

# VW Grants 2020 Rulemaking

## Advisory Committee Charter

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



State of Oregon  
Department of  
Environmental  
Quality

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).

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# Background

The 2019 Oregon Legislature passed House Bill 2007 authorizing the Oregon Environmental Quality Commission (EQC) to adopt rules to implement an expanded diesel emissions reduction program with Volkswagen Environmental Mitigation Trust Agreement funds.

HB 2007 authorizes Oregon Department of Environmental Quality (DEQ) to fully disburse Oregon's remaining Volkswagen funds. DEQ proposes to complete a rulemaking for the grant program to specify application requirements, project selection criteria, and other requirements pursuant to the preferences included in statute.

## Purpose and Scope

This rulemaking will produce guidelines for the administration of diesel emission reduction grants funded by Volkswagen funds. The committee will:

- Help clarify and interpret the Volkswagen Environmental Mitigation Grants in HB 2007
- Make recommendation on basic program design
- Consider eligibility and project selection criteria
- Think about project solicitation processes and timing
- Advise on what should go into rule versus program guidance

Policy guidance from Oregon Revised Statute, Volkswagen Environmental Mitigation Trust, and the federal Diesel Emissions Reduction Act will directly inform program rules. Rules may not conflict with this guidance.

## Fiscal and Economic Impact

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

All other topics are out of scope of this committee.

## 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. 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.

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; 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. 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; and
- Providing a clear description of members' roles, the committee timeline, the level of agreement expected and feedback on how members' input is used.

Key staff includes:

- Gerik Kransky, Air Quality Analyst
- Michael Orman, Air Quality Planning Manager
- Eric Feeley, Air Quality Planner
- Morgan Schafer, Air Quality Analyst
- Matt Davis, Senior Policy Analyst
- Additional staff as needed

## DEQ Support and Website

DEQ will post agenda 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 webpage [LINK](#).

## Committee Meetings

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 webpage calendar two weeks before the meeting at: [DEQ Event Calendar](#)
- noticed by email to the [VW Settlement Fund GovDelivery list](#)
- accessible via a call-in number or webinar

The committee is expected to meet no more than 3 times at the following address:

- 700 NE Multnomah Blvd., Portland, OR 97214

Prelim. Mtg. Dates	Draft Agenda	Draft Outcomes
March 9th 2020	Review VW Program and Proposals	Input on policy concepts
May 11th, 2020	Review Draft Rules	Input on rule language
July 20th, 2020	Review Final Rules	Open public comment

The meeting times and durations above may vary depending on topics and committee progress. Meeting materials and agenda will be posted to the advisory committee webpage

## 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.

<b>Advisory Committee Membership</b>		
<b>Name</b>	<b>Affiliation</b>	<b>Representing</b>
Larry Gesher	Association of General Contractors	Construction Companies
Mike Bezner	Association of Oregon Counties	Oregon Counties
Christine Kendrick	City of Portland	City Regulated by HB 2007
Corky Collier	Columbia Corridor Association	Small Fleets
Michael Graham	Columbia Willamette Clean Cities Coalition	Large Fleets and Alternative Fuels
Allen Schaeffer	Diesel Technology Forum	Diesel Equipment and Technology
Tracy Rutten	League of Oregon Cities	Oregon Cities
John Wasiutynski	Multnomah County	County Regulated by HB 2007
Nate McCoy	National Association of Minority Contractors	Minority Contractors
Mary Peveto	Neighbors for Clean Air	Clean Air Community Based Organization
Chris Kroeker	NW Natural Gas	CNG/RNG Vehicles
Rich Angstrom	Oregon Concrete & Aggregate Producers Association	Concrete & Aggregate Business
Morgan Gratz-Weiser	Oregon Environmental Council	Environmental Community Based Org.
Curtis Cude	Oregon Health Authority, OHA	Public Health
Waylon Buchan	Oregon Trucking Association	Private Heavy Duty Fleets
Huy Ong	Organizing People Activating Leaders, OPAL	Impacted Communities, Environmental Justice Community Based Org.
Greg Alderson	PGE	Medium/Heavy Duty Vehicle Electrification
Dr. Patrick O'Herron	Physicians for Social Responsibility	Public Health
David Breen	Port of Portland	Intermodal Freight, Ports, and Drayage
Aaron Deas	TriMet	Transit Providers
Jeff Bissonnette	Union of Concerned Scientists	Scientific Community
Tony DeFalco	Verde	Impacted Communities, Environmental Justice Community Based Org.



# 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 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. 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 EQC for consideration at its meeting .

# DEQ Contacts

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