



A publication of the
Oregon Independent Aggregate Association
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www.oraggregate.com

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Oregon Independent Aggregate Association Newsletter

January 2023

Chairman's Message

Another year, another chapter in the Waters of the United States (WOTUS) saga. Early last year, the Trump-era WOTUS rule was vacated in favor of the pre-Obama interpretation. This older interpretation relies on an infamously difficult standard of “significant nexus” to determine if a water feature is joined to a navigable water, and thus allow the EPA to regulate under the Clean Water Act. EPA has taken action over a wide range of projects using this standard.

Currently, there is a challenge to the WOTUS being heard by the Supreme Court. A couple in Idaho (the Sacketts) filed a complaint against the EPA for halting their filling of a wetlands on their property in 2007 (<https://www.oyez.org/cases/2011/10-1062>; and <https://www.oyez.org/cases/2022/21-454>). A determination related to the case is expected from the Supreme Court in the next few months that will affect the WOTUS definition. Despite this activity, EPA and US Army Corps of Engineers issued another “final” WOTUS decision at the end of December that basically continues to rely on the “significant nexus.” But if the Supreme Court determines later this year the “nexus” cannot be used, then this new rule is wasted effort.

For a more detailed history (up until June 2022, when the article was written), read this summary: <https://eelp.law.harvard.edu/2022/06/sackett-v-epa-and-the-definition-of-waters-of-the-united-states/>.

In response to the new WOTUS rule, NSSGA and other associations recently filed a complaint of their own against the EPA in a US District Court in Texas (<https://www.nssga.org/news/nssga-files-legal-challenge-premature-and-overreaching-wotus-rule>).

So why should you care about all of this? If your mine operation or future permit is determined to impact a wetland interpreted as a WOTUS, rather than dealing with a state agency (Oregon Dept of State Lands, for example), you will be dealing with the EPA. Which would you prefer?

Take care and be safe,

Erick Staley
Chairman

Annual Part 46 Training Registration is in progress. If you have not yet registered your company please do so as soon as possible, classes are filling up.

Registration will close on February 17, 2023

Please remember if you have registered and you have name changes or deletions please let me know as soon as possible.

Training Dates: Albany, Oregon - March 7th

Roseburg, Oregon - March 8th

Prior to registering please make sure your membership dues are up to date.

A registration form will be posted at the end of this newsletter.

Is there someone in your company that you would like to receive this newsletter? Please send information to memberreply@oregonaggregate.com

Newsletter and Training Notification email address updates

These past few years have brought many changes to some of our member companies. If you have had a change in personnel or added new personnel that you wish to receive this newsletter and information regarding our annual training please contact our secretary Kellie Ramar @ memberreply@oraggregate.com

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**Our next meeting is tentatively scheduled for February 8, 2023 at 10 AM
KPD office conference room in Springfield, Oregon**

memberreply@oraggregate.com.

Scholarship applications for our June 2023 Graduates will be available in May of 2023.

January 03, 2023

ANNUAL PART 46 TRAINING REGISTRATION

- Premier Corporate Members** Free to all your employees
- Corporate Members** Free to the first 10 employee \$ 100.00 for each additional
- Associate Members** Free to your first employee \$ 100.00 for each additional

*Note: An Employee is someone on your actual payroll not contract company employees or Subcontractors
(Please check your membership type and pay for any additional employees accordingly)*

Non-members the charge is \$ 350.00 for small companies (1 – 2 attendees) and \$ 650.00 for larger companies (3 or more). Please complete the information below. An invoice will be mailed to you. If you want to join the association and receive a discount on this training please contact Kellie Ramar at (503) 849-5583

COVID RESTRICTIONS
There appears to be no COVID restrictions at this time.

Please circle the training date you wish to attend and list all the employees that will be attending

- March 7, 2023 Linn County Fair & Expo- Albany Oregon 7:00 AM – 5:00 PM
- March 8, 2023 Douglas County Fair Grounds – Roseburg, Oregon 7:00 AM – 5:00 PM

Company Name: _____ Contact Person: _____

Phone Number: _____ e-mail address _____

Please print clearly or type your employee’s first and last name that will be attending.

(Attach a second sheet if necessary)

NAME	NAME
1. _____	11. _____
2. _____	12. _____
3. _____	13. _____
4. _____	14. _____
5. _____	15. _____
6. _____	16. _____
7. _____	17. _____
8. _____	18. _____
9. _____	19. _____
10. _____	20. _____

Email your completed form to kramar@kenleahy.com or fax to 888-486-0361.

To make sure you don’t get left off the list e-mail is recommended.
Only those registered will be allowed to attend. Please call with any name change requests (503) 849-5583