

Regional Haze Division 223 Rulemaking

Fiscal Advisory Committee Charter

May 10, 2021

Contact: Karen F. Williams



Air Quality Planning
700 NE Multnomah St.
Portland, OR 97232
Phone: 503-229-5696
800-452-4011
Fax: 503-229-5850
Contact: Karen F Williams
karen.williams@deq.state.or.us
www.oregon.gov/DEQ

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

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email deqinfo@deq.state.or.us.

Table of Contents

Table of Contents	iii
Objectives and Scope	1
Policy Objectives	1
Fiscal and Economic Impact	1
Roles	1
DEQ Facilitator	1
Committee Members	1
Non-Committee Member Attendees	2
DEQ Staff	2
DEQ Support and Website	2
Committee Meetings	2
Decision Making	3
Membership	3
Public Records and Confidentiality	4
Information Exchange	4
Public Involvement	4
DEQ Contacts	4

Objectives and Scope

Policy Objectives

The proposed rules pertain to Oregon's compliance with the federal 1999 Regional Haze Rule, amended in 2017. The purpose of the Regional Haze Program is to improve visibility in wilderness areas and national parks with the goal to attain natural visibility conditions by 2064. DEQ also implements the 2017 Regional Haze Rule to protect and improve visibility in the Columbia River Gorge National Scenic Area. The federal Regional Haze rule requires states to periodically update Regional Haze Plans. DEQ completed Oregon's first Regional Haze Plan in 2010 and a report on the first period of implementation in 2017. The Round 2 Regional Haze planning period covers the years 2018 through 2028.

DEQ is currently preparing a Round 2 Regional Haze Plan. Under the federal 2017 Regional Haze Rule, plans must include federally enforceable rules for sources to reduce emissions of haze-forming pollutants. The Round 2 regional haze pollutants are particulate matter, nitrogen oxides and sulfur oxides. The proposed rules codify in Division 223 the screening procedure and processes DEQ follows to regulate facilities under the 2017 Regional Haze Rule and establish compliance options. With the proposed revisions to Division 223, DEQ also repeals rules that implemented the first round of Regional Haze requirements and are no longer relevant.

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, 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;
- 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 the meeting to ensure member input. An alternate may be assigned if needed. However, it is each committee member's responsibility to fully brief their alternate on all relevant issues 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 member:

- Prepares for and sets aside time for the meeting;
- Provides DEQ staff with copies of relevant research and documentation cited during the meeting;
- Stays focused on the specific agenda topics for the meeting;
- Comments constructively and in good faith;
- Consults 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.

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. If non-committee members are present at a meeting, DEQ may allow time during the meeting for their comments.

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 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 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 [Regional Haze 2021](#).

Committee Meetings

1. 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 Regional Haze, Air Quality Permits, DEQ Public Notices, and Rulemaking (22,400 recipients) GovDelivery lists
 - noticed on DEQ’s Facebook/Twitter account
 - held remotely
 - accessible via a call-in number or webinar
2. The committee is expected to meet once remotely, via Zoom, from 12:30 to 4:30 p.m. on Monday, May 17, 2021.
 3. 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 that reflect the range of stakeholders both directly and indirectly affected by implementation of the proposed Regional Haze Division 223 rules. Representatives should be able to consider the fiscal and economic impact of the proposed standard on the business or organization they represent.

Advisory Committee Members	
Name	Affiliation
Audie Huber	Confederated Tribes of the Umatilla Indian Reservation
Caleb Minthorn – alternate	Confederated Tribes of the Umatilla Indian Reservation
Russell Strader	Boise Cascade
Troy Riecke - alternate	Boise Cascade
Chad Darby	Maul, Foster & Alongi
Brian Eagle - alternate	Maul, Foster & Alongi
Kathryn Van Natta	Northwest Pulp & Paper Assoc.
Daniel Orozco	National Parks Conservation Association
Michael Long	Friends of the Gorge
Jamie Pang	Oregon Environmental Council
Carrie Nyssen	American Lung Association
Bob Hackett	Travel Southern Oregon

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 publicly notice draft rules. 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 meeting in July 2021.

DEQ Contacts

Primary Contact: Karen F. Williams, Karen.williams@deq.state.or.us, (503) 863 - 1664

Alternate Contact: Michael Orman, michael.orman@deq.state.or.us, (503) 509 - 8623