**Joint Rulemaking Process for**

**Lane Regional Air Protection Agency and the Department of Environmental Quality**

*Only those Lane Regional Air Protection Agency (LRAPA) rulemakings that are determined to impact the State Implementation Plan (SIP) are required to go to the Environmental Quality Commission (EQC) for adoption and then be approved by the U.S. Environmental Protection Agency (EPA)*

*The goal of these procedures is to ensure that a joint LRAPA / DEQ rulemaking process addresses both the legal requirements and necessary administrative approvals of both organizations in a timely and efficient manner.*

1. LRAPA develops background report

LRAPA identifies a rulemaking need that impacts the State Implementation Plan (SIP). LRAPA then develops a description of the rulemaking, indicating the need for changes, as well as the scope and anticipated impact of the rulemaking. The timeframe for this early development process is entirely LRAPA’s judgment.

2. DEQ and EPA review background report

Prior to submitting any documents to the LRAPA Board for approval to go out for public notice, LRAPA submits the background report and proposed rules to both DEQ and EPA for their review. This ensures that both offices have the opportunity early in the process to identify any elements of the rulemaking that would create potential issues for these agencies later in the rulemaking process or after adoption of the rulemaking.

EPA reviews the package for a number of issues regarding Oregon’s State Implementation Plan. Once EPA determines that the proposed rule modifications still address the requirements of the Clean Air Act, EPA provides LRAPA with approval to pursue this rulemaking.

DEQ’s Air Quality (AQ) staff review the package to determine if the proposed rulemaking will be at least as stringent as DEQ’s corresponding AQ rules. DEQ makes a determination the proposed rulemaking either has equivalent stringency with AQ rules or the proposed LRAPA rules do not comply as required. If DEQ determines the proposed LRAPA rules do not have equivalent stringency with DEQ regulations, both agencies will discuss and agree on a solution.

Included in the submission of this package to DEQ is a request of DEQ to provide LRAPA with the authority to convene a public hearing on behalf of the EQC (this is necessary because the EQC will eventually have to approve the LRAPA rulemaking). This authority allows a public hearing to serve both LRAPA’s needs and the needs of the EQC.

3. DEQ provides response to LRAPA

In written correspondence (US mail, fax or email), DEQ confirms it has reviewed the package; has determined the proposed LRAPA rules are at least as stringent as the corresponding AQ rules; and authorizes LRAPA to move ahead on behalf of the EQC regarding a joint LRAPA/DEQ public comment period and public hearing.

4. LRAPA prepares documents for Board

In preparation of taking the rulemaking to the Board for approval to go out for public comment, LRAPA will complete all LRAPA documents required for presenting the rulemaking to their Board. Additionally, LRAPA will complete the DEQ forms required for noticing the public. These include: the Notice of Rulemaking, the Statement of Need and Fiscal and Economic Impact (FIS), the Land Use Evaluation Statement (LUES), the Relationship to Federal Requirements (RFR), and the proposed rule changes. DEQ will complete the Rulemaking Announcement document to send to DEQ’s list of interested parties.

5. Review of documents

DEQ and LRAPA both ensure all necessary documentation is complete. Any issues or concerns with the documents will be addressed at this time. DEQ and EPA receive copies of all relevant documents.

6. LRAPA Board approval to take the rulemaking out for public comment

LRAPA submits the proposed rules and required public notice documents to the LRAPA Board.

7. LRAPA notices public, facilitates hearing and refines proposed rules

DEQ and LRAPA jointly ensure that all required stakeholders and interested parties are noticed according to each agency’s legal requirements. LRAPA will submit the Notice of Rulemaking and FIS to the SOS for publishing in the Bulletin. LRAPA will publish a notice in a local paper indicating where interested parties can find additional information. All necessary forms and documents are posted on a LRAPA website. DEQ will also post relevant rulemaking documents on its webpage.

The public hearing is held during a scheduled LRAPA Board meeting. LRAPA captures all comments and presides over public hearing. DEQ may attend.

8. Board approval of rules

Based on any public comments or comments from the LRAPA Board, LRAPA makes necessary revisions to the proposed rules. LRAPA Board approves final rulemaking documents. If substantial revisions are necessary before Board approval, LRAPA makes any necessary revisions and the rulemaking is considered at a subsequent monthly meeting of the LRAPA Board.

9. LRAPA & DEQ submit final rulemaking package to EQC

DEQ will provide LRAPA with the current templates for the EQC rulemaking package. LRAPA drafts the EQC package (EQC staff report and the following attachments: the proposed rules in red strikeout/underline; Summary of Public Comments and Agency Response; Advisory Committee Membership and any written recommendation when applicable; Presiding Officer’s Report on Public Hearings; Relationship to Federal Requirements; Statement of Need and Fiscal and Economic Impact; Land Use Evaluation Statement). DEQ finalizes the package and submits it to the DEQ Director’s Office for final review in preparation for the next EQC meeting. The Director’s Office submits the final EQC package to the Commission.

10. EQC hears rulemaking

The rulemaking package is presented jointly to the EQC by both LRAPA and DEQ.

11. DEQ files adopted rules with Secretary of State

If adopted, DEQ files the rules (most likely just OAR 340-200-0040) with the SOS and ensures copies are submitted to Legislative Councel.

12. DEQ submits adopted rules to EPA

The adopted LRAPA title(s), Oregon administrative rules and associated documents are submitted as a package under cover letter by DEQ to EPA for approval and incorporation into Oregon’s State Implementation Plan. A copy of the cover letter is provided to LRAPA.

13. DEQ files official rule record

The official rule record is filed with the Director’s Office. A copy of the rule record is provided to LRAPA.