

# NOTICES OF PROPOSED RULEMAKING

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

**Rule Caption:** Rules on how insurers report proof of workers' compensation insurance coverage to the department.

Date:	Time:	Location:
8-21-08	2 p.m.	Labor & Industries Bldg. 350 Winter St. NE 2nd Floor, Rm. 260 Salem, OR

**Hearing Officer:** Fred Bruyns

**Stat. Auth.:** ORS 656.726(4)

**Stats. Implemented:** OL 2007 Ch. 241 (SB 559) affecting ORS 656, primarily 656.419, 656.423, 656.427 & 656.726

**Proposed Adoptions:** 436-160-0355, 436-160-0370

**Proposed Amendments:** Rules in 436-050, 436-160

**Proposed Repeals:** 436-050-0070, 436-050-0080, 436-050-0090, 436-050-0100

**Last Date for Comment:** 8-28-08

**Summary:** The agency proposes to amend OAR chapter 436, division 050, "Employer/Insurer Coverage Responsibility," and OAR chapter 436, division 160, "Electronic Data Interchange," to establish a new process for maintaining and reporting proof of workers' compensation insurance coverage. Effective 7/1/2009, Senate Bill 559 eliminates references in ORS Chapter 656 to the "guaranty contract" as an instrument for the insurer to maintain proof of coverage with the director. The revised statute refers instead to the "workers' compensation insurance policy." The proposed rules describe: a new policy-based proof-of-coverage and electronic reporting system, as well as the process for transition to that system; insurers' proof-of-coverage record-keeping requirements; and potential civil penalties for failure to provide timely reports to the director regarding coverage.

Address questions or written testimony 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 at no charge 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, PO Box 14480, Salem, OR 97309-0405

**Telephone:** (503) 947-7717

\*\*\*\*\*

## Department of Corrections Chapter 291

**Rule Caption:** Substance of Abuse Urinalysis Testing of Inmates in DOC Facilities.

**Stat. Auth.:** ORS 179.040, 423.020, 423.030 & 423.075

**Stats. Implemented:** ORS 179.040, 423.020, 423.030 & 423.075

**Proposed Amendments:** 291-042-0005, 291-042-0010, 291-042-0011, 291-042-0015, 291-042-0025, 291-042-0035

**Proposed Repeals:** 291-042-0045

**Last Date for Comment:** 8-29-08

**Summary:** Amendments and repeal of these rules is necessary to update the criteria and methodology by which urine samples of inmates incarcerated in Department facilities are collected and tested for substances of abuse. The new methodology will increase the number of substances tested. Other changes are necessary to update the terminology and reflect operational changes within the Department.

**Rules Coordinator:** Janet R. Worley

**Address:** Department of Corrections, 2575 Center St. NE, Salem, OR 97301-4667

**Telephone:** (503) 945-0933

## Department of Energy Chapter 330

**Rule Caption:** Establish Renewable Energy Certificate Tracking and Reporting System for Oregon Renewable Portfolio Standard.

Date:	Time:	Location:
8-19-08	10 a.m.	Oregon Dept. of Energy 625 Marion St. NE Salem, OR

**Hearing Officer:** Kip Pheil

**Stat. Auth.:** ORS 469A.130 & 469.040(d)

**Stats. Implemented:** ORS 469A.130 - 469A.145

**Proposed Adoptions:** 330-160-0005, 330-160-0015, 330-160-0020, 330-160-0025, 330-160-0030

**Last Date for Comment:** 8-22-08, Close of Business

**Summary:** Implement details for the Oregon Renewable Portfolio Standard (RPS) as follows: (1) Designate the Western Renewable Energy Generation System (WREGIS) as the renewable energy certificate tracking and reporting mechanism for the Oregon RPS.

(2) Relate definitions for renewable energy certificates in the Oregon RPS to specific system elements in WREGIS.

(3) Designate the date of establishment for the Oregon renewable energy certificate system as January 1, 2007.

**Rules Coordinator:** Kathy Stuttaford

**Address:** Department of Energy, 625 Marion St. NE, Salem, OR 97301

**Telephone:** (503) 378-4128

\*\*\*\*\*

## Department of Environmental Quality Chapter 340

**Rule Caption:** Adoption of Federal Air Quality Regulations.

Date:	Time:	Location:
8-18-08	6 p.m.	DEQ - Bend Regional Office Conference Rm. 300 SE Reed Market Rd. Bend, OR 97702
8-19-08	6 p.m.	Community Justice Center First Fl. Conference Rm., 1101 W Main, Suite 101 Medford, OR 97501
8-21-08	6 p.m.	DEQ Headquarters 811 SW 6th Ave., Rm. EQC-A Portland, OR 97204

**Hearing Officer:** Mark Fisher, Byron Peterson, William Knight

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

**Stats. Implemented:** ORS 468A.025

**Proposed Adoptions:** 340-228-0601, 340-228-0609, 340-228-0611, 340-228-0613, 340-228-0615, 340-228-0617, 340-228-0619, 340-228-0621, 340-228-0623, 340-228-0625, 340-228-0627, 340-228-0629, 340-228-0631, 340-228-0633, 340-228-0635, 340-228-0637, 340-230-0335, 340-230-0359, 340-244-0232, 340-244-0234, 340-244-0236, 340-244-0238, 340-244-0240, 340-244-0242, 340-244-0244, 340-244-0246, 340-244-0248, 340-244-0250, 340-244-0252

**Proposed Amendments:** 340-200-0040, 340-216-0020, 340-216-0060, 340-228-0600, 340-228-0602, 340-228-0603, 340-228-0606, 340-230-0300, 340-230-0310, 340-230-0320, 340-230-0330, 340-230-0340, 340-230-0350, 340-238-0040, 340-238-0060, 340-238-0090, 340-242-0520, 340-244-0020, 340-244-0030, 340-244-0100, 340-244-0210, 340-244-0220

**Proposed Repeals:** 340-228-0604, 340-228-0605, 340-228-0608, 340-228-0610, 340-228-0612, 340-228-0614, 340-228-0616, 340-228-0618, 340-228-0620, 340-228-0622, 340-228-0624, 340-228-0626, 340-228-0628, 340-228-0630, 340-228-0632, 340-228-0634, 340-228-0636, 340-228-0638, 340-228-0640, 340-228-0642, 340-228-0644, 340-228-0646, 340-228-0648, 340-228-0650, 340-228-0652, 340-228-0654, 340-228-0656, 340-228-0658, 340-228-0660, 340-228-0662, 340-228-0664, 340-228-0666, 340-228-0668, 340-228-0670, 340-228-0671, 340-228-0672, 340-228-0673, 340-228-0674, 340-228-0676, 340-228-0678, 340-232-0070, 340-238-0050,

# NOTICES OF PROPOSED RULEMAKING

340-244-0110, 340-244-0120, 340-244-0130, 340-244-0140, 340-244-0150, 340-244-0160, 340-244-0170, 340-244-0180

**Last Date for Comment:** 8-26-08, 5 p.m.

**Summary:** The Oregon Department of Environmental Quality (DEQ) is proposing that the Environmental Quality Commission (EQC) adopt standards that implement and in some cases go beyond new and amended federal air quality regulations. The objective of this rulemaking is to ensure that the emissions reductions required under the new and amended federal air quality regulations are made in Oregon, and to go beyond the federal regulations where further reductions are needed to protect Oregonians. The expected result of this rule is the maintenance of Oregon's delegation of the federal standards, the use of low mercury coal and/or mercury controls in Oregon, and the reduction of benzene emissions in Oregon.

To submit comments or request additional information, please contact Jerry Ebersole at the Department of Environmental Quality (DEQ), 811 SW 6th Ave., Portland, OR 97204, toll free in Oregon at 800-452-4011 or 503-229-6974, or at [federalrule@deq.state.or.us](mailto:federalrule@deq.state.or.us), or by fax 503-229-5675, or visit DEQ's website <http://www.deq.state.or.us/news/publicnotices/PN.asp>.

**Rules Coordinator:** Larry McAllister

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

**Telephone:** (503) 229-6412

.....

**Rule Caption:** Lane Regional Air Protection Agency Air Quality Permit Program Streamlining and Updates.

Date:	Time:	Location:
8-26-08	5:30 p.m.	225 5th St. Springfield, OR
9-9-08	12:15 p.m.	1010 Main St. Springfield, OR

**Hearing Officer:** Max Hueftle, LRAPA

**Stat. Auth.:** ORS 183, 468.020 & 468A.135

**Stats. Implemented:** ORS 468A.025

**Proposed Amendments:** 340-200-0040

**Last Date for Comment:** 9-2-08, 5 p.m. (written comments); 9-9-08, 5 p.m.

**Summary:** Adopt new LRAPA Titles: 29, 31, 35, 37, 40, 41, 42, and 44. Amend existing LRAPA Titles: 12, 30, 32, 33, 34, 36, 37, 38, 46, 48, 49, and 50. Repeal existing LRAPA Title 35. Renumber existing LRAPA Title 37 to Title 44.

This rulemaking proposes to streamline and update the air quality permitting process by clarifying requirements, eliminating duplicative and conflicting standards, keeping rules in line with federal requirements, and correcting errors. If adopted, the proposed revisions would simplify, and better align rules with the Federal Clean Air Act while maintaining the same level of environmental protection and stringency.

To submit comments or request additional information, please contact Max Hueftle at the Lane Regional Air Protection Agency (LRAPA), 1010 Main Street, Springfield, Oregon 97474, toll free in Oregon at 877-285-7272 or (541) 736-1056 ext 231, or at [max@lrapa.org](mailto:max@lrapa.org) or by fax 541-726-1205, or visit LRAPA's website: <http://www.lrapa.org/permitting/rulemaking/>

**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

**Rule Caption:** Amend rules related to commercial fisheries, licenses, and gear.

Date:	Time:	Location:
9-12-08	8 a.m.	Pacific University, Main Campus Washburne Hall, D-6 2043 College Way Forest Grove, OR 97116

**Hearing Officer:** Fish & Wildlife Commission

**Stat. Auth.:** ORS 183, 496.118, 496.138, 496.146, 496.162, 506.109, 506.119, 506.129, 508.035, 508.235, 508.260, 508.406, 508.485, 508.490, 508.530, 508.535, 509.031 & 513.020

**Stats. Implemented:** ORS 496.162, 498.022, 506.129, 506.450 - 506.465, 507.030, 508.025, 508.035, 508.040, 508.260, 508.530, 508.535, 508.550, 508.921 & 508.941

**Proposed Adoptions:** Rules in 635-004, 635-005, 635-006, 635-041, 635-042

**Proposed Amendments:** Rules in 635-004, 635-005, 635-006, 635-041, 635-042

**Proposed Repeals:** Rules in 635-004, 635-005, 635-006, 635-041, 635-042

**Last Date for Comment:** 9-12-08

**Summary:** Amended rules to perform housekeeping and technical corrections to the regulations to ensure rule consistency.

**Rules Coordinator:** Therese Kucera

**Address:** Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303

**Telephone:** (503) 947-6033

.....

**Rule Caption:** Amend rules related to commercial sales of out-of-state steelhead and walleye.

Date:	Time:	Location:
9-12-08	8 a.m.	Pacific University, Main Campus Washburne Hall, D-6 2043 College Way Forest Grove, OR 97116

**Hearing Officer:** Fish & Wildlife Commission

**Stat. Auth.:** ORS 506.119, 508.530 & 509.031

**Stats. Implemented:** ORS 498.022, 506.129, 508.535 & 508.550

**Proposed Adoptions:** Rules in 635-006

**Proposed Amendments:** Rules in 635-006

**Proposed Repeals:** Rules in 635-006

**Last Date for Comment:** 9-12-08

**Summary:** Amended rules to allow Oregon wholesale fish dealers to sell out-of-state steelhead trout or Walleye to retailers. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

**Rules Coordinator:** Therese Kucera

**Address:** Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303

**Telephone:** (503) 947-6033

.....

**Rule Caption:** Amend rules related to 2009 Oregon Sport Fishing Regulations.

Date:	Time:	Location:
9-12-08	8 a.m.	Pacific University, Main Campus Washburne Hall, D-6 2043 College Way Forest Grove, OR 97116

**Hearing Officer:** Fish & Wildlife Commission

**Stat. Auth.:** ORS 496.138, 496.146, 497.121 & 506.119

**Stats. Implemented:** ORS 496.004, 496.009, 496.162 & 506.129

**Proposed Adoptions:** Rules in 635-011, 635-013, 635-014, 635-016, 635-017, 635-018, 635-019, 635-021, 635-023, 635-039

**Proposed Amendments:** Rules in 635-011, 635-013, 635-014, 635-016, 635-017, 635-018, 635-019, 635-021, 635-023, 635-039

**Proposed Repeals:** Rules in 635-011, 635-013, 635-014, 635-016, 635-017, 635-018, 635-019, 635-021, 635-023, 635-039

**Last Date for Comment:** 9-12-08

**Summary:** Amended rules to adopt sport fishing regulations for fin-fish, shellfish, and marine invertebrates for 2009. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

**Rules Coordinator:** Therese Kucera

**Address:** Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303

**Telephone:** (503) 947-6033