

Certificate of Financial Responsibility

Advisory Committee Charter

Rulemaking Contact:

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Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age, sex, religion, sexual orientation, gender identity, or marital status in the administration of its programs and activities.

For translation or other formats, visit DEQ's [Civil Rights and Environmental Justice page](#).

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Objectives and scope

Policy objectives

[House Bill 4100](#) (2026) amends [ORS 468B.513](#) to [468B.525](#) to require owner/operators of bulk oils or liquid fuel terminals within Columbia, Multnomah and Lane Counties with storage capacity of two million gallons or more to submit assurances to DEQ of their financial capability to cover the costs of spill related liabilities, including spill response, environmental remediation and damages up to \$300 million. Potential financial assurance (FA) mechanisms include, but are not limited to, insurance or self-insurance, surety bonds, a letter of credit, trusts or other such evidence. Facilities must submit evidence of sufficient financial assurance mechanisms to DEQ to obtain a Certificate of Financial Responsibility (COFR) with an initial deadline to apply for a COFR by March 31, 2027. COFRs must be renewed every three years with regular interim reports provided to DEQ to ensure compliance.

The proposed rules must be consistent with federal standards and must consider the State of Washington's financial responsibility requirements in development of the rules. The rules must also outline processes for:

- Verifying FA mechanisms;
- Adjusting the maximum and minimum FA requirements every three years;
- Enforcing statutory requirements including via civil penalties and shutdown authority.

Fiscal, economic and racial equity impacts

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 adverse impacts on small businesses, and if so, how DEQ can reduce the rules' negative fiscal impact on small businesses

ORS 183.335 (2)(a)(F) requires agencies to provide a statement identifying how adoption of the rule(s) will affect racial equity in Oregon. To aide in crafting this statement DEQ will ask the committee to provide input on this question.

ORS 182.545 requires that natural resource agencies, like DEQ, consider how its actions affect environmental justice in the state. DEQ will ask the committee to provide environmental justice considerations.

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
- 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. Committee members should refrain from meeting in groups of 8 people or more to discuss the rulemaking.

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
- 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
- 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 agendas 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, although the committee can choose whether the public can actively participate in committee meetings
 - Advertised on DEQ's [online Events Calendar](#) two weeks before the meeting.
 - Noticed by email to the [FTSS COFR Granicus \(formerly GovDelivery\) list](#)
 - Noticed on DEQ's Facebook/Twitter account
 - Held via Zoom Webinar
 - Accessible via a call-in number or computer
2. The committee is expected to meet two times via a Zoom Webinar meeting (meeting duration times may vary depending on topics and committee progress)
3. Meeting materials and agenda will be posted to the advisory committee web page

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.

Committee members

Name	Affiliation
Representative Thuy Tran	Oregon House of Representatives
Sarah Hardisty	Tribal Response Resource Specialist, Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Keri Handaly	Environmental Policy Analyst, Confederated Tribes of Grand Ronde
Arjorie Arberry-Baribeault	Environmental Justice Coordinator, Beyond Toxics Eugene
Antonio Machado	Northwest Technical Senior Manager, Western States Petroleum Association
Cassie Cohen	Executive Director, Portland Harbor Coalition
Chris West	Senior Vice President of Operations, Pac/West Resources
Daniel Hurley	Public Works Director, Lane County Public Works
Jay Jackson	Senior Project Manager, Kinder Morgan
John Wasiutynski	Director, Multnomah County – Office of Sustainability
Kevin White	Member, OSSPAC
Lindsey Hutchison	Staff Attorney, Willamette River Keepers
Nichole Rutherford	City Manager, City of Coos Bay
Nikki Mandell	Member, CEI Hub Task Force

Name	Affiliation
Raven Collins	Senior Policy Advisor, Oregon Dept. of Consumer and Business Services - Division of Financial Regulation
Sharla Moffett	Senior Policy Director, Oregon Business and Industry
Tom Armstrong	Supervising Planner, City of Portland – Bureau of Planning and Sustainability

Technical review panel

DEQ convened a technical review panel to assist in developing this rulemaking and advise DEQ on the technical aspects of financial assurance mechanisms and risks. The panel members have expertise in financial assurance mechanisms, emergency response analysis, environmental advocacy and economics. The technical review panel is not a decision-making body but will provide technical review and input on DEQ's analyses and recommendations to the advisory committee.

Name	Affiliation	Area of Expertise
Center for Public Service	Portland State University	Research
WA Department of Ecology	State of Washington	COFR Regulations
Jay Wilson	Clackamas County Emergency Response	Emergency Response
Paul Edison-Lahm	Supreme Lending, Clatskanie	Lending mechanisms
John Talberth	Center for Sustainable Economy, President & Senior Economist	Economics, environmental policy
Jeff Wyatt	Hanford Cleanup Board, Chair	Environmental cleanup, engineering, oil terminals

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. 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 Environmental Quality Commission for consideration at its January 2027 meeting.

DEQ contacts

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