From: CURTIS Andrea
To: DOWNING Kevin
Subject: RE: RM:DESLGRNT: Revised staff report with temporary justification attached
Date: Tuesday, October 08, 2013 9:43:40 AM

Kevin, Please don't send the form to Joanie until you receive further instructions. Maggie is going to talk to Larry Knudsen about the form. She thinks it's possible we won't submit the form to EQC after all.

Andrea

From: DOWNING Kevin
Sent: Monday, October 07, 2013 2:06 PM
To: PAPISH Uri; GINSBURG Andy
Cc: CURTIS Andrea
Subject: RM:DESLGRNT: Revised staff report with temporary justification attached
Importance: High

Larry Knudsen pointed out an issue with the temporary rules (ACDP Fee and diesel grant). See below.

Attached please review the statement of justification developed per Larry's advice. It is heavily borrowed from the staff report. The staff report has also been modified but only to the extent of referring to adoption of now Attachment B (the statement of justification). Please review, make any edits as you see fit and return AS SOON AS POSSIBLE.

Thanks.

Kevin

503.229.6549

Clean Diesel - We Can Live With That

From: Knudsen Larry
Sent: Thursday, October 03, 2013 2:28 PM
To: Garrahan Paul (paul.garrahan@state.or.us); CALDERA Stephanie (caldera.stephanie@deq.state.or.us)
Subject: Temporary Rules for AQ Division Fees

Paul and Stephanie,

I was looking over the agenda materials for the October EQC meeting and noticed what appears to be a problem with the Item E, the temporary rules for ACDP fees. Under ORS 183.335(5), the EQC must adopt a statement of findings that the failure act promptly will result in serious prejudice to the public interest or interest of the parties concerned. There is a specific form that DOJ and SOS

recommend for these findings and, in the past, we have asked the EQC to adopt the findings as part of the motion to adopt the temporary rule.

While the staff report explains why the temporary rules are needed in considerable detail, I didn't see an official findings document for the EQC to adopt. (Or if there is, I missed it.) There is a link in the SR to rulemaking documents, but it does not work. Also, with the new forms, I couldn't tell what staff person prepared the report, so I have not included anyone from AQD in this email. Paul, I think you worked with DEQ on this so I assume you can forward it to the appropriate person.

Larry Knudsen
Senior Assistant Attorney General
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