

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

# Hazardous Waste Proposed Fees Increase Rules

August 8, 2018  
Portland HQ, 6<sup>th</sup> Floor

# Hazardous Waste Advisory Committee

Welcome and Introductions



*Source: DEQ HW Inspection*

# Introductions & Ground Rules

# Purpose of our Advisory Meetings

- Learn more about the HW program
- Discuss the current state of program funding
- Review the proposed fee increase options
- Consider fiscal and economic impacts
- Provide input

# Multi-Year Rulemaking

## Proposed Fee-funding changes by rulemaking

- Phase 1 –current to 2019
  - Changes in Rule
- Phase 2 – 2021 or 2023
  - Changes in Rule and or statutory
- Phase 3 – 2021 or 2023 to 2025
  - Any additional changes to secure funding

# Agenda

Advisory Committee Charter

Rulemaking overview & timeline

Oregon's hazardous waste program

- Program history
- Program activities
- Program budget

Key questions for discussion

Action items and next steps

# Committee Charter

## **Objective:**

- Provide input on the proposed fee change options via rulemaking.

## **Scope of Work:**

- Review program budget, funding and fee structures
- Evaluate other relevant state program structures
- Consider equitability, sustainability and needs of the regulated community

# Charter

## **Out of scope:**

- Changes to other DEQ programs
- State Fire Marshal funding for technical assistance
- Disposal tip fees
- EPA commitments

# Key Questions

1. What are the impacts from declining revenue?
2. What is the ideal service level for DEQ's Hazardous Waste Program?

# Overview of Rulemaking

# Multi-year Timeline

## Phase I:

### Change by Rule

- Generator & Permit annual base fees
- Generator factor fee
- Permit modification fee

## Phase 2:

### Increase by Statute

- Generator annual metric ton fee
- Generator reporting cap fee
- Permit renewal fee

# Rulemaking Process and Schedule

September 2018					October 2018						
Monday	Tuesday	Wednesday	Thursday	Friday	Sun	Mon	Tue	Wed	Thu	Fri	Sat
27	28	29	30	31		1	2	3	4	5	6
3	4	5	6	7	7	8	9	10	11	12	13
10	11	12	13	14	14	15	16	17	18	19	20
17	18	19	20	21	21	22	23	24	25	26	27
24	25	26	27	28	28	29	30	31			
1	2	3	4	5							

Committee Meetings

December 2018						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Public Comment Starts

JANUARY 2019						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Public Hearing  
End of Comments

MAY 2019						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Proposed Rule Adoption

# Hazardous Waste Program Authorization

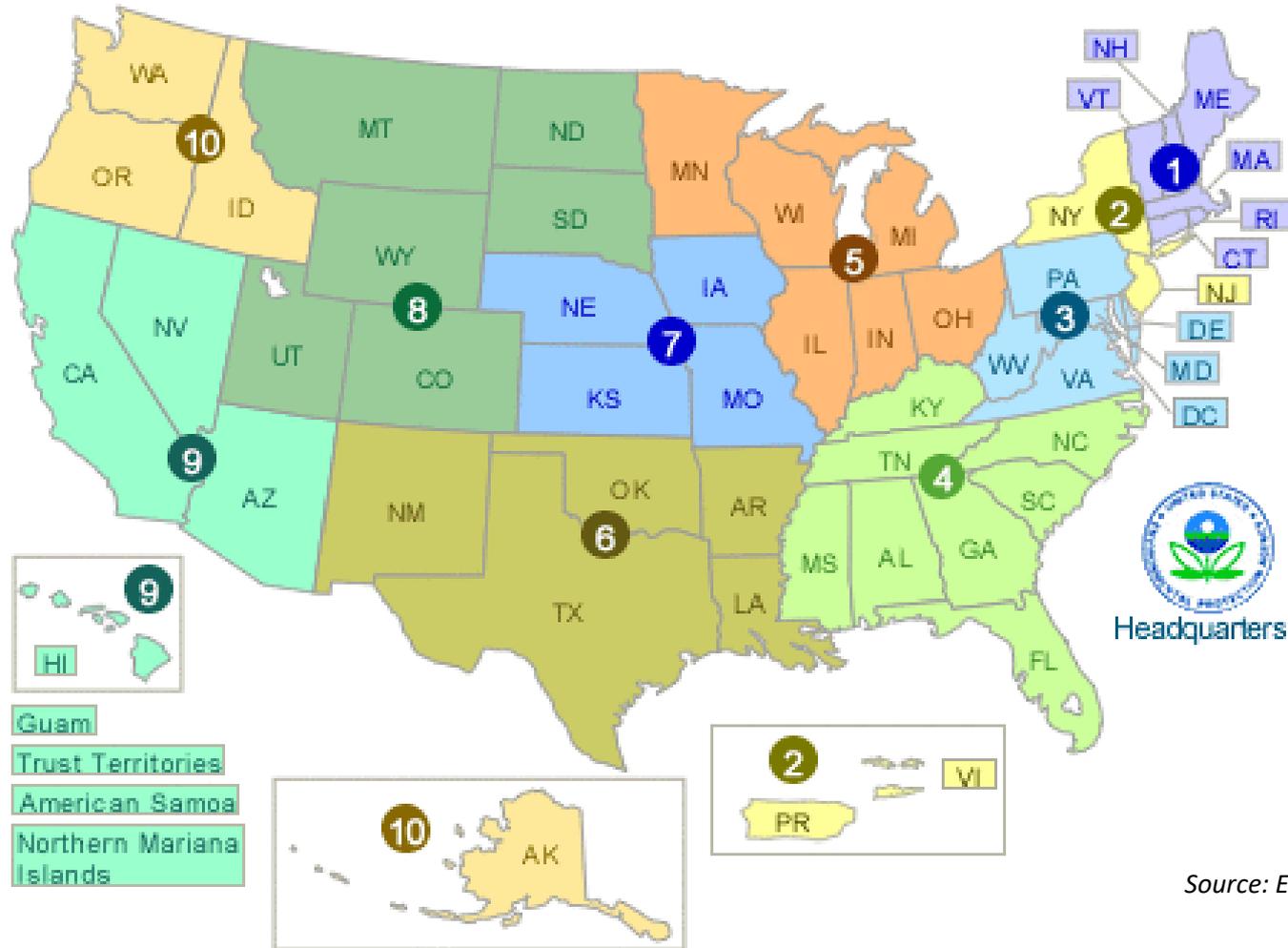
# Introduction

In 1976 Congress passed the Resource Conservation and Recovery Act.

The statute introduced concept of “authorized state program” in which states would develop a program and then apply to EPA for state program authorization - to operate in lieu of the federal program

Reflects Congress’ intent that hazardous waste programs be state-run, under State laws and rules that are at least equivalent to the federal program, with oversight from the EPA.

# RCRA Authorized State & Territory Programs



Source: EPA RCRA Website

50 EPA Authorized & 3 unauthorized AK, IA and PR

# Oregon's RCRA Program

## **Oregon RCRA Authorization**

- EPA interim RCRA authorization - July 16, 1981
- EPA final RCRA authorization - January 31, 1986

*DEQ has the authority to operate the State of Oregon hazardous waste program in lieu of EPA's federal authority.*

# The Department of Environmental Quality

# Oregon Department of Environmental Quality – Organizational Structure

Oregon Governor Kate Brown



Environmental Quality Commission



DEQ Director Richard Whitman





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## NORTHWEST REGION



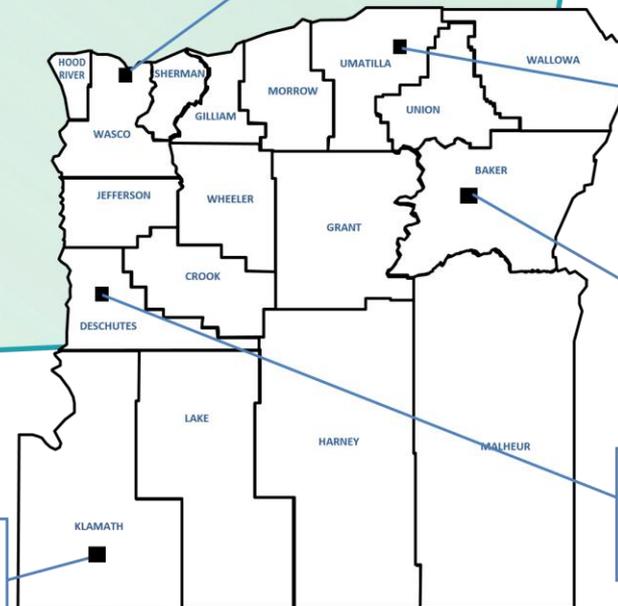
## Headquarters, Regional and Branch Offices



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# Oregon's Hazardous Waste Program

# HW Program Purposes and Priorities

## **DEQ strives to maintain balance between:**

- Ensuring compliance with environmental regulations
- Assisting with compliance & reducing pollution
- Conducting education and outreach
- Evaluating environmental results

# Commitments

EPA's PPA commitments require:

- Inspecting all large quantity generators once every 5 years
- Inspecting all operational (permitted) Treatment, Storage & Disposal facilities once every other year

DEQ's voluntary commitments include:

- Inspecting all large quantity generators once every 3 years
- Inspecting all small quantity generators once every 3 years
- Inspecting all operating TSD facilities once every other year

*DEQ observes that an increase in inspection frequency tends to result in reduced compliance issues.*

# Hazardous Waste Staff

## NWR:

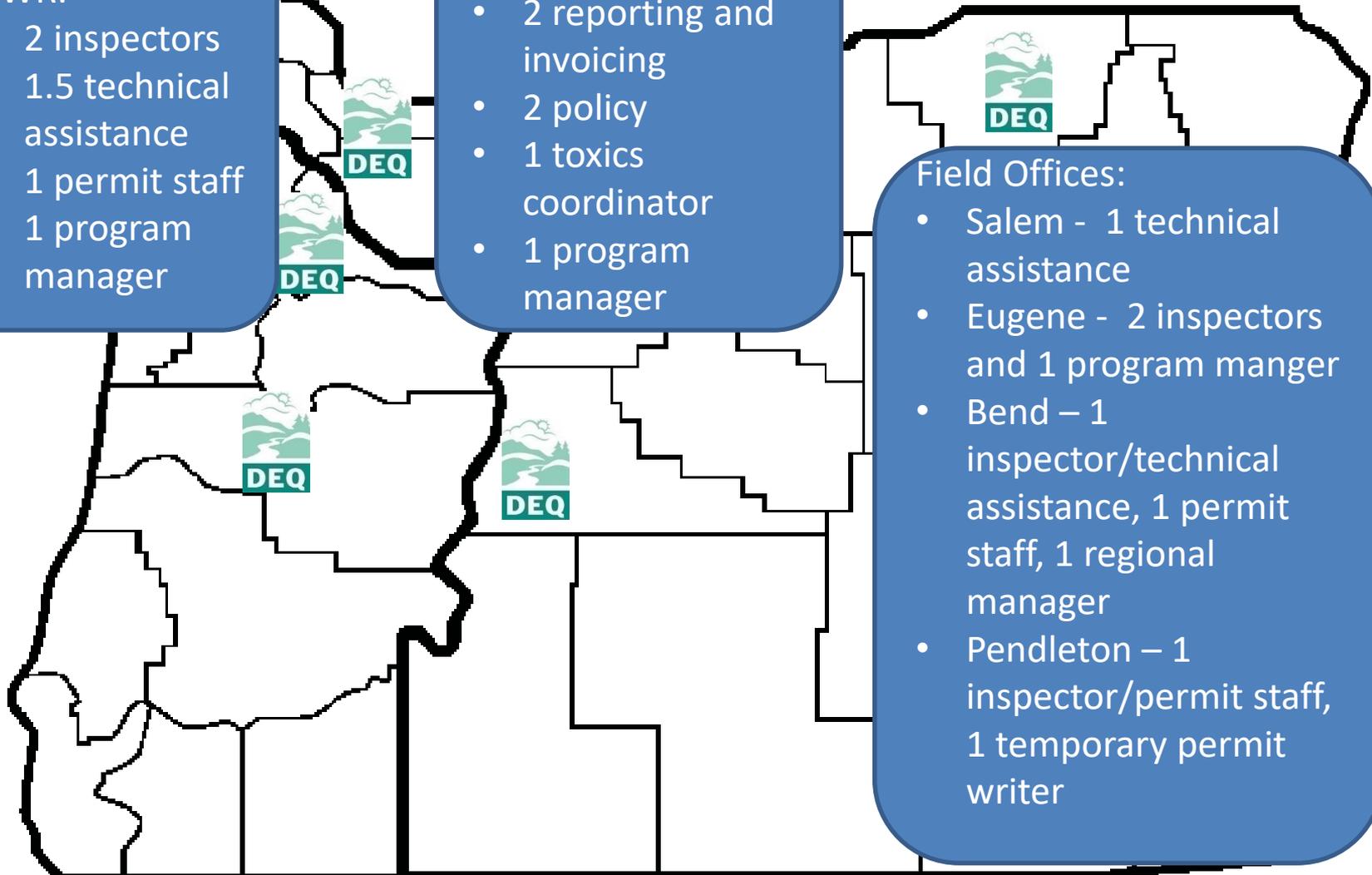
- 2 inspectors
- 1.5 technical assistance
- 1 permit staff
- 1 program manager

## HQ:

- 2 reporting and invoicing
- 2 policy
- 1 toxics coordinator
- 1 program manager

## Field Offices:

- Salem - 1 technical assistance
- Eugene - 2 inspectors and 1 program manager
- Bend – 1 inspector/technical assistance, 1 permit staff, 1 regional manager
- Pendleton – 1 inspector/permit staff, 1 temporary permit writer



# HW Program Components

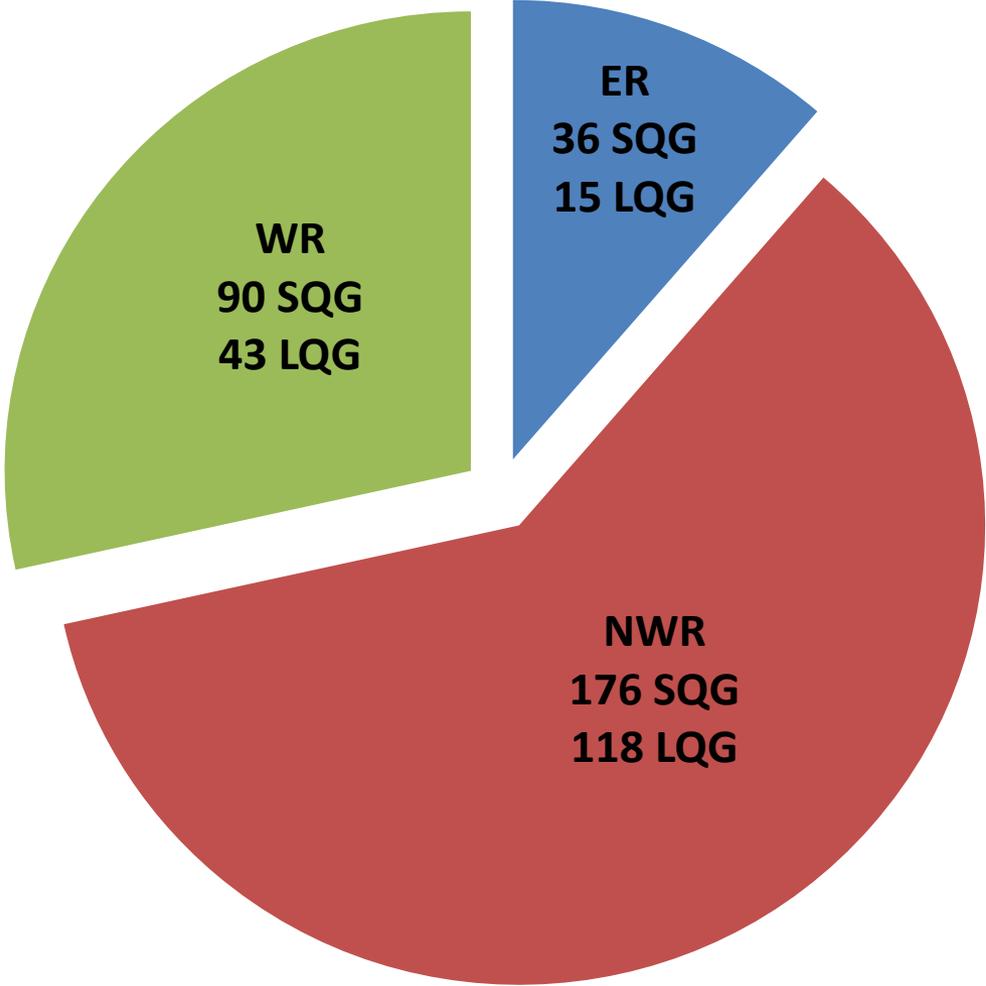
## **DEQ's HW Program includes:**

- Compliance assurance monitoring
- Corrective action
- Enforcement
- Facility permitting
- Policy & rule development
- Technical assistance program

# Inspector Work

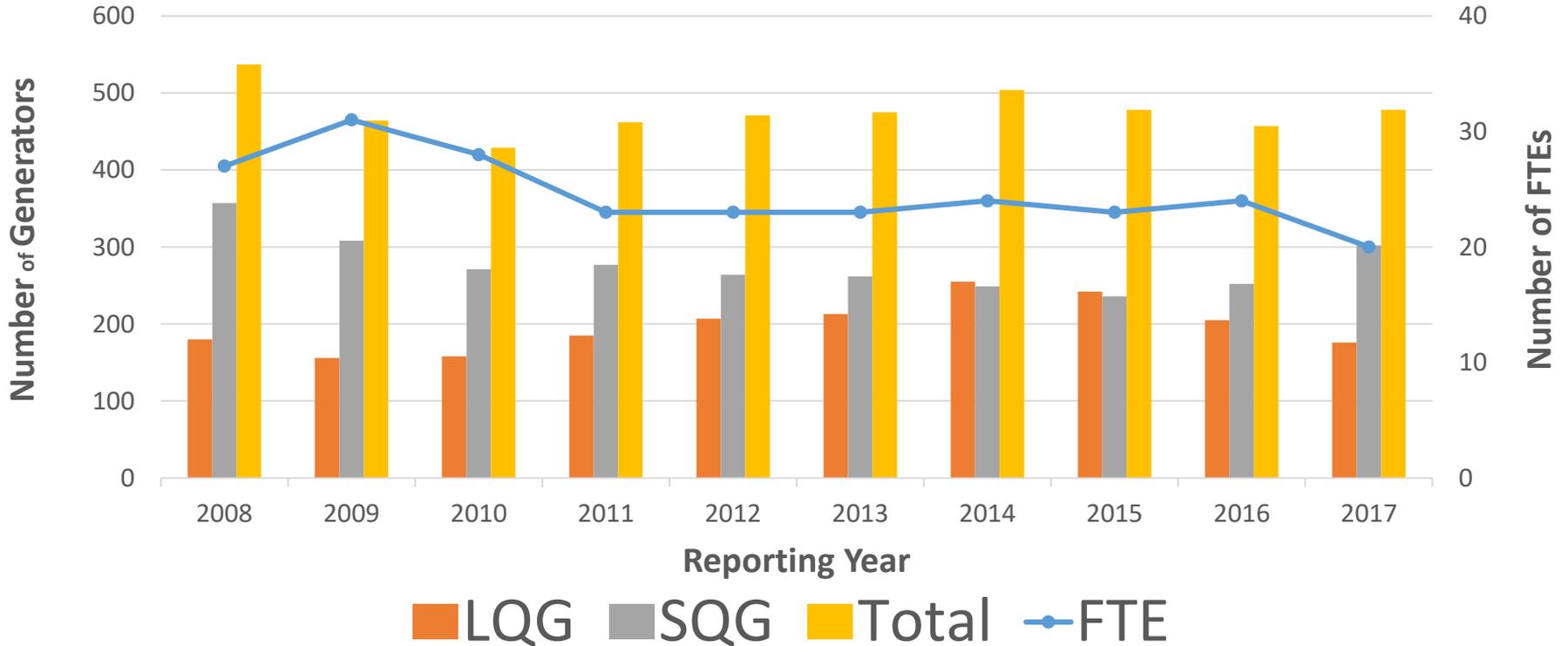
- **Conduct** Inspections;
- **Receive** and investigate complaints;
- **Conduct** compliance assistance site visits and hazardous waste trainings;
- **Respond** to thousands of emails and phone calls; and
- **Assist** with policy work and statewide initiatives.

# 2017 HW Generator Reporters



# HW Generators & Program Staff

## Number of Small and Large Quantity Generators 2008-2017 vs Program FTE



# DEQ Compliance & Enforcement

## **Non- Enforcement**

- Technical Assistance
  - Site visits
  - Annual or site-specific regulatory trainings
  - Geographical or other outreach projects

## **Enforcement**

- Formal – Penalty assessment
- Informal – Warnings and opportunity to correct

# Technical Assistance Work

## **Compliance Assistance**

- Site visits & HW basics trainings
- Product substitution
- Waste reduction

## **Other Assistance**

- Eco Biz
- Green Chemistry, LEAN, etc.
- Life cycle analysis

# Technical Assistance Work...Continued

## **Assistance Annually:**

- Work mostly with small & medium sized businesses
- Provide 18-20 trainings & work shops
- Conduct ~ 30 site visits
- Respond to 2,000+ inquiries annually

# HW Permitting & Corrective Compliance Work

- **Oversight** of permitted and corrective action sites
- **Conduct** annual inspections
- **Evaluate** financial assurance
- **Renew** permits every 10 years
- **Review** and process permit modifications

# Policy & Program Development Work

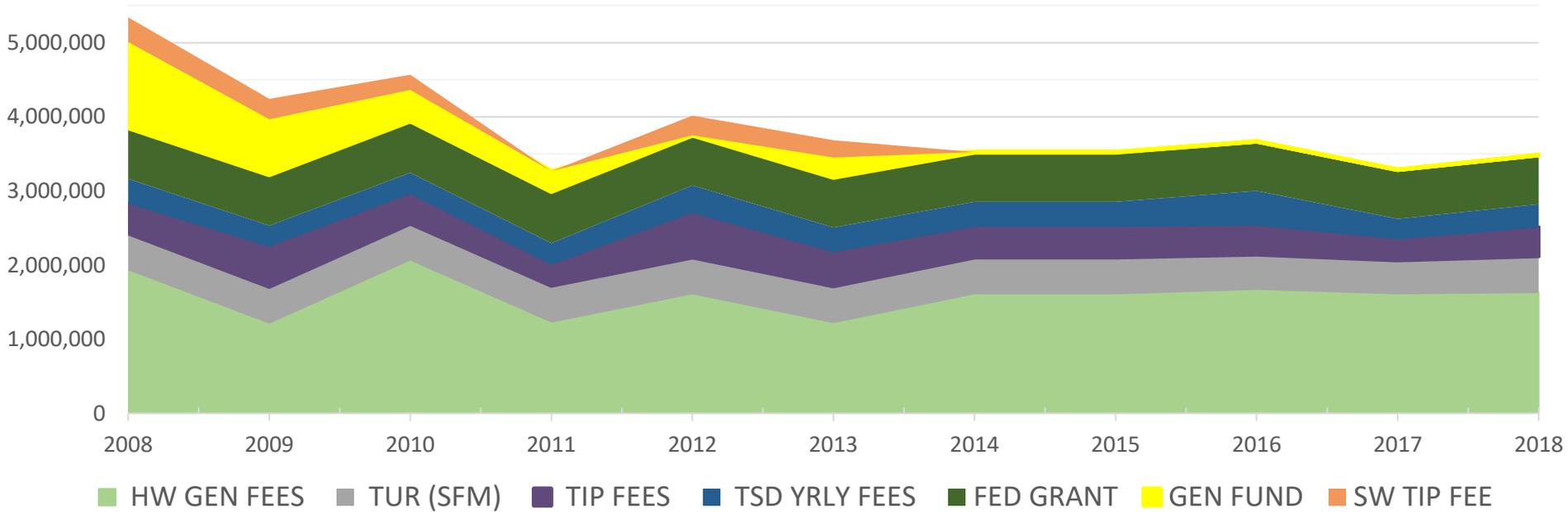
- **Identify** and **develop** policy
- **Make** regulatory interpretations
- **Adopt** rules and agreements
- **Assist with** audits and EPA oversight
- **Maintain** web and guidance documents.

# Reporting Work

- **Reporting and Fee Collection**
- **Reports** to EPA
- **Conducts** data quality assurance
- **Issues** RCRA ID numbers
- **Performs** annual invoicing and reporting

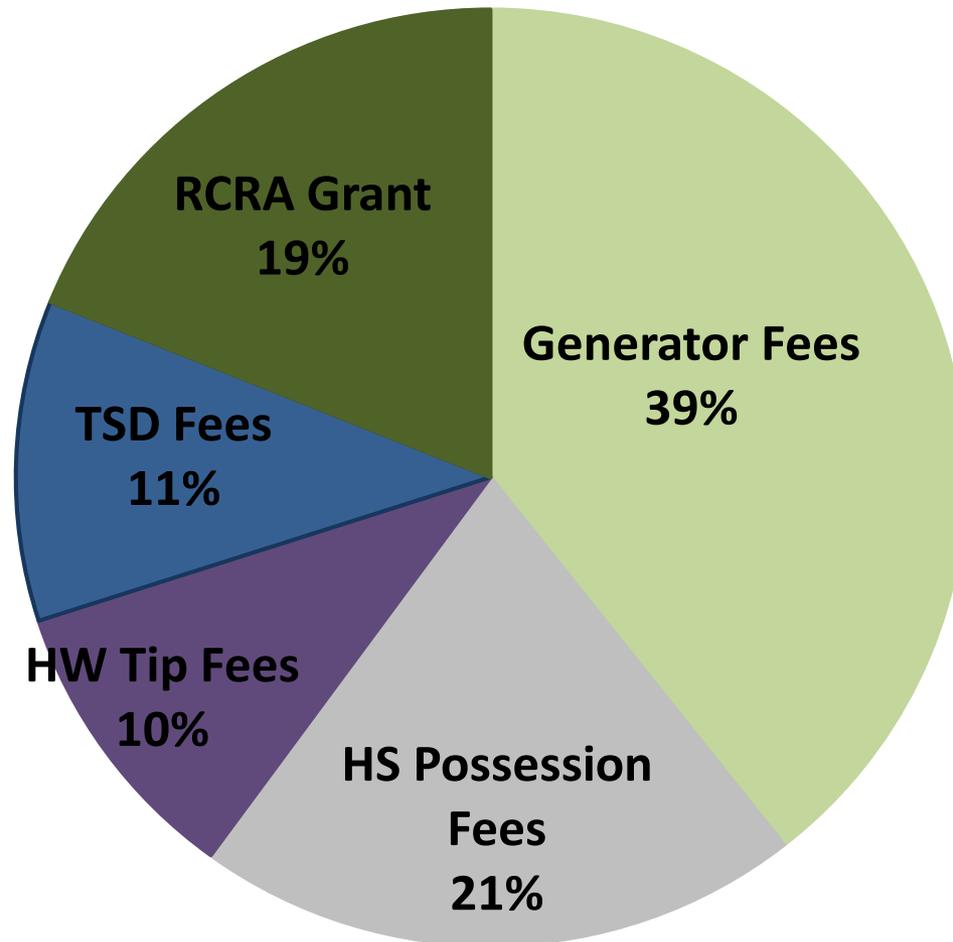
# HW Program Budget

# Historic HW Funding



# Revenue Streams

## 2017-19 Legislative Approved Budget



# HW Budget Snap Shot

	Projected 2017-19 Revenue	Projected 2017-19 Expenditure	% of total HW	Difference
Total HW Program	\$6,514,204	\$7,753,249	100%	(\$1,239,045)
Total HW Generator	\$3,232,139	\$3,740,368	47.5%	(\$508,229)
Total Permitting	\$569,942	\$729,606	9.3%	(\$159,664)

# Inflation or Consumer Price Index Affect

- For every two positions today, we could afford three in 1999
- \$3.5 million in 1999 = same buying power of \$5.3 in 2017

# HW Program Funding Summary

## **Four themes:**

- Inflation
- Technology
- Requirements & Expectations
- Staff Changes

# Key Questions

1. What are the impacts from declining revenue?
2. What is the ideal service level for DEQ's Hazardous Waste Program?

# Action Items

- Follow-up on Parking lot requests

## Next Steps

- Consider today's discussion
- Draft key meeting notes
- Share notes with Committee for review
- Develop documents to share pre-meeting, if needed
- Focus next meeting on proposed fee options

If you think of anything please email Jeannette or me.

# Next Meeting's Key Questions

We will consider:

- What options are available for increasing fees to reach the preferred ideal service level?
- What are the best fee options to catch up to meet current and future (e.g., 7 yrs ahead) needs?

# Contacts

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Thank you.