



# 2025 Three Basin Rule Advisory Committee Charter

**Rulemaking Contact: Aron Borok**

**March 17, 2025**



### **Translation and other formats**

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# Objectives and scope

## Committee purpose and objectives

The purpose of the Rulemaking Advisory Committee is to provide input to the Oregon Department of Environmental Quality on a proposed rulemaking to revise the Three Basin Rule to allow National Pollution Discharge Elimination System permits in limited circumstances consistent with the objectives of the rule. The Environmental Quality Commission directed DEQ to revise the rule in response to a rulemaking petition from Marion County related to a proposed wastewater treatment plant in Mill City.

The committee fulfills the requirement in Oregon Revised Statutes 183.333 for DEQ to obtain input from an advisory committee on the fiscal and economic impact of the proposed rule, as described in Section 2.2 below. DEQ is not requesting the committee to make decisions or recommendations as a group. DEQ does not expect that the committee will reach consensus on their views or their input.

## Project objectives and scope

The objective of this rulemaking is to revise the Three Basin Rule to allow NPDES permit in limited circumstances consistent with the stated objective of the rule. The Three Basin Rule was established to preserve or improve the existing high quality water for municipal water supplies, recreation, and preservation of aquatic life in the Clackamas, McKenzie, and North Santiam River Subbasins. DEQ may make other revisions to the Three Basin Rule as necessary.

## Fiscal and economic impact

ORS 183.333 requires that DEQ ask the advisory 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 negative fiscal impact of the rules on small businesses.

The statement of fiscal and economic impact will be written by DEQ based on available information and the input of the advisory committee. It will be available to the public during the formal public comment period on the proposed rule amendments.

# Rulemaking timeline

The table below shows the major milestones and dates for this rulemaking process.

| Milestone                                | Date                  |
|--|-----------------------|
| Develop draft rule and support documents | January – March 2025  |
| Advisory Committee                       | March – June 2025     |
| Public Notice and Comment Period         | August-September 2025 |
| Public Hearings                          | September 2025        |
| Presentation to EQC for Adoption         | November 2025         |

## 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. If a member's absence is unavoidable, please notify the DEQ project manager. In this case, an alternate may be assigned. However, 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 and keep the project on schedule. The primary and alternate members of the committee cannot participate in the same meeting, although the alternate member may attend the meeting as a member of the public.

The committee member:

- Replies promptly to scheduling emails or polls and sets aside time for the meetings.
- Prepares for the meetings by reviewing any materials provided.
- Provides DEQ staff with copies of relevant research and documentation cited or suggested by the member.
- Stays focused on the specific agenda topics for each meeting.
- Comments constructively and in good faith.
- Consults with constituencies in a timely manner to inform them about the process and gather their input.
- Treats everyone and their opinions with respect.
- Allows one person to speak at a time.
- Is courteous by not engaging in sidebar discussions or engaging in other distracting behaviors during the meeting.
- Avoids representing to any outside party, including the public and the media, the views of any other committee member or the committee as a whole.

## **Non-committee member attendees**

DEQ has invited government advisors from state and federal agencies to attend the committee meetings and serve as a resource, if needed. They will be available to help DEQ answer questions regarding the impacts of the rulemaking related to their specific area of expertise.

Non-members from the public may attend the committee meetings to observe, but not to actively participate in committee discussions. If non-committee members are present at a meeting, DEQ will try to provide time during the meeting for their comments and questions. However, this will be discretionary and as time allows.

## **DEQ staff**

DEQ is committed to making the most effective use of committee members' 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.
- Providing a clear description of member roles, the committee timeline, the level of support or agreement perceived on specific proposals, and feedback on how committee member input will be used.
- Prepare for meetings and document reviews as described further below.

## **DEQ support and website**

DEQ will post agenda and meeting materials on the advisory committee website at least one week in advance of the meeting. DEQ staff will provide meeting summaries of committee

discussions that highlight the different perspectives and input of individual committee members. DEQ will send draft meeting summaries to the advisory committee for review and input. Final meeting summaries will be posted to the advisory committee website and will be part of the public record. A summary of the advisory committee process and input will be included in the EQC staff report for the rulemaking.

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

## Committee meetings

All committee meetings will be:

- Open to the public for observation. DEQ will try to include time on the agenda at each meeting for non-member comments and questions if time allows.
- Advertised on the [DEQ web calendar](#) two weeks before the meeting.
- Noticed by email to the Water Quality Standards and Water Quality Rulemaking GovDelivery lists.

The committee is expected to meet three times between March 2025 and June 2025 by virtual meeting and webinar. The meeting durations may vary depending on topics and committee progress. The agenda and meeting materials will be posted to the advisory committee webpage. When DEQ shares information with the committee, DEQ will allow a reasonable timeframe for review and feedback.

## Decision making

This advisory committee will not make policy decisions. Rather, DEQ will consider the committee's discussions and input to inform its draft proposed rules for the Three Basin Rule revisions and to develop the required fiscal impact statement. DEQ may ask individual committee members to state whether they agree with or support certain aspects of the rulemaking being considered or under discussion. DEQ retains the authority to decide the content of the final proposed rules and rulemaking documents. The proposed rules will be published for public review and public comment as part of DEQ's rulemaking process.

# 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   |
| Jason Pulley                   | City of Salem (primary)   |
| Lacey Goeres-Priest            | City of Salem (alternate)   |
| Tyler Deems                    | City of Sandy (primary)   |
| Jeff Aprati                    | City of Sandy (alternate)   |
| Ron Wierenga                   | Clackamas Environmental Services, representing Oregon Association of Clean Water Agencies (primary) |
| Mary Logalbo                   | Clackamas River Basin Council (primary)   |
| Amy Barton                     | Clackamas River Basin Council (alternate)   |
| Kimberly Swan                  | Clackamas Water Providers (primary)   |
| Jesse Main                     | Compass Concrete Construction, representing Oregon Onsite Wastewater Association (primary)          |
| Keri Handaly                   | Confederated Tribes of Grand Ronde (primary)  |
| Susan Fricke                   | Eugene Water and Electric Board (primary)   |
| Nancy Toth                     | Eugene Water and Electric Board (alternate)   |
| Dan Hurley                     | Lane County (primary)   |
| Steve Adams                    | Lane County (alternate)   |
| Chris Einmo                    | Marion County (primary)   |
| Brian Nicholas                 | Marion County (alternate)   |
| Mary Stites                    | Northwest Environmental Defense Center, representing Willamette Riverkeeper (primary)               |
| Lindsey Hutchinson             | Willamette Riverkeeper (alternate)  |
| Jason Green                    | Oregon Association of Water Utilities (primary)   |
| Monty Norris                   | Oregon Association of Water Utilities (alternate)   |
| Sharla Moffett                 | Oregon Business and Industry (primary)  |
| Non-member Government Advisors |   |
| Rick Cowlshaw                  | Oregon Department of Agriculture (primary)  |
| Becky Anthony                  | Oregon Department of Fish and Wildlife (primary)  |
| Kelly Reis                     | Oregon Department of Fish and Wildlife (alternate)  |



|                   |  |
|-------------------|--|
| Danielle Gonzalez | Oregon Water Resources Department (primary)    |
| Alyssa Mucken     | Oregon Water Resources Department (alternate)  |
| Shawn Stevenson   | Oregon Health Authority (primary)              |
| Michelle Maier    | U.S. Environmental Protection Agency (primary) |

## 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 DEQ to the maximum extent possible which DEQ will then share with the rest of the committee members where appropriate. 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. Committee members should only send emails (and other communications) to DEQ and not the committee because including all members on an email could constitute a violation of Oregon's Public Meetings Law.

## Public involvement

All meetings will be open to the public. DEQ will try to set aside time for public input during a committee meeting if time allows. However, this is at DEQ's discretion.

DEQ will develop draft rules concurrent with the advisory committee process. Once the advisory committee process is complete, DEQ will conduct a public notice process. That process will include a specified period of time during which the public can submit comments on the proposed rules. DEQ will also hold a public hearing(s) during which any member of the public can submit written or verbal comments. Individual committee members may provide additional input as written or verbal public comments to DEQ on the proposed rule at this time. DEQ may modify the proposed rules based on public comment. DEQ intends to provide a final proposed rule to the EQC for action at its meeting in November 2025.

# DEQ contacts

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