From: Maggie Vandehey
To: MASON Palmer; STEVENS-SCHWENGER Joanie; OLIPHANT Margaret
Cc: VANDEHEY Maggie
Subject: RE: SCHGEDULE and LRAPA update
Date: Thursday, February 21, 2013 9:11:34 AM

Hi -- went to doctor and will be out the remainder of the week.

Margaret, I know you are on a tight turnaround for noticing the LRAPA rules. If you don't have time to read and digest this, maybe you could send it to Paul.

My voicemail about Paul's voicemail and the approach may have been jumbled in your already jumbled work life. Here is a recap. Paul said EQC needs to amend our chapter 340 rules, "adopt" what the LRAPA Board of Director's adopted in 2001, 2010 and 2011 and approve the SIP. Ask Paul to proved a couple of sentences about EQC authority to adopt LRAPA titles in the boilerplate language – I could have missed it but didn't see it addressed in earlier LRAPA "adoptions."

This is a repeat of what I alluded to in my voice mail – have four separate notices – make a clear distinction between the analysis for proposed chapter 340 rules and LRAPA title adoption.

- Complete the LRAPA boilerplate language in the Notice.AboutTheProposal-4.00 template. What I sent to Paul is on Rule_Development in the 2013 folder under LRAPA 2008 Open Burning folder 4 as the notice and attachment C. I would move the DEQ Review from Attachment C to a new template section - *Review of LRAPA rules and process*.
- Make a copy of the Notice.AboutTheProposal-4.00 template for each of the LRAPA rules.
- Complete the four notices.
    a. The following sections include some boilerplate language about the DEQ/LRAPA connection and some specifics about the chapter 340 proposal:
        - Overview
        - Background
        - Review of LRAPA rules and process
    b. The following sections would be limited to the chapter 340 rule proposal
        - Rules and Authorities*
        - Statement of Need*
        - Fiscal and Economic Impact*
        - Federal relationship
        - Land use

        ***** SOS only accepts OARs not LRAPA titles
- The notice would have the following attachments:

    A Redline – chapter 340 rules

B Redline – LRAPA board-adopted titles

C LRAPA notices from 2008, 2010 and 2011:

a. Titles and Authorities* (I have a table for each LRAPA rulemaking)

b. Statement of Need*

c. Fiscal and Economic Impact*

d. Federal relationship*

e. Land use*

***** Linked through LRAPA notice using SOS and DEQ old templates. At the time, these were submitted to SOS and were rejected because SOS is not responsible for titles.

D Does the notice need to include the redlined SIP?

Maggie

(503) 645-0461

From: Maggie Vandehey [mailto:maggieclaire@comcast.net]
Sent: Tuesday, February 19, 2013 5:19 AM
To: 'MASON Palmer'; 'Oliphant.Margaret@DEQ.STATE.OR.US'
Cc: 'vandehey.maggie@deq.state.or.us'
Subject: SCHGEDULE and LRAPA update

Hi, I woke up with a fever.

Margaret, OK – here is what I know:

- DEQ can only Notice and File chapter 340 of the OARs with SOS – not LRAPA TITLES.
- LRAPA's notice seems to have confused what they noticed in 2008, 2010 and 2011 with what we are noticing for our division 200 (and other divisions) rules now.
- The redline versions of the four LRAPA rules had some text that indicated some were drafts. I captures an image of what confused me and asked Robbye to send the redline as adopted.
- EPA requires that we submit our notice 45 days before the first hearing.
  - EPA notice – Mar 1
  - Oregon Bulletin - Apr 1
  - Earliest hearing - Apr 15 (You could change this date to later in the month)
- EPA ***STRONGLY*** suggest not combining SIP submittals post-EQC action but I didn't see anything about notices. I think keeping them separate would be prudent.
- The approach I took is to limit the analysis in the Notice (Stmt of need, fiscal, land use, fed relationship, etc.) to our rules. Attachment C includes a 2- page review of LRAPA's process and analysis followed by the redline rules as adopted.

- I used the Notice-About the Proposal Notice and Attachment C to start developing LRAPA 2008 Open Burning and help us focus. Paul is looking at them. If I don't have an email from him already, I should have something by midweek. They are in the folder with the same name on Rule_Development. After we have an approved approach and template modifications, we can replicate them for the other three rules.
- I'm fairly certain that EQC will need to amend the rules in the order the LRAPA's Board of Directors adopted them.
- The most immediate need is to have the four reviewers markup all chapter 340 rules that EQC needs to amend to incorporate their respective LRAPA rules. After comparing the four redline version, someone and Paul, will need to decide on approach to any rules that overlap between the 2008, 2010 and 2011 LRAPA rules. (What I'm wondering is, does the 2010 redline accept the 2008 change; thereby, acting as if the EQC amended the 2008 redline?)
- I'll commit to moving the work I've done into the templates but the reviewers will need to be ready to fill in the missing information.

Have a fun-filled day.

Maggie

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