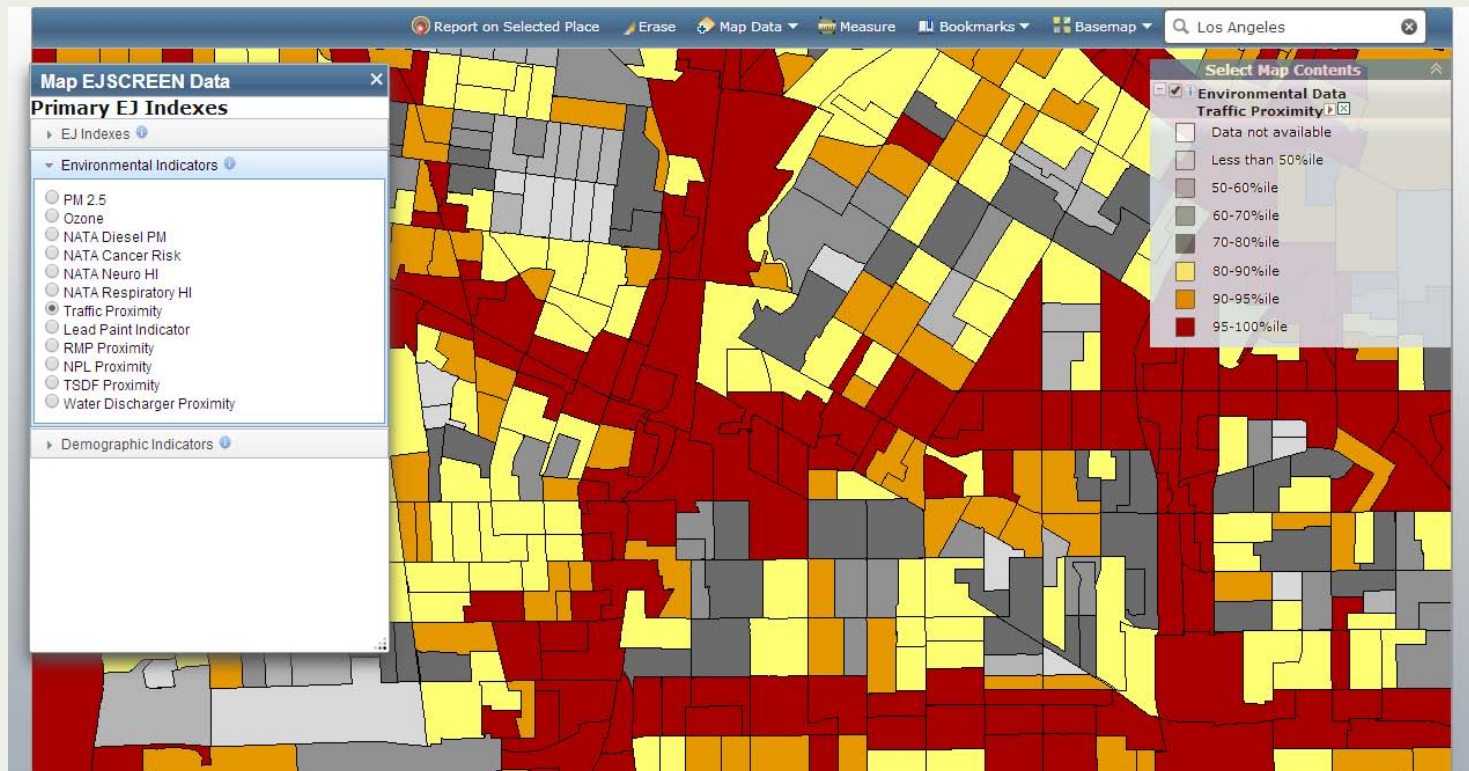
- ◆ Tool and data to be shared with States, Tribes, public, etc.
- ◆ Highlights areas that may be candidates for further review
- ◆ Pre-decisional screening tool
- ◆ Does not direct final outcomes
- ◆ Baseline screening should be supplemented with local information and experience
- ◆ Should not be used to label areas as “EJ community”

Caveats

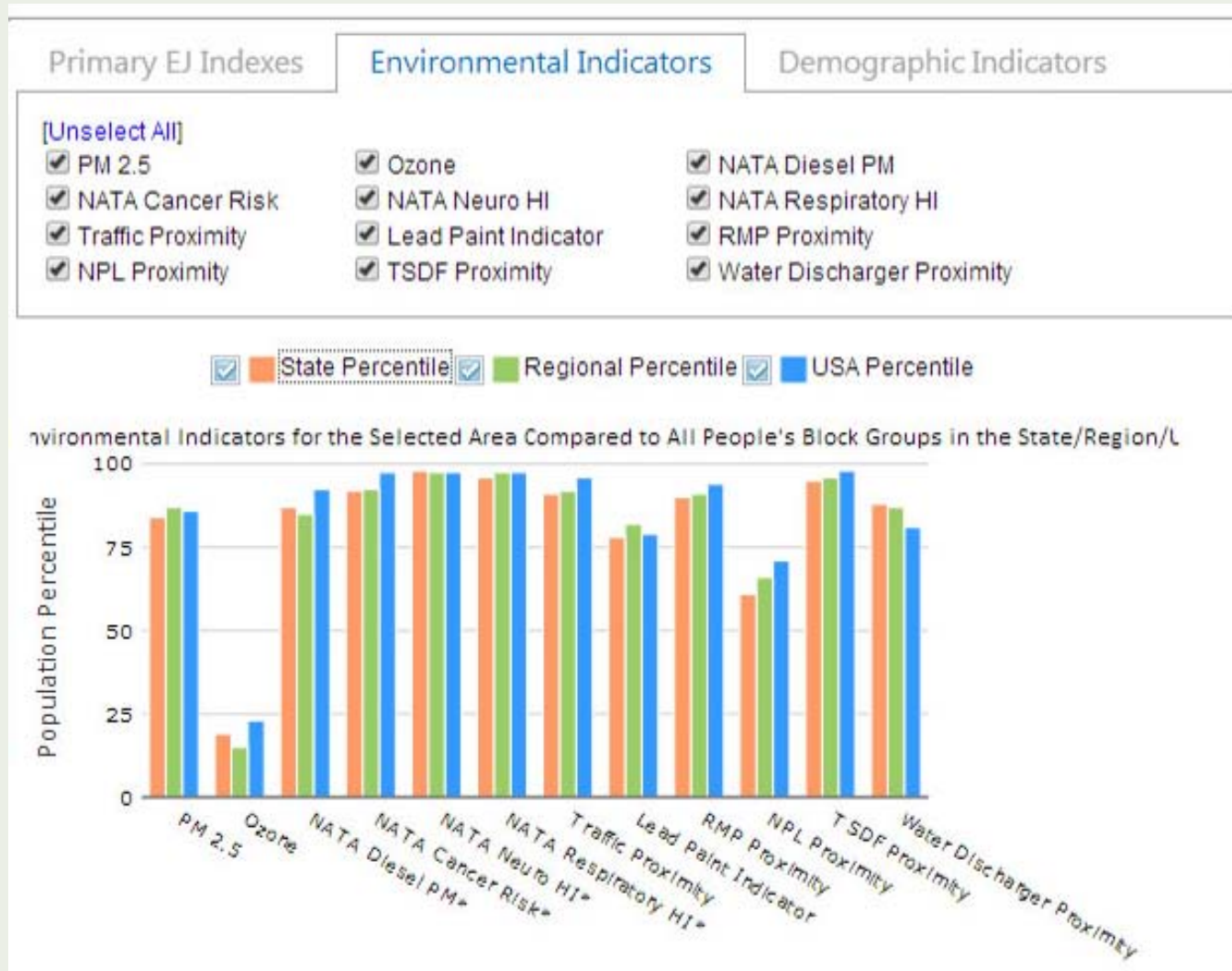
- ◆ **Demographic and environmental indicators for a single block group may have high uncertainty**
- ◆ **Small differences may not be true or meaningful ones**
- ◆ **EJSCREEN does not cover all environmental issues.**
- ◆ **Other local data and concerns may be very important.**

Based on Census Block Groups

- ◆ Over 217,000 Block Groups in the U.S.
- ◆ The average block group has a population of about 1,400 residents, and most have between 900 and 1,800 residents.



Twelve Environmental Indicators



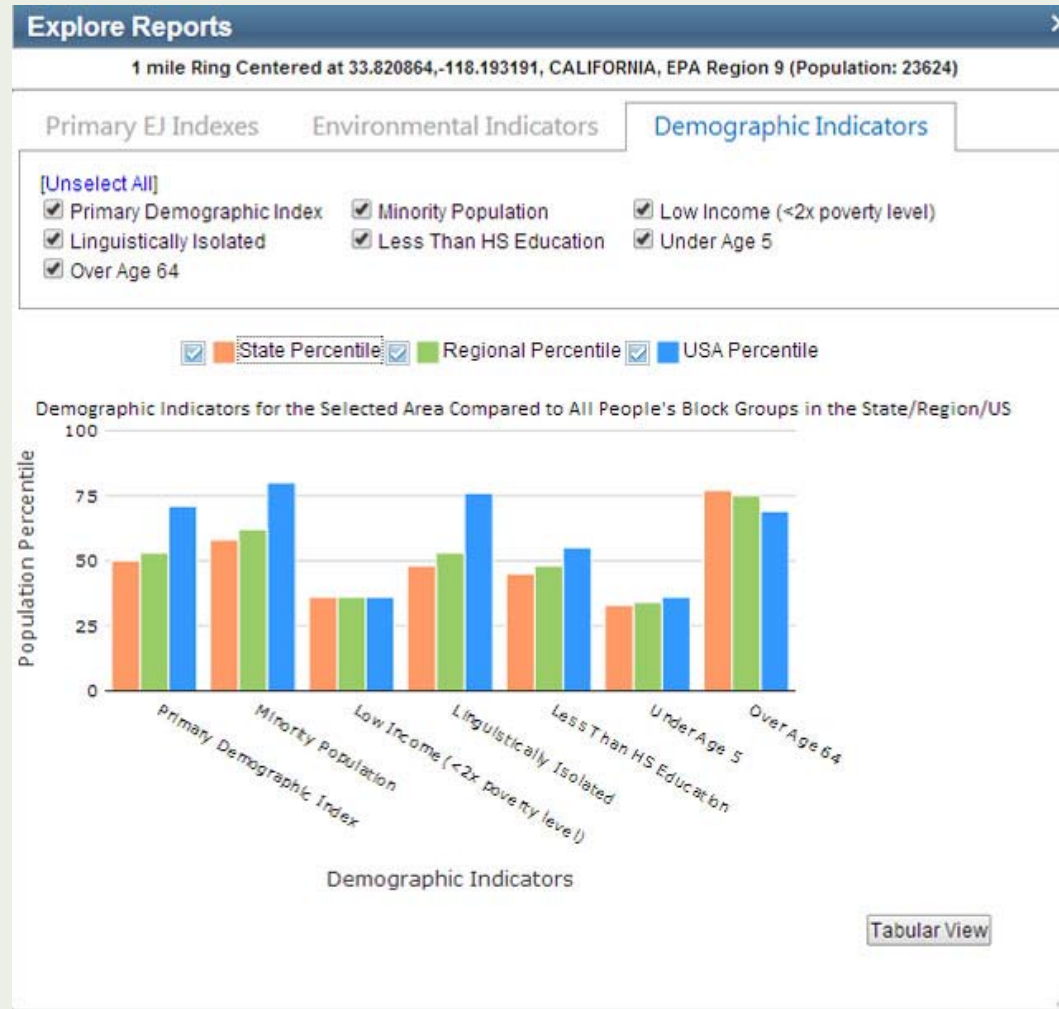
12 Environmental Indicators

Environmental Indicator Raw Data Type (Units)	Raw Data Description	Indicator Descriptor
Particulate Matter (PM2.5 in $\mu\text{g}/\text{m}^3$)	PM2.5 levels in air, $\mu\text{g}/\text{m}^3$ annual average	Potential Exposure
Ozone (ppb)	Ozone summer seasonal average of daily maximum 8-hour concentration in air in parts per billion	Potential Exposure
National Air Toxics Assessment (NATA) Diesel PM in ($\mu\text{g}/\text{m}^3$)	Diesel particulate matter (PM) level in air, $\mu\text{g}/\text{m}^3$	Potential Exposure
NATA Air Toxics Cancer Risk (risk per million people)	Excess lifetime cancer risk from inhalation of air toxics	Hazard/Risk
NATA Respiratory Hazard Index	Air toxics respiratory hazard index (ratio of exposure concentration to health-based reference concentration)	Hazard/Risk
NATA Neurological Hazard Index	Air toxics neurological hazard index (ratio of exposure concentration to health-based Reference Concentration (RfC))	Hazard/Risk

12 Environmental Indicators

Environmental Indicator Raw Data Type (Units)	Raw Data Description	Indicator Descriptor
Lead Paint Indicator (% pre-1960s Housing)	Percent of housing units built before 1960, as indicator of potential exposure to lead-based paint	Potential Exposure
Traffic Proximity (daily traffic count/distance to road)	Count of vehicles (average annual daily traffic) at major roads within 500 meters, divided by distance in kilometers (km)	Proximity
Proximity to National Priority List (NPL) sites (count/km distance)	Count of NPL (Superfund) facilities within 5 km (or nearest one beyond 5 km), divided by distance in km	Proximity
Proximity to Risk Management Plan (RMP) facilities (count/km distance)	Count of RMP (potential chemical accident management plan) facilities within 5 km (or nearest one beyond 5 km), divided by distance in km	Proximity
Proximity to Treatment Storage Disposal Facilities (TSDF) (count/km distance)	Count of TSDFs (hazardous waste management facilities) within 5 km (or nearest one beyond 5 km), divided by distance in km	Proximity
Proximity to Major Direct Dischargers (count/km distance)	Count of NPDES major direct water discharger facilities within 5 km (or nearest one beyond 5 km), each divided by distance in km	Proximity

Seven Demographic Indicators



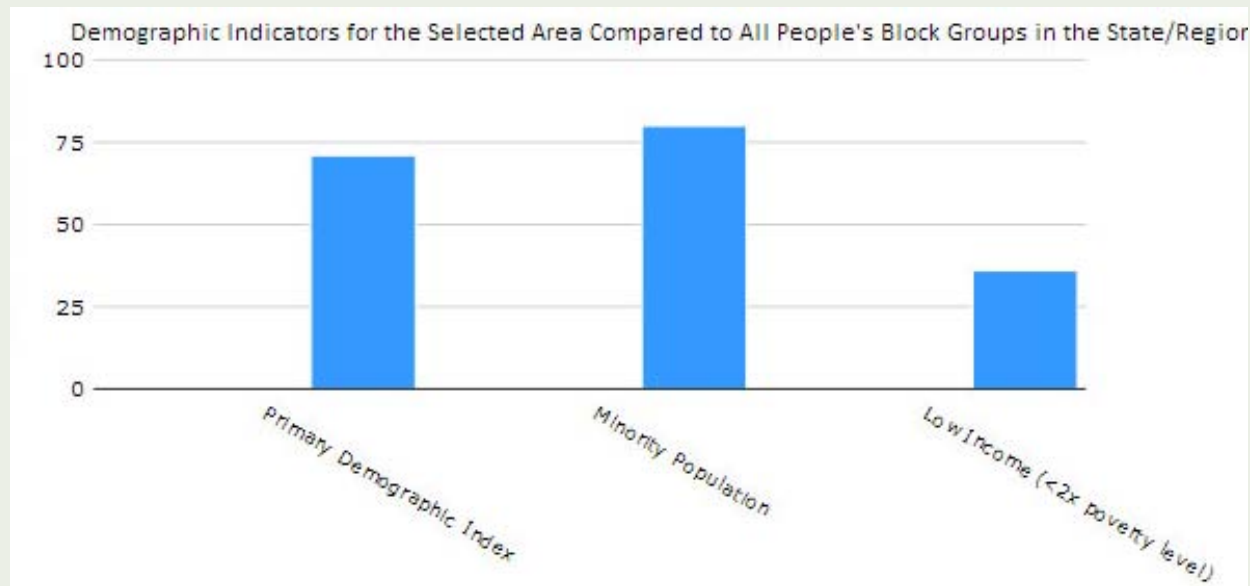
- Demographic Index
- Minority Population
- Low-income
- Linguistically isolated
- Less than high school education
- Under age 5
- Over age 64



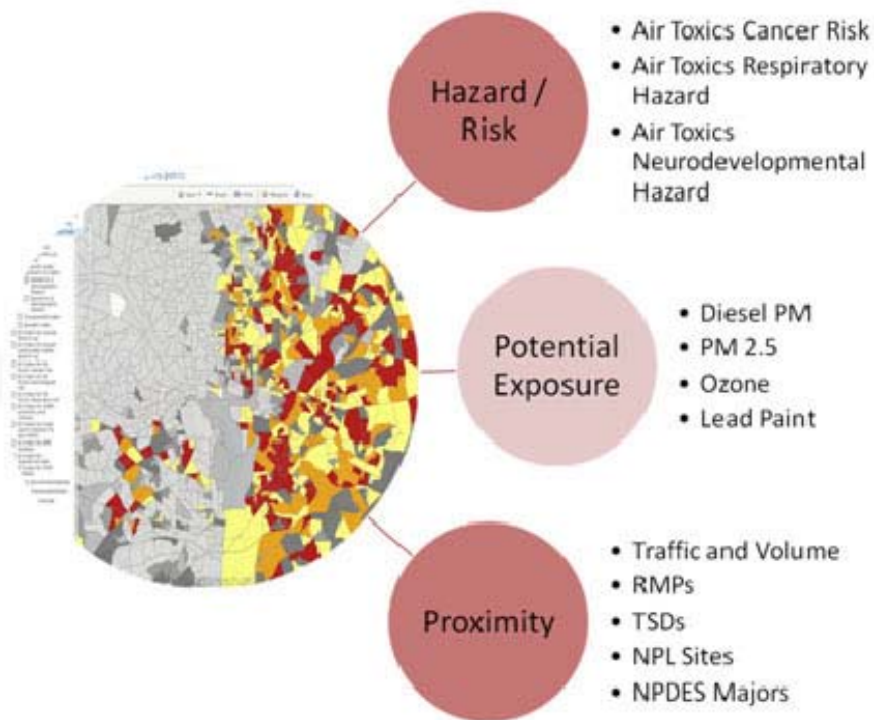
Demographic Index

Demographic Index

$$= (\% \text{ low-income} + \% \text{ minority}) / 2$$



Twelve EJ Indexes



**Each of the 12
Environmental Indicator**

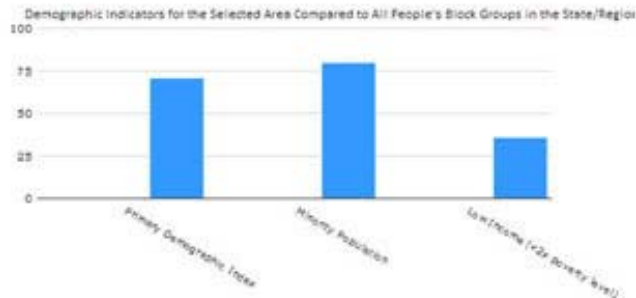
X

**(Demographic Index for Selected Area
– Average Demographic Index for US)**

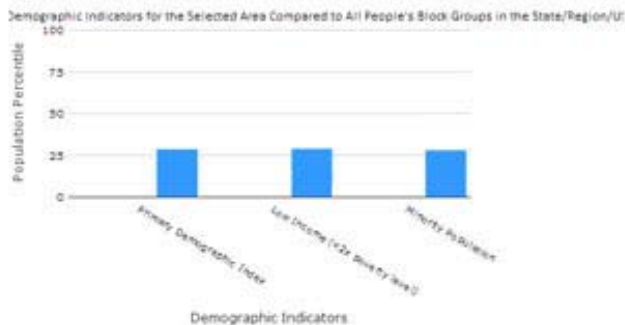
X

Block Group Population

Twelve EJ Indexes



Minus



Each of the 12
Environmental Indicator

X

(Demographic Index for Selected Area
– Average Demographic Index for US)

X

Block Group/Area of Study Population

Twelve EJ Indexes



EJSCREEN Report

for 1 mile Ring Centered at 33.820864, -118.153191, CALIFORNIA, EPA Region 9

Approximate Population: 23624



Selected Variables	Raw Data	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Environmental Indicators							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$)	13.3	10.8	84	10.3	87	10.7	86
Ozone (ppb)	41.9	51.8	19	52.4	15	46.3	23
NATA Diesel PM ($\mu\text{g}/\text{m}^3$) [*]	2.57	1.29	87	1.2	80-90th	0.824	90-95th
NATA Cancer Risk (lifetime risk per million) [*]	130	76	92	69	90-95th	46	95-100th
NATA Respiratory Hazard Index [*]	7.4	3.9	96	3.5	95-100th	2.3	95-100th
NATA Neurological Hazard Index [*]	0.18	0.072	98	0.098	95-100th	0.063	95-100th
Traffic Proximity and Volume (daily traffic count/distance to road)	610	210	91	190	92	110	96
Lead Paint Indicator (% Pre-1960 Housing)	0.57	0.3	78	0.28	82	0.3	79
NFL Proximity (site count/km distance)	0.088	0.13	61	0.11	66	0.096	71
RMP Proximity (facility count/km distance)	1.1	0.46	90	0.41	91	0.31	94
TSD Proximity (facility count/km distance)	0.51	0.13	95	0.12	96	0.054	98
Water Discharger Proximity (facility count/km distance)	0.33	0.18	88	0.19	87	0.25	81
Demographic Indicators							
Primary Demographic Index	47%	47%	50	46%	53	35%	71
Minority Population	71%	60%	58	57%	62	36%	80
Low Income Population	23%	35%	36	35%	36	34%	36
Linguistically Isolated Population	7%	11%	48	10%	53	5%	76
Population With Less Than High School Education	13%	20%	45	16%	48	15%	55
Population Under 5 years of age	5%	7%	33	7%	34	7%	36
Population over 64 years of age	16%	12%	77	12%	75	13%	69

^{*} The National Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <http://www.epa.gov/ttn/atw/natamain/index.html>.

Each of the 12
Environmental Indicator

X

(Demographic Index for Selected Area
– Average Demographic Index for US)

X

Block Group/Area of Study Population

What does the EJ Index mean?

- ◆ **The EJ index combines environmental and demographic data**
- ◆ **It shows how much a block group contributes to the nation's overall disparity (between demographic groups) in that environmental indicator.**
- ◆ **In other words,**
 - » Nationwide overall, the average low-income and/or minority individual in the US has a higher lead paint indicator score than the rest of the US population.
 - » The EJ index shows how much this block group contributes to that disparity.
 - » If the block groups with the highest EJ index values (for lead paint) were “cleaned up” first, that would be the fastest way to reduce the disparity in average lead paint scores.

Maps – Drilling down to explore one indicator at a time

◆ A Report:

**Gives you all the indicators at once,
for a single, specified location
(e.g. within 1 mile of a facility)**

» e.g., looking at all the indicators for residents nearby

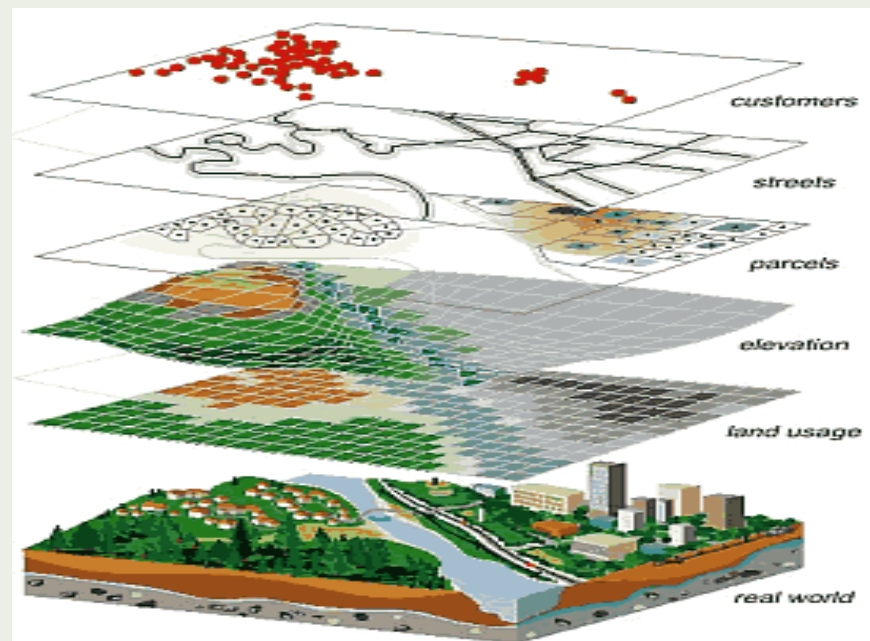
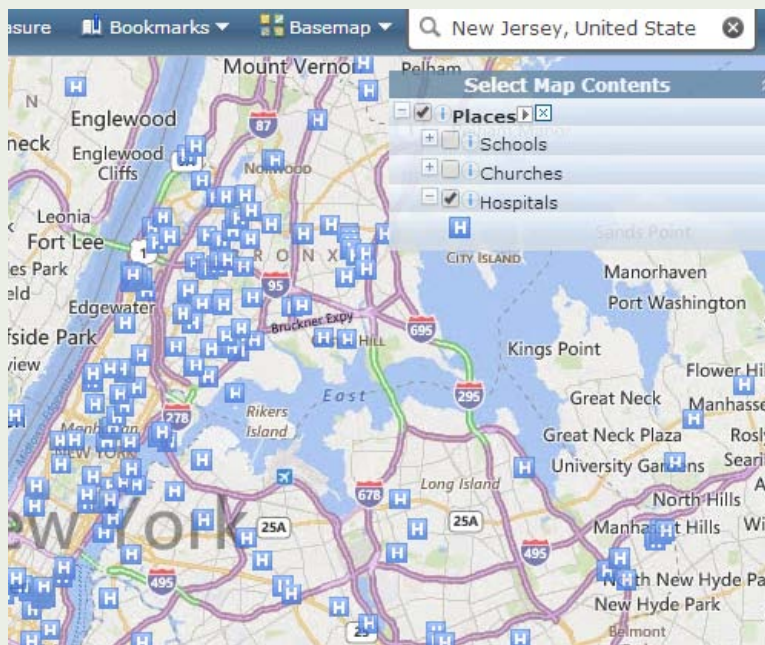
◆ A Map:

**Gives you one indicator at a time,
for each of the block groups within a wider area
(e.g. across several miles)**

» e.g., for a single indicator like lead paint,
exploring and prioritizing hot-spots, or drilling down from a
report to compare neighborhoods or small communities

EJSCREEN PROVIDES MANY OTHER MAP FEATURES

- ◆ The mapping tool adds many other types of data by overlaying various datasets (called “layers”)



Questions?



DEQ RULEMAKING PLAN

Agency Rulemaking
Office of the Director
MAY 2015

INFORMATION AND CONTACTS

If you have questions about a specific rulemaking you may contact the subject matter expert listed for that rulemaking.

If you have other questions about DEQ rulemaking, contact the Agency Rules Coordinator, Meyer Goldstein, at Goldstein.Meyer@deq.state.or.us or 503-229-6478.

SUMMARY

The Oregon Department of Environmental Quality uses Oregon Administrative Rules under Oregon's Environmental Quality Commission jurisdiction to implement Oregon laws.


Through a prioritization process, DEQ staff determines whether a rulemaking concept supports program and division priorities. Staff also determines whether DEQ has the resources needed to develop and implement the proposed rules.

The DEQ director reviews all prioritized rulemaking concepts and considers how each concept aligns with DEQ priorities. The director then determines whether to:

1. Add the concept to the DEQ Rulemaking Plan,
2. Postpone developing the rulemaking concept, or
3. Deny additional work on the concept.

RULEMAKINGS

There are thirteen rulemakings on the current DEQ Rulemaking Plan. At its April 2015 meeting EQC adopted four proposed rulemakings: Resource Conservation and Recovery Act Reauthorization, Permitting Program Updates, Updating Oregon Air Quality Rules to Address Federal Regulations and the Grants Pass Limited Maintenance Plan for CO and PM10. DEQ has just added four rulemaking proposals to the plan: Water Quality Copper Standards, Water Quality Bacteria Standards, Federal Air Quality Regulation Updates and the Clean Power Plan. The table below provides the current schedule for each in the order that DEQ plans to present them to EQC for final decision. The schedule for Clean Power Plan is still being developed. The goldenrod cells on the third and fourth rows identify when Oregon's Legislature is in session and when EQC will hold its meetings.

 DEQ Rulemaking Plan May 2015 <small>State of Oregon Department of Environmental Quality</small>	2015												2016															
	Q2				Q3				Q4				Q1				Q2				Q3				Q4			
	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D							
Legislative Session																												
EQC Meetings																												
ONGOING																												
1. Water Quality Permit Fee Increase 2015																												
2. Clean Water State Revolving Fund																												
3. PM 2.5 Air Quality Standard Update																												
4. Greenhouse Gas Reporting																												
5. Regional Haze																												
6. Medford LMP																												
7. Water Quality Trading																												
8. Clean Fuels Program Update																												
9. Solid Waste Permit Fees																												
NEWLY ADDED																												
10. Update OR AQ Rules to Fed. Stds.																												
11. Water Quality Stds. for Bacteria																												
12. Water Quality Stds. for Copper																												
13. Clean Power Plan																												

Legend: A=Advisory Committee N=Public Notice E=EQC

Adopted – April 15-16 EQC Agenda

Resource Conservation and Recovery Act Revision Authorization

Subject Matter Expert – Jeannette Acomb:
Acomb.Jeannette@deq.state.or.us – 503-229-6303

The proposed amendments would:

- Align Oregon’s hazardous waste rules with federal rules to maintain RCRA program authorization
- Provide Oregon businesses additional flexibility in managing specific hazardous wastes

DEQ:

- Issued public notice and an invitation to comment on Jan. 15, 2015
- Will hold a public hearing on Feb. 17, 2015

Permitting Program Updates

Rescheduled from January 2015

Subject Matter Expert – Jill Inahara:
Inahara.Jill@deq.state.or.us – 503-229-5001

DEQ proposes changes to air quality permitting rules. If approved, the rules would:

- Clarify and update air quality rules
- Update particulate matter emission standards
- Change permitting requirements for emergency generators and small natural gas or oil-fired equipment
- Establish two new state air quality area designations (“sustainment” and “reattainment”) to help areas avoid and more quickly end a federal nonattainment designation
- Identify Lakeview as a state sustainment area while retaining its federal attainment designation
- Change the pre-construction permitting program (New Source Review)
- Provide more flexibility for public hearings and meetings
- Re-establish the woodstove replacement program (Heat Smart) exemption for small commercial solid fuel boilers that the permitting program regulates
- Remove annual reporting requirements for small fuel dispensing facilities

DEQ:

- Issued public notice and an invitation to comment on June 12, 2014
- Held a public hearing on July 16, 2014
- Closed the public comment period on July 31, 2014

Update Oregon AQ Rules to Address Federal Regulations

Rescheduled from January 2015

Subject Matter Expert – Jerry Ebersole:

Ebersole.Gerald@deq.state.or.us – 503-229-6974

DEQ proposes rules to adopt new and amended federal air quality regulations that include:

- New federal standards for boilers and process heaters, stationary internal combustion engines, nitric acid plants, and crude oil and natural gas production, transmission and distribution
- Newly amended federal standards to implement new federal emission guidelines for commercial and industrial solid waste incineration units
- Adopting the federal plan for hospital, medical, and infectious waste incinerators

DEQ:

- Issued public notice and an invitation to comment on Nov. 18, 2013
- Held a public hearing on Dec. 18, 2013
- Closed the comment period on Jan. 10, 2014

Grants Pass Limited Maintenance Plans for CO and PM10

Subject Matter Expert Brian Finneran:

Finneran.Brian@deq.state.or.us – 503-229-6278

In June 2014, DEQ started rulemaking to update the Grants Pass Limited Maintenance Plans for CO and PM10 that would:

- Update maintenance plans for CO and PM10; The plans would apply into 2025 and meet the Clean Air Act 10-year maintenance plan requirements for these pollutants
- Allow the community to adopt simplified "limited" maintenance plans because it has low CO and PM10 pollution
- Eliminate the need for costly computer modeling for the transportation conformity analysis

- Revise the State Implementation Plan for submittal to EPA

DEQ:

- Issued public notice and an invitation to comment on Dec. 16, 2014
- Held a public hearing on Jan. 22, 2015
- Closed public comments on Jan. 26, 2015

Planned – August 2015 EQC Agenda

Water Quality Permit Fee Update

Subject Matter Expert – William Knight
Knight.William@deq.state.or.us – 503-229-5622

ORS 468B.051 limits to three percent DEQ's annual increase in the fee for water quality permits. DEQ has included in its proposed budget a request for a one-time increase in these fees of twelve percent. The governor has included this request in his budget. DEQ will proceed with a temporary rulemaking in August. DEQ will increase the fee by an amount up to twelve percent depending on what the legislature approves, if anything. DEQ will follow with a permanent rulemaking to set the long-term fee.

Planned – October 2015 EQC Agenda

Clean Water State Revolving Fund

Subject Matter Expert – Katie Foreman
Foreman.Katie@deq.state.or.us – 503-229-5622

This rulemaking will align CWSRF rules with new federal Clean Water Act Amendments.

The rule changes will:

- Change affordability criteria to allow additional subsidization
- Adopt new federal cost-effectiveness self-certification criteria
- Match federal cross-cutting requirements on treatment projects and eliminate a costly DEQ requirement for cross-cutters on non-treatment projects

- Align with CWA requirements to make additional types of projects eligible for funding
- Allow longer loan terms
- Introduce the option to allow loans to nonprofit organizations
- Allow principal forgiveness for residential ratepayers who don't currently meet affordability criteria
- Allow principal forgiveness to support program goals in new categories

DEQ plans to:

- Hold advisory committees during Jan. through March of 2015
- Issue public notice of a hearing and open the public comment period in July 2015
- Hold a hearing and close the public comment period in Aug. 2015

PM 2.5 National Ambient Air Quality Standards

Subject Matter Expert – Nancy Cardwell:
Cardwell.Nancy@deq.state.or.us – 503-229-6610

The proposed rules would incorporate changes from the National Ambient Air Quality Standards for PM_{2.5} into the Oregon State Implementation Plan. Oregon operates its SIP under federal approval. The state must adopt new or revised NAAQS to retain this authority. Oregon must incorporate newly enacted NAAQS by December 15 to maintain federal approval of the SIP. The proposed rules would also amend the SIP to include interstate transport elements.

DEQ plans to:

- issue notice of a rulemaking hearing and open public comment in July 2015
- Hold a public hearing and close public comment in Aug. 2015

Greenhouse Gas Reporting Requirements

Subject Matter Expert – Elizabeth Elbel:
Elbel.Elizabeth@deq.state.or.us – 503-229-6476

The proposed rules would update greenhouse gas reporting requirements. This will reduce the burden of reporting on businesses and improve the accuracy and consistency of the collected data. The updates will improve the process for maintaining calculation methodology and emissions factors for reporting and ensure that data is complete and accurate. These amendments will more closely align Oregon rules with federal rules and reduce the paperwork burden for reporting entities.

The proposed rule amendments would:

- Remove a table concerning emission factors that is no longer relevant
- Simplify reporting requirements that apply when a business is no longer required to report
- Expand the definition of greenhouse gases to include an additional substance

DEQ plans to:

- issue notice of a rulemaking hearing and open public comment in July 2015
- Hold a hearing and close public comment in Aug. 2015

Planned – December 2015 EQC Agenda

Regional Haze Update

Subject Matter Expert – Brian Finneran:
Finneran.Brian@deq.state.or.us – 503-229-6278

The proposed rules will provide an update on DEQ's 2010 Regional Haze Plan. This is a five-year progress report federal rules require that will address:

- Updates on visibility and emission trends in Oregon's Class I areas
- Status of implementation measures
- Adequacy of implementation on the plan
- Additional analysis to prepare for a major plan update in 2018

DEQ plans to:

- Provide public notice of the rulemaking and open public comment in Sept. 2015
- Hold public hearings in Oct. 2015

Medford Limited Maintenance Plan

Subject Matter Expert – Dave Nordberg:
Nordberg.Dave@deq.state.or.us – 503-229-5519

DEQ proposes to revise the Medford CO Limited Maintenance Plan. Medford discovered an error in the vehicle emissions budget in their CO air quality plan. The region must put a revised maintenance plan in place by December 2015 to avoid

delaying their transportation planning process. The region is developing an emissions inventory which DEQ will use to revise the State Implementation Plan.

DEQ plans to:

- Provide public notice of the rulemaking hearing and open public comment in Sept. 2015
- Hold a hearing and close public comment in Oct. 2015

Water Quality Credit Trading

Subject Matter Expert – Courtney Brown:

Brown.Courtney@deq.state.or.us – 503-229-6839

DEQ proposes new rules to help implement Oregon’s WQ trading program. The proposed rules would help:

- Establish WQ trading as a credible way to meet WQ program goals
- Provide facilities that discharge wastewater to a stream or river a cost effective and sustainable way to comply with permit requirements

DEQ plans to:

- Convene several policy forums
- Issue public notice and an invitation to comment on June 15, 2015

Clean Fuels Program Update

Subject Matter Expert – Cory-Ann Wind:

Wind.Cory@deq.state.or.us - 503-229-5388

The proposed rules may:

- Add exceptions to the clean fuels requirements
- Substitute a different deferral mechanism
- Substitute a user interface tool for finding fuel carbon values in place of current tables
- Add indirect land use exchange as a value
- Add the new OPGEE tool for calculating emissions from crude sources
- Update the GREET tool based on a new version of the tool
- Change the threshold for small operators
- Modify the rules for generating credits from bio-diesel

DEQ plans to:

- Issue notice of a hearing and open the public comment period in Sept. 2015
- Hold hearings and close the public comment period in Oct. 2015

Planned – April 2016 EQC Agenda

Solid Waste Permitting Fee Increase

Subject Matter Expert – Cheryl Grabham:

Grabham.Cheryl@deq.state.or.us – 503-229-6434

DEQ proposes amending existing rules to increase per-ton solid waste disposal permit fees. This fee supports materials management programs. The current fee is thirty cents per ton of waste disposed and has not increased since 1994. The increase is necessary to meet increased program costs. The program estimates the fee may increase to fifty-eight cents per ton.

There is a companion bill in the legislature, Senate Bill 245. This bill would

- Extend fees to additional waste streams
- Authorize EQC to adjust a related fee – tipping fees - to adjust for cost changes
- Require DEQ to report to the legislature in 2022 on longer-term program funding options

DEQ expects to:

- Issue a notice of a rulemaking hearing and open public comment in Dec. 2015
- Hold a hearing and close public comment in Jan. 2016

Federal Air Quality Regulations – new to plan May 2015

Subject Matter Expert – Gerry Ebersole:

Ebersole.Gerald@deq.state.or.us – 503-229-6974

DEQ proposes amending existing rules to increase per-ton solid waste disposal permit fees. This fee supports materials management programs. The current fee is thirty cents per ton of waste disposed and has not increased since 1994. The increase is necessary to meet increased program costs. The program estimates the fee may increase to fifty-eight cents per ton.

There is a companion bill in the legislature, Senate Bill 245. This bill would

- Extend fees to additional waste streams

- Authorize EQC to adjust a related fee – tipping fees - to adjust for cost changes
- Require DEQ to report to the legislature in 2022 on longer-term program funding options

DEQ expects to:

- Issue a notice of a rulemaking hearing and open public comment in Dec. 2015
- Hold a hearing and close public comment in Jan. 2016

Planned – August 2016 EQC Agenda

Water Quality Bacteria Standards – new to plan May 2015

Subject Matter Expert – Aron Borok
borok.aron@deq.state.or.us – 503-229-5050

Adopt EPA’s 2012 recommended water quality criteria for enterococci. DEQ will clarify that the fecal coliform criteria applies to shellfish harvesting for estuarine and marine waters and that the new enterococci criteria will apply to primary contact recreation in marine waters. DEQ also will clarify what waters qualify as “shellfish harvesting” waters for purposes of applying the fecal coliform criteria and what waters qualify as coastal recreation waters.

Clean Power Plan – new to plan May 2015

Subject Matter Expert – Colin McConnaha
Mcconnaha.colin@deq.state.or.us – 503-229-5094

This rulemaking will bring Oregon into compliance with the federal Clean Power Plan under section 111(d) of the Clean Air Act. EPA’s clean power plan is intended to reduce carbon dioxide emissions from existing fossil fuel power plants. DEQ does not yet know the full scope of this rulemaking or the exact measures it will proposed because DEQ is waiting for EPA to issue final rules on its proposal. DEQ is working with the Oregon Department of Energy and the Public Utility Commission in developing this proposal.

Planned – October 2016 EQC Agenda

Water Quality Copper Standards – new to plan May 2015

Subject Matter Expert – Andrea Matzke

Matzke.andrea@deq.state.or.us – 503-229-5384

DEQ proposes amending existing rules to increase per-ton solid waste disposal permit fees. This fee supports materials management programs. The current fee is thirty cents per ton of waste disposed and has not increased since 1994. The increase is necessary to meet increased program costs. The program estimates the fee may increase to fifty-eight cents per ton.

LINKS

Advisory committees

DEQ frequently convenes advisory committees or work groups to help develop rule proposals. The Advisory Committee web page provides committee information that includes meeting schedules, agendas, minutes and work papers. It also includes a form that anyone can use to sign up to receive meeting notifications.

<http://www.oregon.gov/deq/RulesandRegulations/Pages/advisorycom.aspx>

Proposed rules

DEQ's Proposed Rules web page lists proposed rules that are open or have recently closed for public comment. This page includes comment deadlines, hearings and information about how to provide comments.

<http://www.oregon.gov/deq/RulesandRegulations/Pages/proposedrule.aspx>

EQC Meetings

EQC meeting dates, locations and agendas are on the commission web page.

Meeting agendas include rulemaking staff reports that describe DEQ's rulemaking proposal, the process used to develop the proposed rules and the draft rules showing the proposed changes.

<http://www.oregon.gov/deq/EQC/Pages/EQCMeetings.aspx>

Filed Rules

After EQC adopts, amends or repeals rules, DEQ files rules with the Secretary of State and posts the public record on the Filed Rules on the Rules and Regulations web page.

<http://www.oregon.gov/deq/RulesandRegulations/Pages/default.aspx>