From: OLIPHANT Margaret
To: VANDEHEY Maggie
Subject: FW: LRAPA rulemakings
Date: Thursday, February 14, 2013 8:39:26 AM

Maggie, Here's an exchange between Nicole an William Knight about bundling the public notice.

From: Robbye Lanier [mailto:robbye@lrapa.org]
Sent: Wednesday, February 13, 2013 10:58 AM
To: OLIPHANT Margaret
Subject: FW: LRAPA rulemakings

From: VICK Nicole R. [mailto:Vick.Nicole@deq.state.or.us]
Sent: Wednesday, January 09, 2013 2:21 PM
To: Robbye Lanier
Subject: FW: LRAPA rulemakings

Whatcha think?

From: KNIGHT William
Sent: Wednesday, January 09, 2013 2:17 PM
To: VICK Nicole R.
Subject: RE: LRAPA rulemakings

Wow. I think I understand!

With this background, how do you suggest AQ and LRAPA proceed?

- Should these be noticed together as one bundled approach or separate notice for each?

It is very common to "batch" these actions – particularly in air quality. Gerald Ebersole has managed quite well adopting "federal updates and other rules" by reference. So I recommend a batch approach like you describe since all four rulemakings have already been noticed, this is largely a procedural action and the four rulemakings are a common theme.

- For the announcement, newspaper ad and govdelivery blast? We will do a separate notice for each rulemaking for SOS.

Let's assume we create a public notice for the four rulemakings… and then link to the original rulemakings on the LRAPA web site. We can submit individual notices to the SOS, but all our external, public, media communications could center around one Public Notice document, one GovDelivery notice, one piece of communication from DEQ – describing why we are doing this – and linking to more information on the four already approved for LRAPA rulemakings.

- Should we plan on holding a hearing or proceeding at this point without a hearing unless 10 or more persons request one?

And since the rulemakings have already been vetted through a public process – I assume – hosted by LRAPA - there is no need for DEQ to host a hearing unless there is a request per the guidelines. If we were adopting state-wide rules perhaps, but if only ratifying formally LRAPA rules, let's be clear this is a procedure, but open to revisiting, though we don't anticipate anyone requesting.

Finally…
Keep focused on the main event: Oakridge attainment. It sounds like we have some "house cleaning" and some procedural stuff to complete with EPA before we can finalize the attainment plan. That's a very OK and awesome message to give to the public – and to keep as our main theme and purpose. It's a good opportunity for people to learn about the process in addition to all the cool stuff LRAPA and DEQ do to improve air quality in communities like Oakridge.

William Knight
Oregon DEQ

From: VICK Nicole R.
Sent: Wednesday, January 09, 2013 8:34 AM
To: KNIGHT William
Cc: 'Robbye Lanier'; INAHARA Jill; DOWNING Kevin
Subject: LRAPA rulemakings

Hi, Will!

I have a few questions for you to help us cater our public notice documents to this particular situation. LRAPA has a approximately four rulemakings that have been adopted and effective with their board from 2008-2011. DEQ needs to present these rulemakings to the EQC to have them adopted so we can submit these to EPA as part of OR's SIP.

LRAPA noticed these rulemakings during their rulemaking process. Due to the length of time between that notice and going forward to present to the EQC, it has been decided best to re-notice these documents. Legally there is not a hard and fast deadline (there is a minimum, not a maximum number of days) between notice and the effective date, but the statute does stipulate a "reasonable" amount of time. In particular, the rulemakings from 2008-2010 would be hard to justify as being reasonable notice.

We are looking to have these presented in the March EQC meeting: 2008 Open Burning, 2008 Industrial Streamlining, 2010 Industrial Streamlining (this is a cleanup) and PM2.5/GHG NSR/PSD. EPA is holding off an approval of the recent Oakridge attainment plan submission to receive these older rulemakings first

With this background, how do you suggest AQ and LRAPA proceed?

- Should these be noticed together as one bundled approach or separate notice for each?
    - For the announcement, newspaper ad and govdelivery blast? We will do a separate notice for each rulemaking for SOS.
- Should we plan on holding a hearing or proceeding at this point without a hearing unless 10 or more persons request one?

Please advise and let me know if you have any other questions.

Thanks!

Nicole Vick
Air Quality Program Analyst
Oregon Department of Environmental Quality
503-229-5946

Please consider if it is necessary to print this e-mail