

NOTICES OF PROPOSED RULEMAKING

Summary: The agency proposes to amend OAR chapter 436, division 160, "Electronic Data Interchange," to adopt the new implementation guide for medical bill payment records, and to clarify medical bill reporting requirements, including procedures for functional and detailed reporting acknowledgments. The agency proposes to require reporting of denied payments if the workers' compensation claim has been accepted. In addition, the agency proposes requiring some new data elements: date transmission sent, time transmission sent, billing provider country code, facility country code, rendering bill provider country code, rendering line provider country code, days/units paid, and service adjustment units.

Address questions or written testimony to: Fred Bruyns, rules coordinator; phone 503-947-7717; fax 503-947-7514; 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#proprules> or at no charge from WCD Publications, 503-947-7627.

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: Inmate Visitation: Eligibility of Inmates Convicted of Sexual Crime Involving a Minor Child.

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

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

Proposed Amendments: 291-127-0210, 291-127-0220

Last Date for Comment: 9-17-09

Summary: These rule modifications are necessary to clarify eligibility of inmates with a conviction of a sexual crime involving a minor child for visiting within DOC institutions. OAR 291-127-0110 has been modified to expand the definition of immediate family to include niece and nephew. OAR 291-127-0120 has been modified to clarify that an inmate who has a documented history of sex abuse with a member of his/her immediate family is ineligible to visit with any minor child, including their own biological child.

Rules Coordinator: Janet R. Worley

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

Telephone: (503) 945-0933

Department of Environmental Quality Chapter 340

Rule Caption: Adoption of Federal Air Quality Regulations.

Date:	Time:	Location:
8-17-09	6 p.m.	DEQ — Bend Regional Office Conference Rm. 475 NE Bellvue Dr., Suite 110 Bend, OR 97702
8-18-09	6 p.m.	DEQ — Medford Regional Office Conference Rm. 221 Stewart Ave., Suite 201 Medford, OR 97501
8-20-09	6 p.m.	DEQ Headquarters 811 SW 6th Ave., Rm. EQC-A Portland, OR 97204

Hearing Officer: Mark Fisher, Steve Croucher, William Knight

Stat. Auth.: ORS 468.020, 468A.035, 468A.040, 468A.050 & 468A.310

Stats. Implemented: ORS 468A.025

Proposed Adoptions: 340-216-0062, 340-228-0639

Proposed Amendments: 340-200-0040, 340-209-0030, 340-210-0100, 340-210-0110, 340-210-0120, 340-216-0020, 340-216-0060, 340-216-0064, 340-228-0606, 340-228-0621, 340-228-0623, 340-228-0625, 340-228-0627, 340-238-0040, 340-244-0030, 340-244-0220, 340-244-0238, 340-244-0240, 340-244-0242, 340-244-0246

Last Date for Comment: 8-26-09, 5 p.m.

Summary: The Oregon Department of Environmental Quality (DEQ) is proposing that the Environmental Quality Commission (EQC) adopt standards that implement new and amended federal air quality regulations. The objective of this rulemaking is to protect public health, ensure that Oregon implements the federal programs that regulate hazardous air pollutants and new sources, and to improve Oregon's implementation of these programs.

If adopted, this proposal would adopt by reference several new federal area source NESHAPs; add the new area source NESHAPs to the list of business categories eligible to obtain a Simple or General ACDP; add a new General ACDP annual fee class; assign each new General ACDP to an annual fee class; adopt a requirement that any dry cleaner using perchloroethylene obtain an ACDP unless the dry cleaner registers with DEQ; change the requirement that the Environmental Quality Commission (EQC) issue General ACDPs by rule to instead allow the Department to issue General ACDPs by order; allow businesses eligible for multiple General ACDPs to be assigned to one General ACDP and one or more General ACDP Attachments; adopt an annual fee for General ACDP Attachments; allow registration as an alternative to permitting for auto body shops and dry cleaners that voluntarily participate in an environmental certification program; adopt annual fees for registration; update previously adopted NESHAP and NSPS rules to keep them consistent with federal amendments; correct referencing errors and add clarity to the "topping off" ban; and modify Oregon's Utility Mercury Rule (UMR) by adding material sampling provisions vacated by a federal court ruling.

To submit comments or request additional information, please contact Jerry Ebersole at the Department of Environmental Quality (DEQ), 811 SW Sixth Ave, Portland, OR 97204, toll free in Oregon at 800-452-4011 or 503-229-6974, or at 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: Amend the Clean Water State Revolving Fund — Permanent Rules.

Date:	Time:	Location:
8-17-09	6 p.m.	Jackson Co. Courthouse Auditorium 10 South Oakdale Medford, OR
8-18-09	6 p.m.	DEQ Office, Suite 110 475 Bellevue Bend, OR
8-19-09	6 p.m.	DEQ Headquarters 10th Fl., EQC -A 811 SW 6th Ave. Portland, OR

Hearing Officer: Larry McAllister

Stat. Auth.: ORS 468.020 & 468.423-468.440

Other Auth.: American Recovery and Reinvestment Act of 2009 (Public Law 111-5)

Stats. Implemented: ORS 468.423-468.440

Proposed Adoptions: 340-054-0098, 340-054-0100, 340-054-0102, 340-054-0104, 340-054-0106, 340-054-0108

Proposed Amendments: 340-054-0024, 340-054-0025, 340-054-0035

Last Date for Comment: 8-24-09, 5 p.m.

Summary: The American Recovery and Reinvestment Act of 2009 (the Act) allows the U.S. Environmental Protection Agency to allocate \$44.3 million to Oregon DEQ's Clean Water State Revolving Fund (DWSRF) to create jobs and promote economic recovery. To meet the requirements of the Act, the Environmental Quality Commission (EQC) adopted temporary amendments to DEQ's CWSRF

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loan program administrative rules in April 2009. By law, these temporary rules will expire in October 2009. The adoption of this permanent rulemaking will replace the temporary rules to ensure DEQ's program will meet the requirements of the Act.

To request additional information; please contact:

(1) Larry McAllister at the Department of Environmental Quality, 811 SW 6th Ave., Portland, Oregon 97204, call toll free in Oregon 800-452-4011 x6412 or (503) 229-6412, fax 229-6037, mcalister.larry@deq.state.or.us

(2) or visit DEQ's public notices webpage: <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

Department of Fish and Wildlife Chapter 635

Rule Caption: Amend Rules Relating to Protected Fish and Wildlife Taxonomy and to the Sensitive Species List.

Date:	Time:	Location:
9-4-09	8 a.m.	Josephine County Fairgrounds 1451 Fairgrounds Rd. Grants Pass, OR 97527

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Proposed Amendments: Rules in 635-044, 635-045, 635-100

Last Date for Comment: 9-4-09

Summary: Review, update and amend rules relating to protected fish and wildlife and relating to the department's Sensitive Species List. Make amendments to rule that will support a coordinated scientific approach between the Sensitive Species list, the Oregon Conservation Strategy and the Oregon Nearshore Strategy. Specific rule changes include: updating taxonomic standards, updating scientific and common names, clarifying the intent and purpose of the Sensitive Species List, establishing criteria for Sensitive Species, and updating rule requirements.

Rules Coordinator: Therese Kucera

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

Telephone: (503) 947-6033

Rule Caption: Diamond Lake Management Plan.

Date:	Time:	Location:
9-4-09	8 a.m.	Josephine County Fairgrounds 1451 Fairgrounds Rd. Grants Pass, OR 97527

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450, 496.455, 506.109 & 506.129

Proposed Adoptions: Rules in 635-500

Proposed Amendments: Rules in 635-500

Proposed Repeals: Rules in 635-500

Proposed Renumberings: Rules in 635-500

Last Date for Comment: 9-4-09

Summary: Adopt, amend, or repeal rules as determined necessary to establish a Diamond Lake Management Plan which includes the following elements: Stocking of fingerling and legal sized, trophy, r predacious trout; Maintaining or enhancing the productive capacity of the lake; Evaluation of stocking rates, survival, and harvest to prevent nutrient loading; Monitoring of benthic organisms, dissolved oxygen, pH, and water clarity to maintain the lake's ecosystem; and Conduction of invasive species education, monitoring, and enforcement activities.

Housekeeping and technical corrections 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

Department of Human Services, Addictions and Mental Health Division: Mental Health Services Chapter 309

Rule Caption: Rules prescribing standards for "Recovery Housing" serving people recovering from alcohol/drug abuse or dependency.

Date:	Time:	Location:
8-17-09	8:30-9:30 a.m.	DHS Bldg., Rm. 137A 500 Summer St. NE Salem, OR

Hearing Officer: Richard Luthe

Stat. Auth.: ORS 409.050 & 409.410

Other Auth.: 42 U.S.C. 300x-25 & 45 CFR 96.129

Stats. Implemented: ORS 90.100-90.459, 105.105-105.168, 430.265-430.920 & 279B

Proposed Adoptions: Rules in 415-052

Last Date for Comment: 8-21-09, 5 p.m.

Summary: The Addictions and Mental Health Division is proposing new rules to prescribe standards for providing financial assistance in the form of loans under 42 U.S.C. 300x-25, to support the establishment of recovery homes for people in recovery from alcohol and drug abuse or dependency.

Rules Coordinator: Richard Luthe

Address: 500 Summer Street NE E86, Salem, OR 97301

Telephone: (503) 947-1186

Department of Human Services, Children, Adults and Families Division: Self-Sufficiency Programs Chapter 461

Rule Caption: Changing OARs affecting public assistance, medical assistance or food stamp clients.

Date:	Time:	Location:
8-21-09	10 a.m.	500 Summer St. NE, Rm. 255 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.040, 409.050, 410.070, 411.060, 411.070, 411.105, 411.111, 411.660, 411.700, 411.710, 411.816, 412.006, 412.009, 412.014, 412.016, 412.024, 412.049, 412.064, 412.079, 412.124 & 414.042

Other Auth.: 7 USC 2014; 42 USC 602(a); American Recovery and Reinvestment Act of 2009 (Public Law No. 111-5); CHIP Reauthorization Act (CHIPRA, Public Law No. 111-3); Section 602 of Public Law 111 08; 42 CFR 435.610; 7 CFR 273.7(d); 7 CFR 273.9(b)(2)(ii); 7 CFR 273.9(c)(8); 7 CFR 273.9(d)(6)(iii)

Stats. Implemented: ORS 409.050, 410.070, 411.060, 411.070, 411.105, 411.111, 411.117, 411.660, 411.700, 411.710, 411.816, 411.825, 412.001, 412.006, 412.009, 412.014, 412.016, 412.017, 412.024, 412.049, 412.079, 412.084, 412.124, 414.025, 414.042, 414.047, 418.005, HB 2126 (2009), SB 5529 (2009) & SB 5552 (2009)

Proposed Adoptions: 461-145-0143

Proposed Amendments: 461-110-0330, 461-110-0370, 461-110-0530, 461-115-0705, 461-120-0125, 461-120-0310, 461-120-0315, 461-120-0340, 461-130-0310, 461-135-0010, 461-135-0070, 461-135-0075, 461-135-0082, 461-135-0400, 461-135-0405, 461-135-0900, 461-135-1175, 461-135-1195, 461-145-0080, 461-145-0550, 461-155-0030, 461-155-0150, 461-155-0190, 461-155-0700, 461-160-0040, 461-160-0420, 461-160-0430, 461-170-0010, 461-170-0150, 461-170-0160, 461-175-0010, 461-175-0200, 461-175-0222,