



State of Oregon
Department of
Environmental
Quality

ADVISORY COMMITTEE CHARTER

Hazardous Waste Phase 2 2016 Rulemaking

TABLE OF CONTENTS

- Background 1
- Objectives and Scope 1
 - Technical and Policy..... 1
 - Fiscal and Economic Impact..... 2
 - Out of Scope..... 2
- Roles 2
 - Meetings..... 2
 - Materials..... 2
 - Facilitator..... 3
 - Committee Members 3
 - Alternate Members..... 3
 - Non Committee member attendees 3
 - Support..... 3
 - Decision making..... 3
- Membership..... 4
- Recordkeeping..... 4
- Expenses 4
- Changes to Charter 4

BACKGROUND

The Environmental Protection Agency delegates authority to the Department of Environmental Quality to operate the federal Resource and Conservation Recovery Act hazardous waste program in Oregon. Oregon must periodically review and adopt new or amended federal rules to retain this delegated federal authority. DEQ last updated its rules in April 2015. In that rulemaking, DEQ incorporated by reference most federal rules enacted through June 30, 2014.

In this rulemaking, DEQ proposes to align its hazardous waste rules with the federal rules. DEQ will do this by incorporating some previously adopted but subsequently amended federal rules, and incorporating some federal rules that have not been previously adopted into Oregon rules. These changes will enable Oregon to ask EPA to continue authorizing Oregon to operate its RCRA hazardous waste program in-lieu of EPA.

The Hazardous Waste Rulemaking Advisory Committee is being convened to inform this rulemaking. Committee meetings will be held through spring of 2016 to review and provide input about the draft rules. Once advisory committee meetings are complete DEQ will finalize the draft rules and present them for public comment.

DEQ will seek public comment on the list of rules being considered for incorporation when it opens a formal public comment period. DEQ will consider all comments before preparing a final rule proposal package the Environmental Quality Commission (EQC) will consider in late 2016 or early 2017.

OBJECTIVE AND SCOPE

The objective of the advisory committee is to provide stakeholders with an opportunity to provide input on technical issues as well as on the fiscal and economic impact of the proposed rules.

Scope of Work

Technical and Policy

The committee will discuss and provide input on key program requirements needed to implement the program and may include:

- Incorporation by reference of recent federal rules into the program;
- Evaluation of other state program information DEQ gathered;
- Consideration of other key changes needed to begin implementation;
- Enforcement measures.

Individual meeting agendas will identify specific topics of discussion.

Fiscal and Economic Impact

As ORS 183.33 requires, DEQ will ask the committee to consider:

- Whether the proposed rule incorporations will have a fiscal impact, and if yes, what the extent of that impact will be; and
- Whether the proposed rule incorporations will have a significant adverse impact on small businesses, and if so, provide recommendations on how DEQ can comply with ORS 183.540¹.

Out of Scope

The scope of this charter does not include considering changes to DEQ hazardous waste rules not included in the scope.

ROLES

DEQ expects the advisory committee members to evaluate information for accuracy and relevance to conditions in Oregon as well as to contribute information and recommendations based on their related professional experience.

Advisory Committee Structure

Rich Duval, DEQ Hazardous Waste Inspector, will facilitate the committee's work.

Committee Meetings

All committee meetings will be:

- Open to the public
- Advertised on DEQ's webpage and GovDelivery email notifications
- Scheduled 9:00 am to 4:00 pm unless otherwise stated in the meeting agenda
- Held in Portland at the DEQ Headquarters office at 811 SW 6th Avenue, EQC-A

The committee is expected to meet three times during the spring of 2016.

- Feb 2nd or 3rd
- Mar 1st or 2nd
- Apr 5th or 6th

Meeting Materials

DEQ will not prepare formal meeting minutes or a formal committee report. Meeting summaries will document the highlights of committee discussions and the different perspectives and recommendations of committee members

Meeting materials will be posted on the advisory committee webpage.

Responsibilities

Facilitator

¹ If the statement of cost of compliance effect on small businesses required by ORS 183.335 (2)(b)(E) shows that a rule has a significant adverse effect upon small business, to the extent consistent with the public health and safety purpose of the rule, the agency shall reduce the economic impact of the rule on small business by: (1) Establishing differing compliance or reporting requirements or time tables for small business; (2) Clarifying, consolidating or simplifying the compliance and reporting requirements under the rule for small business; (3) Utilizing objective criteria for standards; (4) Exempting small businesses from any or all requirements of the rule; or (5) Otherwise establishing less intrusive or less costly alternatives applicable to small business

Facilitate the conversation so the committee stays focused on the agenda; and on intended outcomes of the meeting;

- Ensure that all perspectives are heard;
- Ensure that all members adhere to the process and ground rules;
- Facilitate comments and input from the public when relevant.

Committee Members

- Each take responsibility for the success of the meeting;
- Attends every meeting to ensure continuity throughout the process. The primary member may assign an alternate if needed. It is each committee member's responsibility to brief the alternate fully on all relevant issues and prior committee discussions. Only one member, the primary or alternate, may participate in a meeting;
- Notify Facilitator of known absence in advance;
- If not at a meeting, agree to relinquish the opportunity to comment, and understand that those present may reach a decision. (If those present need more input, the committee may wait for additional input.);
- Provide DEQ staff with copies of relevant research and documentation cited during the meeting.
- Stay focused on the specific topics for each meeting;
- Consult regularly with constituencies to inform them on the process and gather their input
- Comment constructively and in good faith;
- Treat everyone and his or her opinions with respect;
- Allow one person to speak at a time;
- Be courteous by not engaging in sidebar discussions;
- Avoid representing to the public or media the views of any other committee member or the committee as a whole.

Alternate Members

Alternate members will not participate in the same meeting as their principle member.

Non-Committee member attendees

Those who attend the committee meetings, who are not members, will be allowed to observe but not to actively participate.

Support

The committee support will post:

- Agenda and meeting materials on the committee webpage a week in advance;
- Draft meeting summaries of decisions within two weeks of subject meeting.

Decision making

DEQ will not seek consensus positions from the committee or ask the committee to vote on specific issues. DEQ will ask each individual committee member for input and recommendations.

DEQ will use the committee's discussions in forming draft recommendations. The draft recommendations will be part of the required formal notice process that includes public hearings and an opportunity for the public to comment.

When information is shared with the group, there will be a reasonable timeframe for comments.

MEMBERSHIP

In convening this committee, DEQ selected members that reflect the range of entities these rules affect, both directly and indirectly. Representatives should be able to consider the technical, policy, fiscal and economic impact of the program for their business and/or organization they represent. DEQ endeavored to include members to represent:

- Statewide geographically;
- Regulated parties;
- Environmental interests;
- Trade associations, local government and general public the program may affect
- A roster of the committee members will be posted on the committee web page.

RECORDKEEPING

All committee and any subcommittee records, formal and informal, become part of the rulemaking record. All DEQ rulemaking records 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.

DEQ captures and maintains committee agendas, materials, summaries, committee reports and recommendations. DEQ will destroy the committee record 10 years after Oregon repeals the related rules.

EXPENSES

DEQ is able to reimburse any in state, out-of-town committee members for travel expenses, if DEQ approves them in advance.

CHANGES TO CHARTER

This charter may change based on a recommendation of the lead DEQ Hazardous Waste Program Manager. Conditions that may warrant a charter update are inclusion of unforeseen issues. The rulemaking team will review and, if warranted, update this Charter.