

Cleaner Air Oregon

Hazard Index Rulemaking Advisory Committee Charter

July 2019

Cleaner Air Oregon

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State of Oregon
Department of
Environmental
Quality

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

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Purpose and scope

Purpose

On April 6, 2016, Governor Kate Brown announced the launch of Cleaner Air Oregon, a new initiative to reform industrial air toxics regulations and align them with public health. After an extensive multi-year rulemaking effort, the Cleaner Air Oregon program rules were presented to and adopted by the Environmental Quality Commission in November 2018.

DEQ's current effort is to adopt changes to the existing program rules related to health benchmarks for certain high-hazard air toxics. Oregon Senate Bill 1541 (SB 1541) established Risk Action Levels (RALs) for non-cancer-causing chemicals emitted from existing facilities based on a Hazard Index value of 5. SB 1541 also allows the EQC to set RALs for certain non-cancer-causing chemicals downward to a RAL of not less than 3, if those chemicals are expected to cause developmental or other severe health effects.

The Department of Environmental Quality (DEQ) in collaboration with the Oregon Health Authority (OHA) have reconvened this Cleaner Air Oregon Advisory Committee to discuss and give input related to establishing revised benchmarks for these chemicals. The Advisory Committee will assist the rulemaking process by considering options developed following input from the Technical Advisory Committee (an appointed group made up of science, health and air toxics regulation experts).

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 rules' negative fiscal impact on small businesses.

Roles

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;
- Endeavors to capture good ideas;
- Facilitates the conversation so the workgroup stays focused on the agenda and on intended outcomes of the meeting;

- Ensures that all perspectives are heard;
- Ensures that all members adhere to the process and ground rules;
- Facilitates comments and input from the public; 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

The expectation is that Advisory Committee members will attend each related rulemaking meeting to ensure continuity throughout the process. In the event that an alternate is needed, 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.

Each 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;
- Communicates constructively, in good faith and accurately;
- Consults regularly with constituencies to inform them on the process and gather their input;
- Treats everyone and their opinions with respect and assumes good intentions when opinions differ;
- Allows one person to speak at a time;
- Is courteous by not engaging in sidebar discussions; and
- Avoids representing to the public or media the views of any other committee member or the committee as a whole.

Non-Committee Member Attendees

Those who attend the committee meetings, but are not members of the committee are there only to observe and not to actively participate. DEQ will schedule time during the meeting for non-committee member comments. DEQ requests that non-committee attendees refrain from communications during meetings that distract from orderly focused conduct of the committee, including verbalizing outside of the designated public comment time and setting up or using visual displays. DEQ requests that persons intending to film advisory committee proceedings using tripods or other large equipment make a request to DEQ 72 hours in advance of the meeting.

DEQ and OHA Staff

DEQ and OHA will draft CAO Hazard Index rules for industrial sources. DEQ and OHA are

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;
- Providing accurate and useful information prior to each meeting to help committee members come prepared to each meeting;
- Encouraging all members to take part in discussions; and
- Providing a clear description of members' roles, the committee timeline, the level of agreement expected and feedback on how members' input is used.

DEQ Support and Website

DEQ will post the agendas and meeting materials on the advisory committee website at least one week in advance of the meetings. The facilitator will provide meeting summaries that highlight committee discussions, different perspectives and input of committee members. DEQ will not prepare a formal committee report. DEQ will send draft meeting summaries to the advisory committee for review and input. Final meeting minutes will be posted to the advisory committee website and will be part of the public record.

The advisory committee charter, a full roster of the committee, meeting agendas and minutes, and background materials will all be located on the advisory committee webpage at [HI Rulemaking Webpage](#).

Committee Meetings

1. All committee meetings will be:
 - Open to the public
 - Advertised on DEQ's CAO webpage and agency calendar two weeks before the meeting at: [DEQ Event Calendar](#) and on the [Cleaner Air Oregon](#) website
 - Noticed by email to those who have signed up through [GovDelivery](#) to receive updates on the rulemaking
 - Noticed on DEQ's Facebook/Twitter account
 - Accessible via a call-in number or webinar
2. Committee meetings will have time scheduled for public comment
3. The RAC committee is expected to meet one time at the following location:
 - Wednesday, July 10, 2016, 9:00 AM – 4:00 PM, Portland Oregon
 - The RAC will also serve as the Hazard Index rulemaking Fiscal Advisory Committee (FAC) for approximately half a day on a date in September 2019 that is yet to be

decided.

4. Meeting materials and agenda will be posted to the [HI Rulemaking Webpage](#)

Decision Making

DEQ is seeking diverse input from tribes and key stakeholders. Recognizing the complexity of an air toxics permit program, DEQ will not seek consensus recommendations from the committee, nor will the committee be asked to vote on specific issues. DEQ (with support from OHA) will ask for input from each individual committee member and gauge the committee's overall concerns and level of support. The committee's discussions will be used by DEQ and OHA in forming the draft rule, which will then be proposed for broader public review and comment as part of DEQ's rulemaking process.

A meeting summary will document the different perspectives and recommendations of committee members.

Membership

When originally convening this committee, DEQ selected members that reflect the range of tribes and stakeholders both directly and indirectly affected by implementation of the Cleaner Air Oregon program rules. In reconvening the original Advisory Committee for this rulemaking, DEQ and OHA seek to continue this broad range of representation, and utilize the experience gained by members from the previous rulemaking. To ensure similar interests are represented, newer members were recruited to replace past members who are no longer available to participate. Representatives should be able to consider the policy and the fiscal and economic impact the proposed rules will have on the business or organization they represent. Committee members are expected to adhere to the responsibilities outlined in this charter.

Travel Expenses

DEQ is able to reimburse any in state, out-of-town committee members for travel expenses, if DEQ approves them in writing 2 weeks 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. DEQ captures and maintains workgroup agendas, meeting summaries, materials and workgroup reports and member recommendations. DEQ may destroy the workgroup record 10 years after Oregon completes the related rules in accordance with public records retention schedules.

Information Exchange

Committee members will provide information as much in advance as possible of the meeting at which such information is used. The members will also share all relevant information with each other to the maximum extent possible. If a member believes the relevant information is proprietary in nature, the member will provide a general description of the information and the reason for not providing it.

Public Involvement

All meetings will be open to the public. DEQ will schedule time during the meeting for public comments.

There are several planned opportunities for public input on the rulemaking: The rules advisory committee meeting is a public meeting with time specified for public feedback, and will occur in July 2019.

A fiscal advisory committee will provide input on the fiscal impact statement and fee structure in September of 2019.

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 seek public comment on the proposed rule later in 2019. 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 will consider all comments received and may modify the final proposed rules based on public comment before preparing a final rule proposal for consideration by the EQC in early or mid-2020.

DEQ Contacts

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