

# Water Quality Rulemaking Advisory Committee

## Meeting Summary

### Water Quality 2020 Fee Correction Rulemaking

Monday, Nov. 30, 2020, 9:30 a.m. to 10:30 a.m.  
Virtual Meeting via zoom web teleconference

#### Attending:

Peggy Lynch, League of Women Voters  
Mark Landauer, Special Districts Association of Oregon  
Ellen Miller, Oregon Homebuilders Association  
Tracy Rutten, League of Oregon Cities  
Rian Hooff, DEQ  
Geoff Rabinowitz, DEQ  
Angela Rowland, DEQ

#### Agenda

Time	Topic
9:30 a.m.	Welcome, logistics, agenda review
9:35 a.m.	Introductions
9:45 a.m.	Rulemaking overview
10:00 a.m.	Review of Fee Table Text Corrections and Discussion
10:25 a.m.	Next steps
10:30 a.m.	Adjourn meeting

#### Meeting summary

Geoff Rabinowitz welcomed the attendees to the Water Quality 2020 Fee Correction Rulemaking Fiscal Advisory Committee meeting and provided the purpose of this meeting. This committee is convened to provide input on the draft fee correction proposal and the fiscal and economic impact statement for phase one 2020 Water Quality permit fee table and text.

The proposed rule amendments are for fiscal year 2021 and if adopted by the EQC in January, will take effect on invoices starting Feb. 1, 2021.

Geoff Rabinowitz provided a detailed explanation for the fee text update and corrected fee table.

DEQ proposes to correct the following rule language to OAR 340-045-0075 to state as follows:



State of Oregon  
Department of  
Environmental  
Quality

#### Water Quality

700 NE Multnomah St.,  
Suite 600  
Portland, OR 97232  
Phone: 503-229-5740  
800-452-4011  
Fax: 503-229-6762  
Contact: Angela Rowland  
[www.oregon.gov/DEQ](http://www.oregon.gov/DEQ)

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

OAR 340-045-0075 (2) Two sets of fee tables are provided. The first identifies fees effective Aug. 1, 2020, through July 31, 2021. The second establishes the fee amounts effective starting Aug. 1, 2021.

Angela provided an overview of the rulemaking timeline.

- Open public comment: Dec. 1, 2020
- Public hearing: Dec. 15, 2020
- Close public comment: Dec. 21, 2020
- Environmental Quality Commission: Jan. 2021
- If adopted, effective date is Feb. 1, 2021

### **Fiscal impact statement:**

Geoff solicited input from the Committee regarding the draft Fiscal Impact Statement.

The Committee questioned if without the fee increase will there be cuts to permitting staffing. DEQ stated that this rulemaking is a clean-up of typographic errors and would not have an impact to the NPDES program. One of the typographic errors would overcharge a few facilities over \$70,000 if not corrected. Also, the text date error would result in a two month reversion to the previous fee tables from 2019. This could create confusion.

DEQ stated that these corrections could be made outside of a rulemaking based on the intended fee tables, but might cause some legal risk to DEQ. The Department of Justice recommended taking this through a rulemaking to ensure due diligence.

The Committee asked how this mistake happened and how will DEQ prevent this mistake from happening in the future. DEQ made multiple revisions to the fee table and documents due to COVID-19 delays and EQC scheduling updates without thorough auditing of final documents. In the future, DEQ will ensure that all rulemaking fee packets will be reviewed and approved by DEQ staff outside of the rulemaking project.

The Committee approved the fee correction rulemaking fiscal impact statement.

DEQ will take these comments into consideration. The official comment period for this rulemaking will be announced and then the staff report is provided to the EQC.

DEQ will take these comments into consideration. The official comment period for this rulemaking will be announced and then the staff report is provided to the EQC.

**Public comment opportunity**

No comments.

Meeting adjourned 10:50 a.m.

**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](mailto:deqinfo@deq.state.or.us).