

State of Oregon
Department of Environmental Quality

Memorandum

Date: Jan. 29, 2016
To: Environmental Quality Commission
From: Dick Pedersen, Director 
Subject: Agenda item G, Informational item: Director's report
Feb. 3, 2016, EQC meeting

DEQ's business continuity plan

At the December 2015 meeting, commissioners asked about DEQ's emergency and business continuity plans in response to an informational presentation about general state readiness for a Cascadia subduction zone-type earthquake or other major event. DEQ is in the process of making major updates to the plan, and expects to complete those updates over the next six months. As part of this update, DEQ will identify gaps in the current plan based on guidelines provided in the Office of Emergency Management's continuity of operations web page.

Office of Emergency Management recently hired a contractor to develop a toolkit to help state agencies develop consistent continuity of operations plans. That office is using web-based collaboration tools to assist state agency coordinators for business continuity plan content, consistency and exercise coordination. This was an area of need identified in planning for a Cascadia subduction zone earthquake affecting Oregon.

As background, DEQ's business continuity plan was developed between 2006 and 2008 by a workgroup comprised of representatives from each region and headquarters division, vehicle inspections, and the lab. The plan includes appendices outlining recovery steps and timeline for each of the critical business functions for the agency. Business functions includes facilities, transportation, communication systems, time accounting, records management, emergency response, responding to pollution complaints, providing technical assistance, laboratory services, vehicle inspections and several others. Initial staff training was completed in 2008 following plan finalization and in May 2010 the plan was used for a statewide earthquake simulation training.

That exercise identified a need for additional training and a designated incident command team. Following 2010, plan maintenance work was limited to maintaining key contacts database due to a lack of resources to conduct ongoing training and exercises. An Emergency Response staff position at the headquarters office was assigned Business Continuity Plan Coordinator duties in 2014 and has worked to improve the plan and its use by:

- Updating key staff contacts in the plan
- Training new staff on the plan and essential function recovery
- Providing a refresher to key staff who had not had the orientation training since 2010.

- Developing a narrated training module for iLearn, the state's online training system for state employees, to orient all staff to the plan, and regular refresher training for essential staff.
- Holding several refresher trainings for Portland-area staff in 2014 and 2015

Request to revisit the Portland Air Toxics Solutions recommendations and plan
Neighbors for Clean Air, an Oregon clean air advocacy organization, submitted a letter Dec. 10, 2015, requesting an assessment of the Portland Air Toxics Solutions Report and Recommendations. NCA states that a more complete air toxics reduction plan is needed to decrease health risk for Portland residents.

The NCA letter requests additional resources to allow DEQ to perform a three-year assessment of the Portland Air Toxics Reduction Plan and work with the Portland Air Toxics Solutions Advisory committee to propose more specific emission reductions, milestones to evaluate progress, and a contingency plan. The letter also encourages the EQC and DEQ to prioritize reductions in diesel PM to meet legislative and regulatory health protection goals.

DEQ is considering the NCA request and is in the process of preparing a response that provides background, a description of our progress reducing air toxics in the Portland area, and our thoughts on revisiting the Portland Air Toxics Solutions recommendations and plan.

Annual report received from the U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers is required to submit an annual report to DEQ regarding its operations for fish passage and fish spill at the four lower dams it operates along the Columbia River. DEQ received that report from the Corps on Jan. 28, 2016, detailing aspects of the 2015 spill season from April 1 through August 31. The requirement is part of the commission's order approving the Corps' request for a modification of Oregon's Total Dissolved Gas Water Quality Standard. For past reports, DEQ has submitted the summary reports as an attachment to the director's report and also as more in-depth informational items. Staff are prepared to do either, at the commission's direction, for April's meeting.

Updates to the 2016 Rulemaking Plan

In January, DEQ updated its official Rulemaking Plan for 2016. The plan, an excerpt of which is attached for reference, outlines the items DEQ intends to bring for commission consideration. The rule development schedule can take more than a year, so several of the items do stretch into 2017 for proposed commission action.



State of Oregon
Department of
Environmental
Quality

DEQ RULEMAKING PLAN

Agency Rulemaking

Office of the Director

JAN. 2016

INFORMATION AND CONTACTS

If you have questions about a specific rulemaking you may contact the subject matter expert listed for that rulemaking.

If you have other questions about DEQ rulemaking, contact the Agency Rules Coordinator, Meyer Goldstein, at Goldstein.Meyer@deq.state.or.us or 503-229-6478.

SUMMARY

The Oregon Department of Environmental Quality uses Oregon Administrative Rules to implement Oregon laws. The Environmental Quality Commission has the legal authority to adopt rules that DEQ enforces.

Through a prioritization process, DEQ staff determines whether a rulemaking concept supports program and division priorities. Staff also determines whether DEQ has the resources needed to develop and implement the proposed rules.

The DEQ director reviews all prioritized rulemaking concepts and considers how each concept aligns with DEQ priorities. The director then determines whether to:

1. Add the concept to the DEQ Rulemaking Plan,
2. Postpone developing the rulemaking concept, or
3. Deny additional work on the concept.

RULEMAKINGS

There are eighteen rulemakings on the current DEQ Rulemaking Plan. The table below provides the current schedule for each. The goldenrod cells on the third and fourth rows identify when Oregon's Legislature is in session and when EQC will hold its meetings.

 DEQ Rulemaking Plan Jan 2016 Legislative Session EQC Meetings	2016				2017																		
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4															
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N
ONGOING																							
1. Solid Waste Permit Fees	E																						
2. Update OR AQ Rules to Fed. Stds.			E																				
3. SB 705 Asbestos Survey								E															
4. Regional Haze							N		E														
5. Water Quality Stds. for Bacteria					N			E															
6. Water Quality Stds. for Copper			A	A	N				E														
7. Clean Power Plan														N									E
8. Title V CPI 2016						E																	
9. Ballast Water 2016	A				N			E															
10. Hazardous Waste Phase II	A	A				N			E														
11. Oakridge Attainment Plan - LRAPA								N		E													
12. Hazardous Waste Fee 2017						A														N			
13. Underground Storage Tanks 2017					A															N			
14. CWSRF 2017	A																			N			E
NEWLY ADDED																							
15. Recycling 2016						A			N		E												
16. Clean Fuels 2016					A																		
17. Air Toxics Benchmark Review 2016						A			N		E												
18. Noise regulation tables 2016						N			E														

Legend: A=Advisory Committee N=Public Notice E=EQC

Excerpted for commission review - full plan available upon request