



State of Oregon
Department of
Environmental
Quality

Oregon Department of Environmental Quality
April 15, 2019

Notice of Proposed Rulemaking

2019 WQ Permit Fee Increase

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Alternative formats

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.

Introduction

DEQ invites public input on proposed permanent rule amendments to chapter 340 of the Oregon Administrative Rules.

Background

DEQ proposal

DEQ proposes rule amendments to increase water quality fees in 2019 for fiscal year 2020 by three percent above the 2018 fees provided in ORS 468B.051. These fees apply to National Pollutant Discharge Elimination System permits and Water Pollution Control Facility permits.

The Water Quality Program's mission is to protect and improve Oregon's water quality. Protecting Oregon's rivers, lakes, streams and groundwater quality keeps these waters safe so they can be used for drinking water, fish habitats, recreation and irrigation. DEQ accomplishes this by developing and implementing water quality standards and clean water plans, issuing water quality permits, regulating sewage treatment systems and industrial dischargers, collecting and evaluating water quality data, providing grants and technical assistance to reduce nonpoint pollution sources and giving loans to communities to build treatment facilities.

DEQ needs the fee increase to help account for the anticipated rise in administration costs associated with the permit program. This increase will also help DEQ achieve its objective for a sustainable water quality program that issues timely, high quality permits and ensures compliance with permit conditions through inspections, enforcement and reporting to EPA.

DEQ must apply the new fees to invoices as of Oct. 1, 2019, to cover costs associated with implementing the permitting program and delivering services to regulated entities. Without this increase, DEQ would need to reduce permitting staff and delay implementing improvements to the program as identified in the report, [Recommendations and Implementation Plan](#). The 2015 Oregon Legislature commissioned this report, which a third-party consultant completed in November 2016.

More information

Information about this rulemaking is available on the website: [Water Quality Permit Fees 2019](#).

DEQ plans to hold one public hearing. Anyone can attend a hearing in person or by teleconference. Information about the public hearing:

- Wednesday, May 15, 2019
- 9:30 a.m.
- 700 NE Multnomah St.
Suite 600, Room 1110
Portland, OR 97232-4100

Teleconference information

- Teleconference phone number: 888-363-4734
- Participant code: 1910322

How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules in this rulemaking. Anyone can submit comments and questions about this rulemaking. A person can submit comments through an online web page, by regular mail or at the public hearing.

Comment deadline

DEQ will only consider comments on the proposed rules that it receives by 4 p.m. (PDT), May 17, 2019.

Submit comment online

You can submit comments through the [Water quality permit fees 2019 comment page](#).

Note for public university students:

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student, you may omit your email address when you complete the online form to submit a comment.

By mail

Oregon DEQ
Attn: Michele Martin
700 NE Multnomah St., Room 600
Portland, OR 97232-4100

At hearing

Wednesday, May 15, 2019

9:30 A.M.
700 NE Multnomah Street
Suite 600, Room 1110
Portland, OR 97232-4100

Sign up for rulemaking notices

Get email or text updates about this rulemaking by signing up through this link: [DEQ emails](#), or on the rulemaking web site: [Water Quality Permit Fees 2019](#).

Get email or text updates about future DEQ rulemakings by signing up through this link: [DEQ Email Notice List](#).

What happens next?

DEQ will include a written response to comments in a staff report it will submit to the Environmental Quality Commission. DEQ may modify the rule proposal based on the comments.

Present proposal to the EQC

Proposed rules only become effective if the Environmental Quality Commission adopts them. DEQ plans to present the proposed rules to the commission for a decision at its meeting in September 2019. Current information about EQC meeting dates, agendas and locations are online at the [EQC web page](#).

Overview

Short summary

1. DEQ proposes the Oregon Environmental Quality Commission approve the rule amendments to increase water quality fees for fiscal year 2020 by three percent. These fees apply to National Pollutant Discharge Elimination System permits and Water Pollution Control Facility permits.
2. As part of this rulemaking, DEQ also proposes the Oregon Environmental Quality Commission approve the rule amendments to modify the language in OAR 340-045-0075; Table 70F for the electronic reporting requirement waiver for NPDES and WPCF under the item in Table 70F for Other Fees; and for administrative activity fees under OAR 340-045-0075(9)(a). The fee table and rule modifications clarify the initial intent of the annual fee and waiver terminology to include the terms “temporary” and “permanent” waivers. EPA specifies details about temporary and permanent waivers for electronic reporting in Code of Federal Regulations Title 40, Part 127 (40 C.F.R. §127), 40 C.F.R. §§127.15 and 127.24. The EPA authorizes DEQ to administer the National Pollutant Discharge Elimination System (NPDES) program (except Sewage Sludge/Biosolids) in Oregon. Note: This rulemaking does not apply to episodic waivers under 40 C.F.R. §127.

Regulated parties

The proposed rules would affect individuals, business and government agencies that hold or apply for National Pollutant Discharge Elimination System permits and Water Pollution Control Facility permits.

Request for other options

During the public comment period, DEQ requests public comment on whether to consider other options for achieving the rules' substantive goals, while reducing the rules' negative economic impact on business.

Statement of need

Proposed Rule or Topic	Discussion
Three percent increase for NPDES and WPCF fees	
<p>What need would the proposed rule address?</p>	<p>Without this increase, DEQ would need to reduce permitting staff and delay implementing improvements to the program as identified in the document: Recommendations and Implementation Plan. This is an independent third-party consultant report the 2015 Oregon Legislature commissioned. The report was completed in November 2016.</p>
<p>How would the proposed rule address the need?</p>	<p>DEQ must implement the new fees on invoices starting Oct. 1, 2019 to cover costs associated with implementing the permitting program and delivering services to regulated entities.</p>
<p>How will DEQ know the rule addressed the need?</p>	<p>If approved, DEQ would begin receiving fee revenue by Oct. 1, 2019. DEQ expects the proposed fees would sustain the needed staffing levels for the program through fiscal year 2020 that ends June 30, 2020.</p>
Modification of OAR 340-045-0075, Table 70F and OAR 340-045-0075(9)(a)	
<p>What need would the proposed rule address?</p>	<p>This modification clarifies the initial intent of the annual fee and waiver terminology for electronic reporting requirement waivers to include temporary and permanent waivers. EPA specifies details about temporary and permanent waivers from electronic reporting in Code of Federal Regulations Title 40, Part 127 (40 C.F.R. §127), 40 C.F.R. §§127.15 and 127.24.</p>
<p>How would the proposed rule address the need?</p>	<p>OAR 340-045-0075, Table 70F under Other Fees will add the bolded language: Annual temporary or permanent electronic reporting waiver.</p>

Proposed Rule or Topic	Discussion
	OAR 340-045-0075(9)(a) will add the bolded language: The annual electronic reporting requirement waiver fee applies to a permit holder who qualifies for a temporary or permanent waiver, exempting them from submitting data reports electronically.
How will DEQ know the rule addressed the need?	When including the additional language, the proposed rule will clarify the intent of the initial rule.

Rules affected, authorities, supporting documents

Lead division

Water Quality Division

Program or activity

Water Quality Permitting and Program Development

Chapter 340 action

Amend - OAR

340-045-0075, 340-071-0140

Statutory authority - ORS

468.020 (Rules and Standards)

468B.020 (Prevention of Pollution)

468B.035 (Implementation of Federal Water Pollution Control Act)

454.625 (Rules)

468.065(2) (Issuance of Permits; contents; rules; fees; use)

Documents relied on for rulemaking

Document title	Document location
Fee increase calculations	DEQ Headquarters
Recommendations and Implementation Plan	DEQ web page

Document title	Document location
	https://www.oregon.gov/deq/FilterDocs/wqp-FinalReport.pdf
DEQ 2017-2019 Legislatively Approved Budget	DEQ Headquarters
DEQ's water quality permit database	DEQ Headquarters
Businesses by size or firm of 50 or fewer employees	Oregon Employment Department website reports 875 Union Street NE Salem, OR 97311 https://www.qualityinfo.org/bi

Fee Analysis

The Oregon Environmental Quality Commission approval of this rule proposal would increase existing fees.

EQC authority to act on the proposed fees is ORS 468B.051 (Fees for Water Quality Permit) and ORS 468B.050 (Water Quality Permit).

Brief description of proposed fees

DEQ proposes rule amendments to increase water quality fees for fiscal year 2020 by three percent above the fiscal year 2019 fees. These fees apply to National Pollutant Discharge Elimination System permits and Water Pollution Control Facility permits.

DEQ proposes the following changes in this rulemaking:

1. Three percent increase for NPDES and WPCF fees

ORS 468B.051 authorizes the three percent increase. DEQ will apply the increase to the following permit fees:

- OAR 340-071-0140:
 - Table 9D WPCF Permit Fees
- OAR 340-045-0075:
 - Industrial NPDES and WPCF Individual Permits Application and Modification Fees; Table 70A;
 - Industrial NPDES and WPCF Individual Permit Annual Fees; Table 70B;
 - Domestic NPDES and WPCF Individual Permits, Application, Annual Modification Fees; Table 70C;
 - Domestic NPDES and WPCF Annual Population Fees, Table 70D;
 - Annual Pretreatment Fees, Table 70E;

- All NPDES and WPCF Permits, Technical Activity, Plan Review and Other Fees, Table 70F;
- General NPDES and WPCF Permits, Application and Annual Fees, Table 70G, excluding WPCF 2401 and 2402; and 700PM fees under authority Oregon Revised Statute 468B.118;
- Municipal Separate Storm Sewer System Permits: Annual Fees, Table 70H; and
- Underground Injection Control Permits Application Fees, Annual Fees, and Surcharges, Table 70I, excluding UIC fees authorized by rule under the authority of ORS 468B.195 and ORS 468B.196.

2. Modification of OAR 340-045-0075, Table 70F and OAR 340-045-0075(9)(a)

- This rulemaking requires modifying the existing rule language to clarify the initial intent of the annual electronic reporting requirement waiver terminology (“temporary” and “permanent waivers”). EPA specifies details about temporary and permanent waivers from electronic reporting in Code of Federal Regulations Title 40, Part 127 (40 C.F.R. §127), 40 C.F.R. §§127.15 and 127.24. The EPA authorizes DEQ to administer the National Pollutant Discharge Elimination System program (except Sewage Sludge/Biosolids) in Oregon. Note: This rulemaking does not apply to episodic waivers under 40 C.F.R. §127. OAR 340-045-0075, Table 70F will add the bolded language to the section of the fee table labeled “Other Fees”: Annual temporary or permanent electronic reporting waiver.
- OAR 340-045-0075(9)(a) will add the bolded language: The **annual** electronic reporting requirement waiver fee applies to a permit holder who qualifies for a temporary **or permanent**, waiver exempting them from submitting data reports electronically.

Reasons

DEQ must establish the new fees to implement the current service level of the 2019-21 budget to cover costs associated with implementing the permitting program and delivering services to regulated entities. Without this increase, DEQ would need to reduce permitting staff and delay initiating improvements to the program as identified in the report [Recommendations and Implementation Plan](#). This is an independent third-party consultant report commissioned by the 2015 Oregon Legislature commissioned and completed in November 2016. Without this funding, water quality in urban streams and downstream waters will likely further degrade and there will be short- and long-term impacts on other regulated entities and communities needing federal approvals for financial assistance and federal permits.

The proposed fees would address

The proposed fees would address the fee increase allowed by statute, of three percent provided under ORS 468B.051 (Fees for Water Quality Permit).

Not more than once each calendar year, the Environmental Quality Commission may increase the fees established under ORS 468.065 for permits issued under ORS 468B.050. The amount of the annual increase may not exceed the anticipated increase in the cost of administering the permit program or three percent, whichever is lower, unless a larger increase is provided for in the Department of Environmental Quality's legislatively approved budget [2005 c.523 §2; 2015 c.640 §1].

Fee proposal alternatives considered

Not increasing fees. Without the fee increase, DEQ would be unable to provide ongoing permit program functions at the current service level. Services may include the loss of or holding vacant permit writer positions. DEQ would also be unable to implement recommended program improvements identified in a 2017 audit and report.

Other ways to reduce program costs. DEQ has initiated cost-saving measures over the past four years that, over time, should reduce program costs. Examples include creating a permit writing team that has already resulted in more efficiency in issuing NPDES permits and digitizing water quality permit files. This is expected to save at least \$9,000 per year in reduced storage costs as well as additional savings in staff time.

Fee payer

The proposed fees would affect individuals, businesses and government agencies that hold or apply for the following permits:

- National Pollutant Discharge Elimination System permits
- Water Pollution Control Facility permits

Affected party involvement in fee-setting process

DEQ solicited the fiscal advisory committee specifically to address the proposed water quality permit fees in OAR 340 divisions 45 and 71. The advisory committee includes stakeholders representing local governments, domestic and industrial permit holders, state agencies and environmental and citizen engagement organizations. The committee met on March 1, 2019, to review the proposed rule updates and to assess and comment on the fiscal impacts of DEQ's proposed permit fee increase.

Summary of impacts

With existing data, DEQ cannot determine the extent to which the proposed fees would affect each consumer. DEQ anticipates some indirect impact on the public if the permit holder were to increase the cost of goods and services or fees charged to ratepayers to offset the three percent fee increase. For example, the annual fee for stormwater construction activity performed by public agencies under a 1200-CA permit in OAR 340-045-0075, Table 70G would increase by an estimated \$33, divided by the population served by the public agency.

How long will the current fee sustain the program?

The current fees are not sufficient to sustain the program. Foregoing any fee increases would require DEQ to hold positions vacant during the biennium. For example, when developing its 2019-2021 Agency Request Budget, DEQ estimated that even with a three percent annual fee increase in 2019 and 2020, budgeted expenditures to maintain existing staff levels would exceed revenues by an estimated five percent. The shortfall will cause a reduction in the program's fund balance.

How long will the proposed fee sustain the program?

DEQ expects the proposed fees would sustain current program staffing levels through fiscal year 2020, which ends June 30, 2020. To sustain current staffing levels for fiscal year 2021, DEQ will likely need to propose, at minimum, the three percent fee increase allowed in ORS 468B.051.

Budget Comparison Table 1. January 1, 2019 (Effective date of last fee increase: Oct. 1, 2018 EQC adopted fee changes: Sept. 13, 2018)				
	2017-2019 Legislatively Adopted Budget		2019-2021 Agency Request Budget (Modified current service level)	
Program costs covered by fees	\$12,782,995	58%	\$14,491,247	59%
Program costs covered by General Fund and Lottery Fund	\$7,671,236	35%	\$8,407,876	34%
Program costs covered by Federal Funding	\$1,609,781	7%	\$1,770,716	7%

Budget Costs Table 2. January 1, 2019 (Effective date of last fee increase: Oct. 1, 2018 EQC adopted fee changes: Sept. 13, 2018)	
Budget Period	Cost per FTE
2017-19 Legislatively Adopted Budget	\$301,956
2019-21 Agency Request Budget (Modified current service level)	\$333,205
Percent increase over a two-year period	10.35%

Statement of fiscal and economic impact

Fiscal and economic impact

Increasing NPDES and WPCF fees would benefit DEQ through increased financial support. The fee change will increase costs for entities that hold the affected permits or require fee-based services.

Statement of cost of compliance

State and federal agencies

The effect of the increase for NPDES and WPCF fees on state agencies depends on the permit type. Oregon state agencies hold approximately 116 active water quality permits.

Examples of the increase on select permit types include:

- Industrial NPDES fee permits for Tier 2 sources, dairies and fish hatcheries and facilities that dispose of wastewater only by evaporation from watertight ponds or basins will increase between \$79 and \$134. This affects approximately five state agencies (OAR 340-045-0075, Table 70B).
- Annual fees for WPCF individual permits will increase between \$41 and \$455. This affects approximately five state agencies (OAR 340-045-0075, Table 70C).
- Annual fees for general NPDES and WPCF permits will increase between \$11 and \$18. This affects approximately 10 state agencies (OAR 340-045-0075, Table 70G).
- Annual compliance determination fees for WPCF permits will increase between \$1 and \$33. This affects approximately eight state agencies (OAR 340-071-0140, Table 9D).
-

Local governments

The effect of the three percent increase for NPDES and WPCF fees on local governments depends on the permit type. Oregon local governments hold approximately 620 total active water quality permits.

Examples of local government entities include: water districts, irrigation districts, cities, towns, ports, sanitary districts, library districts, counties and school districts. For the purpose of this fiscal analysis, DEQ considered ports and school districts as separate local governments even if contained within a city or county government.

Examples of the three percent fee increase on selected permit types include:

- Industrial NPDES fee permits for Tier 1 and 2 sources, dairies and fish hatcheries and facilities that dispose of wastewater only by evaporation from watertight ponds or basins, will increase between \$79 and \$134. This affects approximately eight local governments and their permit co-permittees (OAR 340-045-0075, Table 70B).
- Domestic NPDES and WPCF individual permit annual fee increases will range from \$50 to \$2,741. The \$2,741 increase will affect one local government (OAR 340-045-0075, Table 70C).
- Annual fees for general NPDES and WPCF permits will increase between \$8 and \$32. This will affect an approximately 293 local government permits (OAR 340-045-0075, Table 70G).
- Annual permit processing fees for on-site systems and compliance determination fees for WPCF permits will increase between \$1 for holding tanks to \$33 for an on-site sewage lagoon with no discharge. This will affect approximately 67 local government permits (OAR 340-071-0140, Table 9D).

Public

With existing data, DEQ cannot determine the extent to which the proposed fees would affect each consumer. DEQ anticipates some impact on the public if the permit holder increases costs of goods and services or fees charged to ratepayers to offset the fee increase. In this case, for example, the annual population fees in OAR 340-045-0075, Table 70D would increase less than \$0.01 per-person, if applying the three percent increase.

Large businesses - businesses with more than 50 employees

The three percent fee increase would affect approximately 150 wastewater permit holders that are large businesses. For example, large businesses that require an industrial NPDES Tier 1 permit would pay an additional \$694 in annual fees for pulp, paper or other fiber pulping industry permits.

Small businesses – businesses with 50 or fewer employees

According to 2018 data from the Oregon Employment Department, the fee increase may affect approximately 3,300 small businesses holding water quality permits. However, no information is available to determine how the fee increases would affect each permit holder. For example, if a small business is categorized as a Tier 2 facility for food or beverage processing, including produce, meat, poultry, seafood or dairy for human, pet or livestock consumption, then under OAR 340-045-0075, fee Table 70B, their annual permit fee would increase by an estimated \$96 over the previous year's annual fee.

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to the proposed rule.

- DEQ estimates the fee increases for wastewater permits would affect approximately 3,300 small businesses.
- Examples of small businesses that have wastewater permits are food processors, mining operations, dairies, fish hatcheries, smelting and refining operations, timber processors, wood products manufacturers, retail operations, seafood processors, gravel mining, wineries, construction companies, petroleum hydrocarbon cleanup operations and vehicle and equipment wash water operations.

b. Projected reporting, recordkeeping, and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.

No additional activities are required to comply with the proposed rules.

c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.

No additional resources are required to comply with the proposed rules.

d. Describe how DEQ will involve small businesses in developing this proposed rule.

- DEQ met with a fiscal advisory committee on March 1, 2019. The committee was composed of a diverse group of stakeholders representing a wide cross section of DEQ's permit holders.
- During and after the meeting, DEQ requested stakeholders' input concerning potential impacts to small businesses and how DEQ can reduce that impact.
- During the public comment period, DEQ will request input on whether to consider other options for achieving the rules' substantive goals, while reducing the rules' negative economic impact on small businesses.

Fiscal and economic impact supporting documents

Document title	Document location
Fee increase calculations	DEQ Headquarters
DEQ 2017-2019 Legislatively Approved Budget	DEQ Headquarters
DEQ 2019-2021 Agency Request Budget	DEQ Headquarters
DEQ's Water Quality Permit database	DEQ Headquarters

Advisory committee

DEQ appointed an advisory committee. As ORS 183.33 requires, DEQ asked for the committee's recommendations on:

- Whether the proposed rules would have a fiscal impact,
- The extent of the impact, and
- Whether the proposed rules would have a significant adverse impact on small businesses. If so, then how can DEQ comply with ORS 183.540 to reduce that impact.

The committee reviewed the draft fiscal and economic impact statement and documented its recommendations and findings in the approved minutes dated [March 1, 2019](#).

The committee determined the proposed rules would not have a significant adverse impact on small businesses in Oregon.

Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel. DEQ anticipates a builder would pass the increased permit cost onto the homebuyer.

DEQ determined the proposed rules would do the following:

- Affect the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel.

- Require a builder of a 6,000-square-foot parcel to pay an additional \$9 for a construction stormwater permit if the parcel is part of a common plan of development disturbing one or more acres. Assuming the three percent increase, this would raise the fee from \$308 to \$317.
- The proposed rule may not affect a builder of a 6,000-square-foot parcel that is not part of a common plan of development disturbing one or more acres because there is no requirement for these parcels to have a construction stormwater permit from DEQ. DEQ understands that some entities may charge a Systems Development Charge for implementing local stormwater or wastewater programs. Increased permit fees may affect housing costs through increased Systems Development Charges.

Federal relationship

Relationship to federal requirements

ORS 183.332, 468A.327 and OAR 340-011-0029 require DEQ to attempt to adopt rules that correspond with existing equivalent federal laws and rules unless there are reasons not to do so.

The proposed rules are “in addition to federal requirements” because there are no applicable federal requirements.

Land use

Land-use considerations

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rules significantly affect land use. If so, DEQ must explain how the proposed rules comply with statewide land-use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, DEQ considers that rules affect land use if:

- The statewide land-use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
 - Resources, objectives or areas identified in the statewide planning goals, or
 - Present or future land uses identified in acknowledged comprehensive plans.

DEQ determined whether the proposed rules involve programs or actions that affect land use by reviewing its Statewide Agency Coordination plan. The plan describes the programs that DEQ determined significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

Goal	Title
5	Open Spaces, Scenic and Historic Areas, and Natural Resources
6	Air, Water and Land Resources Quality
9	Ocean Resources
11	Public Facilities and Services
16	Estuarial Resources

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

Determination

DEQ determined that the following proposed rules affect programs or activities that the DEQ State Agency Coordination Program considers a land-use program.

OAR 340-018-0030(5)(c) and OAR 340-018-0030(5)(d)

DEQ’s statewide goal and local plan compatibility procedures adequately cover the proposed rules. Oregon Administrative Rule 340-018-0050(2)(a) ensures compatibility with acknowledged comprehensive plans through submission of a land-use compatibility statement.

Stakeholder and public involvement

Advisory committee

Background

DEQ convened a 2019 Fee Increase Rulemaking Fiscal Advisory Committee. The committee met once and included representatives from local governments, NPDES permit holders, environmental and citizen involvement organizations. Information about the committee can be found at [Water Quality Permit Fees 2019](#) web page.

The committee members were:

Affiliation	Name	Title
League of Women Voters	Peggy Lynch	Natural Resources Coordinator
Northwest Pulp and Paper	Kathryn Van Natta	Director of Government and Regulatory Affairs
Oregon Water Resource Congress	April Snell	Executive Director
Oregon Business and Industry	Sharla Moffett	Director - Energy, Environment, Natural Resources and Infrastructure
Oregon Public Parks and Recreation	Scott Nebeker	Park Development Administrator

Affiliation	Name	Title
Rogue Valley Sewer Services	Jennifer Morgan	Stormwater Program Manager
Special Districts Association of Oregon	Mark Landauer	Executive Director
City of Gresham	Torrey Lindbo	Watershed Science Manager
League of Oregon Cities	Tracy Rutten	Intergovernmental Relations Associate
Oregon Association of Clean Water Agencies	Susie Smith	Executive Director
Oregon Homebuilders Association	Ellen Miller	Government Affairs Associate

Meeting notifications

To notify people about the advisory committee’s activities, DEQ:

- Sent GovDelivery bulletins, a free e-mail subscription service, to the following lists:
 - Rulemaking
 - Water Quality Permits
- Added advisory committee announcements to [DEQ’s calendar](#) of public meetings
- Provided notice of meetings and links to committee information through postings on Facebook and Twitter.

Committee discussions

In addition to the recommendations described under the Statement of Fiscal and Economic Impact section above, the committee found the following during its fiscal impact review:

- Recommendation: DEQ to notify permittees (larger entities) of the potential three percent increase prior to the EQC meeting, especially for permittees that are part of larger permit fees.
- Recommendation: DEQ to be as clear as possible about the fee increase in the fiscal and economic impact statement.

EQC prior involvement

DEQ did not present additional information specific to this proposed rule revision.

Public notice and hearings

Public notice

DEQ provided notice of the proposed rulemaking on Monday, April 15, 2019, by:

- Filing notice with the Oregon Secretary of State for publication in the May 1, 2019, Oregon Bulletin;
- Posting the Notice and draft rules on the web page for this rulemaking, located at: [Water Quality Permit Fees 2019](#)
- Emailing 9,399 interested parties on the following DEQ lists through GovDelivery:
 - Rulemaking
 - Water Quality Permits
- Emailing the following key legislators required under ORS 183.335:
 - Sen. Michael Dembrow, chair, Senate Committee on Environment and Natural Resources
 - Sen. Alan Olsen, vice-chair, Senate Committee on Environment and Natural Resources
 - Rep. Ken Helm, chair, House Committee on Energy and Environment
 - Rep. Sheri Schouten, vice-chair, House Committee on Energy and Environment
 - Rep. E. Werner Reschke, vice-chair, House Committee on Energy and Environment
- Emailing advisory committee members
- Posting on Twitter and Facebook
- Posting on the [DEQ Calendar](#)

Public Comment

How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments through an online web page, by regular mail or at the public hearing.

Comment deadline

DEQ will only consider comments on the proposed rules that DEQ receives by 4 p.m., on May 17, 2019.

Submit comment online

[Water quality fees rulemaking comments](#)

Note for public university students:

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student you may omit your email address when you complete the online form to submit a comment.

By mail

Oregon DEQ
Attn: Michele Martin
700 NE Multnomah St., Suite 600
Portland, OR 97232-4100

At hearing

May 15, 2019

Public hearings

DEQ plans to hold one public hearing. Anyone can attend a hearing in person or by webinar or teleconference.

Information about the public hearing:

- Wednesday, May 15, 2019
- 9:30 a.m. (PDT)
- 700 NE Multnomah St.
Suite 600, Room 1110
Portland, OR 97232-4100

Teleconference information

- Teleconference phone number: 888-363-4734
- Participant code: 1910322
- Teleconference instructions: [Instructions](#)

DEQ will consider all comments received at the hearing listed above before completing the draft rules. The agency will summarize all comments and respond to them in the Environmental Quality Commission staff report.