

# Cleaner Air Oregon Regulatory Reform

## Advisory Committee Charter

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### Cleaner Air Oregon

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### OHA Mission

Helping people and communities achieve optimum physical, mental and social well-being through partnerships, prevention and access to quality, affordable health care.



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

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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. DEQ and OHA have begun a formal rulemaking process to engage the public in creating human health risk-based rules for industrial facilities, for consideration by the Environmental Quality Commission.

The Department of Environmental Quality and Oregon Health Authority are convening an Advisory Committee as part of the Cleaner Air Oregon Regulatory Reform.

The Department of Environmental Quality (DEQ) and Oregon Health Authority (OHA) will be drafting rules for EQC adoption, and has convened this Advisory Committee to discuss and give input on specific policy choices related to the reform of industrial air toxics regulations. The Advisory Committee will assist the rulemaking process by considering options developed following technical evaluation and input from the Technical Workgroup (an appointed group made up of science, health and air toxics regulation experts), and Public Policy forums.

## 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

## 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;
- Endeavors to capture good ideas; 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 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.

The committee Chair:

- 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

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;
- Communicates constructively and in good faith and accurately;
- Consults regularly with constituencies to inform them on the process and gather their input;
- Treats everyone and his or her 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 and OHA 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 request to DEQ 72 hours in advance.

## DEQ and OHA Staff

DEQ and OHA will draft air toxics permitting program rules for industrial sources. DEQ and OHA are 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.

## 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 <http://www.oregon.gov/deq/RulesandRegulations/Pages/Advisory/Acleanerair2017.aspx>.

# Committee Meetings

1. All committee meetings will be:
  - Open to the public
  - Advertised on DEQ's webpage calendar two weeks before the meeting at: [DEQ Event Calendar](#) and on the [cleanerair.oregon.gov](http://cleanerair.oregon.gov) 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 committee is expected to meet six times at the following locations:

- Tuesday, October 18, 2016, 9:00 AM – 5:00 PM, Portland Oregon
- Thursday, November 17, 2016, 9:00 AM – 5:00 PM, Portland Oregon
- Thursday, December 8, 2016, 9:00 AM – 5:00 PM, Portland Oregon
- Thursday, February 2, 2017, 9:00 AM – 5:00 PM, Salem Oregon
- Tuesday, April 4, 2017, 9:00 AM – 5:00 PM, Salem Oregon
- Thursday, April 27, 2017, 9:00 AM – 5:00 PM, Portland Oregon

The meeting duration times above may vary depending on topics and committee progress.

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

## Decision Making

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

Meeting summaries and a final report will document the different perspectives and recommendations of committee members.

The product of this Advisory Committee will be a DEQ/OHA report summarizing Advisory Committee discussions and recommendations to the DEQ and OHA Directors. DEQ and OHA staff will draft the report in consultation with the Advisory Committee to ensure accuracy and completeness. This summary report will be made available to the public at the end of the committee process.

## Membership

In convening this committee, DEQ and OHA selected members that reflect the range of tribes and stakeholders both directly and indirectly affected by implementation of a reformed air toxics permitting program. 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.

A roster of the advisory committee will be available by mid August, 2016 on the [Cleaner Air Oregon](#) website.

# 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 will destroy the workgroup record 10 years after Oregon repeals 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:

- DEQ and OHA will hold public policy forums in different areas of the state in September and October 2016
- The advisory committee meetings are public meetings with time specified for public feedback, and will occur in October and November of 2016.
- A fiscal advisory committee will provide input on the fiscal impact statement and fee structure in February and April of 2017.

Once the committee process is complete, DEQ and OHA 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 from approximately May 15, 2017 through July 22, 2017. 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 December 2017.

For a description of the timeline of public engagement activities related to this rulemaking, please visit [cleanerair.oregon.gov](http://cleanerair.oregon.gov).

## DEQ Contacts

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