From: CURTIS Andrea
To: DOWNING Kevin
Subject: RE: RM-DESLGRNT: Diesel grant temporary rule and grain loading
Date: Monday, October 07, 2013 10:14:55 AM

Kevin, You'll need to add something like this (in red) to your staff report, at the top, as a recommendation to EQC:

DEQ recommends that the Environmental Quality Commission:

Adopt the proposed TEMPORARY rules in Attachment A as part of chapter 340 of the Oregon Administrative Rules to be effective upon filing with the Secretary of State for 180 days.

Adopt the justification for temporary rules as provided in Attachment B.

From: DOWNING Kevin
Sent: Monday, October 07, 2013 9:52 AM
To: CURTIS Andrea
Subject: RE: RM-DESLGRNT: Diesel grant temporary rule and grain loading

We are going forward. Thanks for beginning the setup for the permanent rule on Sharepoint.

Kevin

503.229.6549

Clean Diesel - We Can Live With That

From: CURTIS Andrea
Sent: Monday, October 07, 2013 9:34 AM
To: DOWNING Kevin
Subject: RE: RM-DESLGRNT: Diesel grant temporary rule and grain loading

Kevin,

Please confirm whether we're taking the temporary Diesel rule to October, so I can send the GovDelivery announcement and email to Legislators about the rulemaking.

Andrea

From: DOWNING Kevin
Sent: Friday, October 04, 2013 3:26 PM
To: STEVENS-SCHWENGER Joanie; CALDERA Stephanie
Cc: OLIPHANT Margaret; GINSBURG Andy; CURTIS Andrea; PAPISH Uri
Subject: RE: RM-DESLGRNT: Diesel grant temporary rule and grain loading

So we have had second thoughts and the plan now is to go temporary in October and permanent, on our own rather than as part of the omnibus package, in March. I assume that nothing

unrecoverable has been done yet in regards to keeping the temporary diesel rule on the agenda for October, but if it has, let us know.

Kevin

503.229.6549

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From: PAPISH Uri
Sent: Friday, October 04, 2013 1:22 PM
To: DOWNING Kevin
Cc: OLIPHANT Margaret; GINSBURG Andy; CURTIS Andrea
Subject: Re: RM-DESLGRNT: Diesel grant temporary rule and grain loading

You would still do the temp rule this month then a separate permanent rule, so no delays. However can't we go to the next EQC for the temp rule and still not have any delays due to how long contracting takes.

We need to decide fast because I believe Stephanie has already pulled the rule or is in the process.

On Oct 4, 2013, at 9:14 AM, "DOWNING Kevin" <DOWNING.Kevin@deq.state.or.us> wrote:

> I suppose the first question, is there enough time to commence a rulemaking process?
>
> Otherwise the practical effect is that the EPA funded ODOT project is put on hold until then (10 months into the award period), the revised CMAQ project involving Fred Meyer is delayed and quite possibly the revised CMAQ metro school bus project is delayed. The latter two are suffering from inherent delays from ODOT reprocessing but why add to the burden?
>
> Kevin
>
> 503.229.6549
>
> Clean Diesel - We Can Live With That
>
> ---
>
> **From:** OLIPHANT Margaret
> **Sent:** Friday, October 04, 2013 9:09 AM
> **To:** GINSBURG Andy; PAPISH Uri; DOWNING Kevin
> **Cc:** CURTIS Andrea
> **Subject:** RE: RM-DESLGRNT: Diesel grant temporary rule and grain loading
>
> Would it be better to just take this rule on its own to the EQC as a permanent rule in March?
>
> ---

From: GINSBURG Andy
Sent: Thursday, October 03, 2013 6:30 PM
To: PAPISH Uri; DOWNING Kevin
Cc: INAHARA Jill; CALDERA Stephanie; CURTIS Andrea; OLIPHANT Margaret
Subject: RE: RM-DESLGRNT: Diesel grant temporary rule and grain loading

I agree.

Thanks.

Andy Ginsburg
Air Quality Administrator
Oregon Department of Environmental Quality
(503) 229-5397 - Office
(503) 572-7195 - Mobile

From: PAPISH Uri
Sent: Thursday, October 03, 2013 5:14 PM
To: DOWNING Kevin; GINSBURG Andy
Cc: INAHARA Jill; CALDERA Stephanie; CURTIS Andrea
Subject: RE: RM-DESLGRNT: Diesel grant temporary rule and grain loading

Based on this I suggests we pull the Diesel temporary rule from the EQC meeting this month and propose it for adoption at the next EQC meeting.

From: DOWNING Kevin
Sent: Wednesday, October 02, 2013 3:28 PM
To: PAPISH Uri; GINSBURG Andy
Cc: INAHARA Jill; CALDERA Stephanie; CURTIS Andrea
Subject: RM-DESLGRNT: Diesel grant temporary rule and grain loading

Hello,

I was just talking with Jill and she informs me there is a chance the omnibus rule that includes the permanent diesel grant rule may not go to the Commission in March 2014. I would suggest it means we need to reschedule the temporary rule.

The temporary rule is good for only six months. If we filed it in October, it would expire in March 2014 just as the permanent rule was to be adopted as part of the omnibus rule. If the omnibus/permanent rule is delayed it will create a gap in authority. Now I understand the next EQC meeting after March would be June 2014, leaving a 3 month gap where the relevant diesel grant rule would not be in place. This raises a question as to what happens to projects underway during this period.

I understand the next EQC meeting for the temporary rule would be December 2013, which would be sufficient to provide a six month coverage period before the permanent rule is considered in June 2014.

As you decide how to proceed with timing on the omnibus rule and the issue raised

there now, consider whether we need to reschedule Commission consideration of the temporary rule.

Kevin Downing
Oregon DEQ
811 SW 6th Ave
Portland, Oregon 97204

503.229.6549
503.229.5675 fax

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