

NOTICES OF PROPOSED RULEMAKING

Proposed Amendments: 440-045-0020, 440-045-0025

Last Date for Comment: 10-14-05

Summary: The Director adopts by rule the percentage amount based on workers' compensation premiums to be levied on insurers, self-insured employers, and self-insured employer groups to meet the expenses of the department in carrying out its duties under ORS 656, ORS 654, and the Insurance Code. The assessment amount will be in effect from January 1, 2006, to December 31, 2006. All self-insured employers, as well as self-insured employer groups, shall be assessed an additional percentage amount to fund the Self-Insured Employers Adjustment Reserve and the Self-Insured Employer Group Adjustment Reserve. The actual amounts proposed will be announced on or before October 5, 2005.

Address questions to: Myrna Curzon, Rules Coordinator; phone 503-947-7866; fax 503-947-6444; or e-mail myrna.curzon@state.or.us

Rules Coordinator: Myrna Curzon

Address: Department of Consumer and Business Services, Director's Office, 350 Winter St. NE, PO Box 14480, Salem, OR 97309
Telephone: (503) 378-4100

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**Department of Consumer and Business Services,
Insurance Division
Chapter 836**

Stat. Auth.: ORS 731.244 & 731.574

Stats. Implemented: 731.574 & 733.210

Proposed Amendments: 836-011-0000

Last Date for Comment: 9-23-05

Summary: The proposed amendments to this rule adopt the blanks and instructions established by the NAIC for annual statements and supplements for reporting years 2005 and 2006. The rule currently adopts blanks and instructions for reporting years 2003 and 2004.

Rules Coordinator: Sue Munson

Address: Department of Consumer and Business Services, Insurance Division, 350 Winter St. NE, Rm. 440, Salem, OR 97301
Telephone: (503) 947-7272

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**Department of Consumer and Business Services,
Workers' Compensation Division
Chapter 436**

Date:	Time:	Location:
9-26-05	10 a.m.	Rm. F (basement) Labor & Industries Bldg. 350 Winter St. NE Salem, OR

Hearing Officer: Fred Bruyns

Stat. Auth.: ORS 656.726(4)

Stats. Implemented: ORS 656.704, Enrolled House Bill 2091 - OL 2005, Ch. 26

Proposed Adoptions: 436-001-0023, 436-001-0027, 436-001-0252, 436-001-0259, 436-001-0296

Proposed Amendments: Rules in 436-001, 436-009-0008, 436-045-0008, 436-070-0008, 436-075-0008, 436-080-0070, 436-085-0008, 436-140-0008, 436-150-0008

Proposed Repeals: 436-001-0001, 436-001-0007, 436-001-0008, 436-001-0110, 436-001-0150, 436-001-0160, 436-001-0185, 436-001-0201, 436-001-0210, 436-001-0226, 436-001-0260, 436-130-0000, 436-130-0010, 436-130-0020, 436-130-0030, 436-130-0040, 436-130-0050, 436-130-0060, 436-130-0070, 436-130-0080, 436-130-0090, 436-130-0100

Proposed Ren. & Amendments: 436-001-0000 to 436-001-0009, 436-001-0155 to 436-001-0019, 436-001-0275 to 436-001-0246

Last Date for Comment: 9-30-05

Summary: The Workers' Compensation Division proposes to amend OAR chapter 436, division 001, "Procedural Rules Governing Rule-making and Hearings," and several related rules in divisions 009, 045, 070, 075, 080, 085, 140, and 150.

• House Bill 2091 (Oregon Laws 2005, chapter 26) moves hearings on workers' compensation matters currently processed by the Office of Administrative Hearings to the Workers' Compensation Board, for all hearings held on or after January 2, 2006. These proposed adoptions and amendments reflect that change. The Workers' Compensation Division proposes to repeal several rules in OAR 436-001 because the Workers' Compensation Board already has rules in place that govern the conduct of hearings. The Workers' Compensation Division proposes to amend and renumber some rules in OAR 436-001 to place rules in a sequence more aligned with the sequence of appeals and hearings.

The Workers' Compensation Division proposes to repeal OAR chapter 436, division 030, "Rehabilitation Facilities," in its entirety.

• ORS 656.530, the statute implemented by OAR 436-130, was repealed by Oregon Laws 1999, chapter 273, section 1.

Address questions to: Fred Bruyns, Rules Coordinator; phone 503-947-7717; fax 503-947-7581; e-mail fred.h.bruyns@state.or.us

Proposed rules are available on the Workers' Compensation Division's Web site: <http://wcd.oregon.gov/policy/rules/rules.html#prop> rules or from WCD Publications, 503-947-7627 or fax 503-947-7630.

Rules Coordinator: Fred Bruyns

Address: Department of Consumer and Business Services, Workers' Compensation Division, 350 Winter St. NE, Rm. 27, Salem, OR 97301-3879

Telephone: (503) 947-7717

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**Department of Environmental Quality
Chapter 340**

Date:	Time:	Location:
9-22-05	3 p.m.	811 SW Sixth Ave. Portland, OR Rm. 3A

Hearing Officer: Jeffrey Stocum, DEQ

Stat. Auth.: ORS 468.020 & 468A.310

Stats. Implemented: ORS 468A.025

Proposed Amendments: 340-200-0020, 340-200-0040, 340-216-0060, 340-238-0040, 340-238-0050, 340-238-0060, 340-244-0030, 340-244-0040, 340-244-0220

Last Date for Comment: 9-29-05

Summary: The Oregon Department of Environmental Quality (DEQ) is proposing that the EQC adopt by reference recent revisions to the National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS). DEQ also proposes that the EQC adopt amendments made to the definition of volatile organic compounds (VOC), and the list of hazardous air pollutants (HAP). Adoption by the EQC will ensure that Oregon remains consistent with the federal requirements.

To submit comments or request additional information, please contact Jerry Ebersole at the Department of Environmental Quality (DEQ), 811 SW Sixth Avenue, Portland, OR 97204, toll free in Oregon at 800-452-4011 or 503-229-6974, EBERSOLE.Gerald@deq.state.or.us, 503-229-5675 (fax), or visit DEQ's website: <http://www.deq.state.or.us/news/index.asp>

Rules Coordinator: Larry McAllister

Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204

Telephone: (503) 229-6412

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Date:	Time:	Location:
10-4-05	6 p.m. briefing 7 p.m. hearing	DEQ 700 SE Emigrant Suite 330 Pendleton, OR 97801
10-5-05	6 p.m. briefing 7 p.m. hearing	DEQ 2020 SW 4th Ave. Suite 400 Portland, OR 97201

NOTICES OF PROPOSED RULEMAKING

10-6-05 6 p.m. briefing DEQ
 7 p.m. hearing 221 Stewart Ave.
 Suite 201
 Medford, OR 97501

Hearing Officer: Les Carlough, DEQ
Stat. Auth.: ORS 459.376(1), 459.995, 468.020(1), 468.035(1)(J), 468.045(1)(c), 465.900, 466.210, 466.990, 466.992, 466.994 & 783.992
Stats. Implemented: ORS 454.635 - 454.645, 459.376, 459.995, 465.900, 466.210, 466.990 - 466.994, 468.090 - 468.140, 468.996, 468B.025, 468B.220, 468B.450 & 783.992
Proposed Amendments: 340-012-0053, 340-012-0054, 340-012-0055, 340-012-0060, 340-012-0065, 340-012-0066, 340-012-0067, 340-012-0068, 340-012-0071, 340-012-0072, 340-012-0074, 340-012-0079, 340-012-0081, 340-012-0082, 340-012-0097, 340-012-0130, 340-012-0135, 340-012-0140
Last Date for Comment: 10-17-05

Summary: Oregon’s environmental enforcement program (OAR 340-012) lists “classifications” and “magnitudes” for the various violations of Oregon environmental law. These two factors are used for determining the base penalty of a violation. This rulemaking proposal seeks to create greater clarity between these concepts by classifying violations based on how important the requirement is to achieving the intended environmental and public health protections and how probable it is that a violation will result in significant harm to the environment or pose significant threat to public health. This means that “potential” harm is considered in determining the magnitude of the violation using the facts of the particular situation rather than classifying a violation based on an improbable (but possible) worst case scenario. This rulemaking also proposes revisions to the classifications and magnitudes of some violations to better reflect the department’s environmental priorities and to create consistency among programs. Where re-classification of a violation is proposed it may lead to fewer cases being referred for formal enforcement; in some limited instances violations are being classified to a more serious classification. For the latter there may be a greater likelihood of civil penalties being imposed. Finally, this rulemaking proposes revisions to the penalty matrix for some open burning rule violations and water quality suction dredge general permit violations.

These amendments, if adopted, will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to the State Implementation Plan, which is a requirement of the Clean Air Act.

To submit comments or request additional information, please contact Jenine Camilleri at the Department of Environmental Quality (DEQ), 811 SW 6th Avenue, toll free in Oregon at 800-452-4011 or 503-229-6775, camilleri.jenine@deq.state.or.us, 503-229-6762, or visit DEQ’s website <http://www.deq.state.or.us/news/index.asp>

Rules Coordinator: Larry McAllister
Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204
Telephone: (503) 229-6412

Date:	Time:	Location:
9-22-05	1:30 p.m.	Eugene City Hall Eugene, OR
9-23-05	1:30 p.m.	DEQ 811 SW Sixth Ave. Portland, OR
9-26-05	1:30 p.m.	Medford City Hall Medford, OR

Hearing Officer: Kevin Masterson, DEQ
Stat. Auth.: ORS 468.020, 468B.020 & 468B.035
Stats. Implemented: ORS 468.065, 468B.015, 468B.035 & 468B.050
Proposed Amendments: 340-045-0033
Last Date for Comment: 9-30-05

Summary: • The Oregon Department of Environmental Quality (DEQ) is proposing to issue a new 1200-C National Pollutant Discharge Elimination System (NPDES) general permit for water qual-

ity which expires on December 31, 2005. This new permit, to be labeled the 1200-C (2005), controls pollution from stormwater runoff from land disturbance and construction activities on one or more acres in Oregon.

- Currently, about 1,260 construction projects are covered under this permit. The Department uses a general permit with standard conditions to regulate construction because it is more efficient and less expensive for both the Department and the builder when compared to requiring individual permits for each project.

- The amended rule would require quarterly reporting to the Department by all permit registrants.

- For those construction activities that affect streams listed as “water quality impaired” for sedimentation or turbidity under the federal Clean Water Act Section 303(d), or streams for which the Department has developed a Total Maximum Daily Load for sedimentation or turbidity, the permit registrant must either:

- o Option 1: Monitor stormwater run-off (using a turbidity meter) for turbidity and meet a numeric turbidity benchmark, or
- o Option 2: Install additional Best Management Practices designed to treat sediment and turbidity in stormwater.

To submit comments or request additional information, please contact Don Yon at the Department of Environmental Quality (DEQ), WQ Division, 811 SW Sixth Avenue, Portland, OR 97204, toll free in Oregon at 800-452-4011 x 6850 or 503 229-6850, email: yon.donald.r@deq.state.or.us. Fax: 503 229-6037, or visit DEQ’s website: <http://www.deq.state.or.us/wq/wqpermit/stormwater/home.htm>.

Rules Coordinator: Larry McAllister
Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204
Telephone: (503) 229-6412

Stat. Auth.: ORS 183, 459, 466.020, 466.075, 466.105, 466.195 & 468

Stats. Implemented: ORS 466.020, 466.025, 466.030 & 466.505
Proposed Amendments: 340-110-0001, 340-110-0020, 340-110-0061

Last Date for Comment: 9-19-05

Summary: These rule amendments incorporate by reference changes to Federal PCB regulations from January 1989 through July 1, 2004.

DEQ will schedule a hearing if 10 or more people or an association with at least 10 members requests one within 21 days following publication of notice in the Secretary of State’s Bulletin or 28 days from the date notice is mailed.

To submit comments or request additional information, please contact Scott Latham at the Department of Environmental Quality (DEQ), 811 SW 6th Avenue, Portland, OR 97204-1390, toll free in Oregon at 800-452-4011 or 503-229-5953, by email to latham.scott@deq.state.or.us, by fax to 503-229-6977, or visit DEQ’s website: <http://www.deq.state.or.us/news/index.asp>

Rules Coordinator: Larry McAllister
Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204
Telephone: (503) 229-6412

Department of Fish and Wildlife Chapter 635

Date:	Time:	Location:
10-7-05	8 a.m.	ODFW Commission Rm. 3406 Cherry Ave. NE Salem, OR 97303

Hearing Officer: Fish and Wildlife Commission
Stat. Auth.: ORS 496.138, 496.146, 506.036, 506.109 & 506.119
Stats. Implemented: ORS 496.162 & 506.129
Proposed Adoptions: Rules in 635-004, 635-011, 635-039
Proposed Amendments: Rules in 635-004, 635-011, 635-039