



# Underground Storage Tank Program Rulemaking Advisory Committee

Meeting Notes and Committee Recommendations  
Oct. 18, 2016

## Overview and purpose

Oregon operates an Underground Storage Tank regulation program under the U.S. Environmental Protection Agency's approval. EPA revised their rules effective in 2015 and Oregon must align its rules with the EPA revisions. The current rulemaking will bring Oregon's rules into compliance with the federal rules and will raise the annual UST permit fee.

DEQ is convening an advisory committee to inform this rulemaking. We will hold committee meetings through spring of 2017 to review and provide input about the draft rules. DEQ will finalize the draft rules and present them for public comment once the advisory committee meetings are complete.

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. The committee will discuss and provide input on key program requirements needed to implement the program.

The third committee meeting took place on Oct. 18, 2016, from 9 a.m. to 11:30 a.m. at the ODOT Building on NW Flanders in Portland.

This document includes a summary of the committee's recommendations. The public notice of this proposed rulemaking will also include those recommendations. This meeting summary concludes with the committee's decisions and recommendations.

## Committee members

All committee members attended the meeting in person except where noted:

Name	Affiliation
Paul Romain	Oregon Fuels Association
Brian Doherty	Miller Nash Graham
Jeff Stephens	SME Solutions
Mark Fitz	StarOilco (attended via web meeting)
Donald Goddard	Goddard Energy Company
Greg Toran	Greg Toran LLC (attended via web meeting)
Marjorie MartzEmerson	Pacific NW Poll. Prev. Resource Center (unable to attend)
Katie Griffith	EPA, Region 10 (attended via web meeting)
Dennis Bock	Costco (unable to attend)
Amanda Dalton	Northwest Grocers (attended via web meeting)

## Non-committee members at the meeting

DEQ staff:

Name	Title
Mitch Scheel	UST Policy Analyst
Abby Boudouris	Senior Legislative Analyst
David Livengood	Hazardous Waste and Tanks Manager

Stakeholders and interested parties:

Name	Affiliation
Danelle Romain	Oregon Fuels Association
David Rocker	Oregon Fuels Association

## Background of the proposed rules

The Environmental Protection Agency approved Oregon's Underground Storage Tank (UST) Program on Sept. 16, 2011. EPA approval of a state program means requirements in the state's laws and regulations are in effect rather than the federal requirements and adequate enforcement of compliance, benefiting tank owners by having a single set of requirements enforced in the state. Oregon's UST Program now operates under an agreement with EPA that clearly delineates EPA's limited role and assures Oregon the lead role in administering and enforcing the program.

EPA's revised UST rules became effective on Oct. 13, 2015, and Oregon has 3 years from that date to comply and reapply for SPA. In this rulemaking, DEQ proposes to align its underground storage tank rules with the federal rules. These changes will enable Oregon to reapply for SPA and continue the lead role in administering and enforcing the program. This rulemaking also includes a proposal to raise the annual UST permit fee.

We are convening an Underground Storage Tank Compliance Rulemaking Advisory Committee to inform this rulemaking. Committee meetings will be held through spring of 2017 to review and provide input about the draft rules.

DEQ will finalize the draft rules and present them for public comment once the advisory committee meetings are complete. We will seek public comment on the list of rules considered for incorporation during the formal public comment period. Also, we will consider all comments before preparing a final rule proposal package for the Environmental Quality Commission to consider in late 2017.

## Discussion summary

DEQ staff reviewed:

- Program background information including accomplishments and service levels corresponding with different resource levels;
- The need for a fee increase; and
- Options for a fee increase.

The following are committee members' roundtable discussion highlights.

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## Fee Options Revisited

- Tiered fee based on product throughput: This option may be considered a gas tax, which means any revenue collected could only be used for road construction and maintenance in Oregon. This was the preferred option at the May 31, 2016, committee meeting.
- Tiered fee based on total capacity: Fee calculated on total capacity of all regulated underground storage tanks (UST) at an UST facility. This was the preferred option at the July 13, 2016, committee meeting.
- Per tank fee: All permittees pay same tank fee for each regulated tank on an annual basis.

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### Fee Option: Per Tank Fee

- One committee member recommended a phase-in over 4 years:
    - Year 1: \$135 (current fee) to \$175
    - Year 2: \$175 to \$225
    - Year 3: \$225 to \$275
    - Year 4: \$275 to \$325
  - One committee member raised a concern the phased-in fee would not allow DEQ to hire an adequate number of inspectors until the fee was fully phased in.
  - One committee member preferred the capacity option as a good way to evenly spread the cost of the program between tank owners throughout the state.
  - All committee members agreed a per tank fee is a good option given the considerations.
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DEQ thanked the committee for participating in the meeting.

Meeting was adjourned.