

WQ Permit Fees: Division 45 and 70 Updates

Fiscal Advisory Committee Charter

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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

Alternative formats (Braille, large type) of this document can be made available. Contact DEQ, Portland, at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696.

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Objectives and Scope

Policy Objectives

DEQ proposes rules to increase water quality fees by 3 percent above the fiscal year 2017 fees for National Pollutant Discharge Elimination System, Water Pollution Control Facility and Water Pollution Control Facility permits specific to onsite septic systems.

DEQ must raise fees to support the permitting program and continue delivering services to regulated entities. Without this increase, DEQ would need to reduce permitting staff and forego implementing improvements to the program

It is necessary to perform a rulemaking to establish the new fees by Nov. 1, 2017, to fund water quality permit program support.

At the end of the 2015 session, the Oregon Legislature approved a policy option package for a third party to conduct an independent review and provide an implementation plan to improve Oregon's NPDES permitting program. A delay beyond Nov. 1, 2017, would cause revenue to fall short of current projections and jeopardize implementation of the third party recommendations to improve the program.

Fiscal and Economic Impact

ORS 183.333 requires that DEQ ask the 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,
- If the committee concludes there will be a significant adverse impact on small businesses, whether DEQ could reduce that impact by:
 - Establishing differing compliance or reporting requirements or time tables for small business;
 - Clarifying, consolidating or simplifying the compliance and reporting requirements under the rule for small business;
 - Utilizing objective criteria for standards;
 - Exempting small businesses from any or all requirements of the rule; or
 - Otherwise establishing less intrusive or less costly alternatives applicable to small business.

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;
- Tries not to lose good ideas to the consensus process; 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

Advisory committee members must attend meetings to ensure continuity throughout the process. Attending through a teleconference or webinar is considered attendance. An alternate may be assigned if needed. However, 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 for this rule proposal, William Knight, DEQ at 503-229-6441.

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;
- Comments constructively and in good faith;
- Consults regularly with constituencies to inform them on the process and gather their input;
- Treats everyone and his or her opinions with respect;
- 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.

DEQ Staff

DEQ is 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 agenda and meeting materials on the advisory committee website at least one week in advance. DEQ administrative staff will provide meeting summaries that highlight committee discussions, different perspectives and input of committee members. DEQ will not prepare a formal committee report. DEQ may 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 posted on the advisory committee webpage.

Committee Meetings

All committee meetings will be:

- Open to the public, although the committee can choose whether the public can actively participate in committee meetings
- Advertised on DEQ's webpage calendar two weeks before the meeting at: [DEQ Event Calendar](#)
- Noticed by email to the Water Quality Permitting GovDelivery list
- Noticed on DEQ's Facebook/Twitter account
- Accessible via a call-in number or webinar

The committee is expected to meet at least one time. The time and location will be determined by a scheduling poll issued by the project manager.

The meeting duration times may vary depending on topics and committee progress. Anticipate 2 hours with the possibility of a follow-up meeting if necessary. Follow-up meetings will be scheduled using a scheduling poll to determine best time and location for the most committee members.

Meeting materials and agenda will be posted to the advisory committee webpage.

Decision Making

The committee's discussions will be used by DEQ in forming its draft rule, which will then be proposed for broader public review and comment as part of DEQ's rulemaking process.

When DEQ shares information with the group, DEQ will allow a reasonable timeframe for comments.

Membership

In convening this committee, DEQ selected members who reflect the range of stakeholders both directly and indirectly affected by implementation of the proposed 3 percent increase to WQ Permit Fees in Division 45 and Division 71. Representatives should be able to consider the fiscal and economic impact of the proposed fee increase on the businesses or organizations they represent.

Table 1. Fiscal Advisory Committee Membership

First Name	Last Name	Organization
Jon	Chandler	Oregon Homebuilders Assoc.
Mike	Freese	Associated Oregon Industries
Susie	Smith	Assn. of Clean Water Agencies
Mark	Landauer	Special Districts Assn. of OR/OR Public Ports Assn.
Peggy	Lynch	League of Women Voters
Tracy	Rutten	League of Oregon Cities
Eric	Strecker	Geosyntec Consultants
Kathryn	Van Natta	Northwest Pulp & Paper
Andrew	Hawley	Northwest Environmental Defense Center
Joel	Klein	Econo Rooter Services, Inc.
Torrey	Lindbo	City of Gresham

Table 2. DEQ Supporting Staff

First Name	Last Name	Organization
William	Knight	WQ Permitting & Program Development
Adam	Coutu	Office of Policy and Analysis (Budget)
Ron	Doughten	WQ Permitting & Program Development

Travel Expenses

DEQ is able to reimburse any in state, out-of-town committee members for travel expenses, if DEQ approves them in advance. Contact William Knight, DEQ at 503-229-6442 for more information.

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. However, the private documents of individual committee members generally are not considered public records if DEQ does not have copies.

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. The committee can choose whether to allow public input during a committee meeting. DEQ may set aside time for the public to speak.

Once the committee process is complete, DEQ 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 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 may modify the final proposed rules based on public comment.

DEQ intends to take a final proposed rule to the EQC for consideration at its August 2017 meeting.

DEQ Contacts

Primary Contact: William Knight, Policy Analyst, WQ Permitting & Program Development, 503-229-6442

Alternate Contact: Ron Doughten, Manager, WQ Permitting & Program Development, 503-229-5589