

Water-Related Permits Process Improvement Team (WRPPIT)

Making clear whether and how a project gets to YES & transitioning to a consolidated state permit system.

MEETING RECORD

April 28, 2006

9 – noon, 2nd Floor Conference Room, Labor and Industries Building, Salem

Members Present:

Jas Adams, DOJ (by phone)
Ken Franklin, ODOT
Patty Snow, ODFW
Kirk Jarvie, DSL
Laura Leshar, Project Manager, Office of Regulatory
Streamlining (RSL)
Gary Lynch, DOGAMI
Christine Svetkovich, DEQ

Consultant:

Jenny Carmichael, Carmichael Consulting

Members Absent:

Pat Allen, Office of Regulatory
Streamlining (RSL)
Dale Blanton, DLCD
Kim Grigsby, Water Resources

Intermittent Members Not Present:

Tony Stein, OPRD
Susan White, SHPO

AGENDA

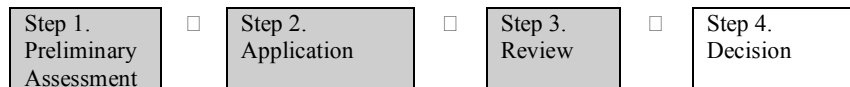
9:00	Reminder Assignments, Updates	Jenny
9:10	Review and Approve April 5, 14 & 17 Meeting Record	Jenny
9:20	Continued from Last Meeting – 1200-C: Stormwater Management Permit	Jenny, Kirk

DSL's current water quality requirements (application and conditions)
Finish answering the following question:
"What changes would you recommend to the Legislative Audits Committee to improve coordination between removal-fill and 1200-C in order to eliminate confusion, duplication & inconsistency while making the process cheaper and easier for applicants and the state?"

10:20 **BREAK**

10:30	Continued from the April 17th Meeting	Jenny
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Identify the work, work volume, who should do the work, and where for each of the following steps:



11:55	Meeting Wrap-Up	Jenny
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Next Meeting: May 3, 2-5, Conference Room B, L&I Building

MEETING RECORD

1. Updates

- a. **Louise Solliday.** Louise has been appointed as Interim Director of DSL. As soon as she appoints an interim director for her old position, the new interim director will attend WRPPIT meetings. Louise

will not be attending as Interim Director of DSL.

- b. **May 26 and May 30 WRPPIT Meetings.** Neither Louise Solliday nor Lauri Aunan are able to meet with the team on May 26, however the team will still meet that day. Jenny is exploring the viability of meeting at DEQ in Portland. Because the team will not have had a chance to meet with Louise and Lauri the tentatively scheduled May 30 meeting with the DSL resource coordinators will also need to be scheduled for another time.
- c. **DEQ Water Quality Organizational Changes.** Christine indicated that DEQ Water Quality Division will be adding another manager to distribute workload and staff differently. The reorganization will be effective June 1.
- d. **DEQ Fee Bill.** DEQ is preparing a fee bill for 2007 that would provide adequate funding for DEQ to deliver the 401 water quality program. If the bill does not pass DEQ plans to return the program to EPA. The fee will be a sizeable increase.

3. Reminder Assignments

Advisory Committee. Pat Allen met with Doug Myers, board member of the League of Oregon Conservation Voters. Doug is interested in the project and is evaluating whether he might be able to join the Advisory Committee.

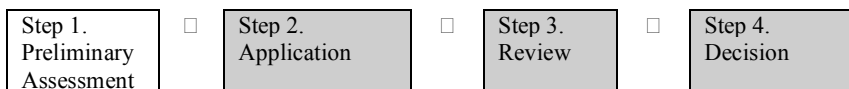
4. **Compliance and Enforcement.** The team outlined the following choices to address the step of compliance and enforcement in the redesign:
- a. silent
 - b. identify the implications for compliance and enforcement based on redesign of the process
 - c. redesign compliance and enforcement

The team agreed on option b. Topics to be covered include: clarity about which agency will be responsible for which compliance and enforcement, clearer conditions will be easier to enforce, interagency training, User Guide information, identify important opportunities for interagency cooperation.

5. Review and Approve Meetings Records: April 5, 14, and 17

The team spent most of the meeting reviewing, modifying, and adding to the decisions reflected in the April 5, 14, and 17 meeting records. Please see those records for modifications.

Additional decisions made by the team regarding Step 1 – the preliminary assessment, are documented below:



Discussion Item #1: Kirk outlined two possible choices for delivering the preliminary assessment:

- a. applicant/consultant led approach where the consultant is responsible to identify issues and facilitate/coordinate the state’s response.
- b. state regulatory expert (SRE) is responsible to identify issues and facilitate/coordinate the state’s response.

The team unanimously preferred option b.

Discussion Item #2: how to staff the state regulatory expert (SRS) -by fee or general fund.

1. 1 FTE for SRE	
2. Rework existing Resource Coordinator position	
3. 1 & 2	XXXXX

The work of an SRE is broader than the current resource coordinators. The SRE will need to know all agency requirements and assume the centralized role of DSL in the redesigned process.

Further work is needed to define the scope of the SRE, what needs to be funded, and how it should be funded. This should include the work of a shepherd, someone to coordinate the state’s response to defined applicants. This would include convening the team pre-application meeting.

Kirk will discuss these options with Louise Solliday prior to the next meeting.

Discussion Item #3: additional fee or general fund for the work of other agencies in support of the team preliminary assessment. Decision: no additional cost.

Discussion Item #4: ODFW role. Patty Snow will be preparing a first draft of the elements of the MOU that outlines the commitments ODFW will be making to the redesigned Oregon-Removal Fill permit process.

- 6. **Redesign Assumptions.** The team identified changes in redesign assumptions that had evolved over the last several meetings. While increased funding and statutory changes had been available directions in earlier discussions, the team at this point is striving to minimize either of these options.
- 7. **1200-C: Stormwater Management Permit**
“What changes would you recommend to the Legislative Audits Committee to improve coordination between removal-fill and 1200-C in order to eliminate confusion, duplication & inconsistency while making the process cheaper and easier for applicants and the state?”

The team developed possible answers to this question at its April 17 meeting. The team categorized the potential answers as follows:

Yes	Discuss	No
4. Provide info early in the process.	3a. If 1200-C, DEQ; if not 5 DSL H ₂ O conditions	9. Turn stormwater management back to EPA.
2. DEQ educate about 1200-C	3b. Same as 3a + DSL bundles 1200C & ORFP	1. DOGAMI model – DSL agency of DEQ.
5. Line up NMFS, DEQ, DSL, etc. erosion control requirements (<i>Elevate this to Governor’s Natural Resource Advisor</i>)	7. Put this off to next phase of WRPPIT.	6. Reduce DEQ responsibilities or add resources.
	11. Items 10 & 3b. Two places applicants go.	8. Contract 1200-C work, pre-certify; avoid conflicts of interest.
		10. Take DSL out of water quality review – it’s DEQ’s job (Note: can’t for SPGP.)

These choices will be discussed further at the next meeting. The team at the start of the next meeting wants to ask Tom Gallagher to clarify choices #10 and 11 and how they can achieve the process and product changes the Advisory Committee has prioritized:

- Clear information at the beginning
- Clear authorities & non-conflicting decisions
- Outcome/compliance focus
- Unified state process
- Faster and known timeline
- Permit cost estimate provided
- One stop and specialized assistance
- Single application

Kirk will also review the DSL water quality application and permit requirements at the next meeting.

8. **Wrap-Up.**

The meeting concluded at noon.

- a. **Meeting Schedule Change.** The May 15 meeting has been moved to May 10 from 9-noon.
- b. **Next Meeting.** The next meeting will be on May 3, 2-5, Conference Room B, Labor and Industries, Salem.