From: DOWNING Kevin
To: CALDERA Stephanie
Subject: RE: RM-DESLGRNT: Diesel grant temporary rule and grain loading
Date: Friday, October 04, 2013 4:11:09 PM

Stephanie,

I got the email from Paul Garrahan, who raised the issue about further documentation on the need for a temporary rule. I will proceed with completing that document.

As per your other email, I will rely on Andrea to respond with the most definitive answer, but there are no diesel fees involved. You may be thinking of the ACDP fee issue she is working on. I have not heard of any implications relative to the omnibus rule deferral to June but she can clarify.

Kevin

503.229.6549

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From: CALDERA Stephanie
Sent: Friday, October 04, 2013 3:58 PM
To: STEVENS-SCHWENGER Joanie; MAKICHEN Mary-Frances; THOMPSON Michele; 'acadiavt@hotmail.com'; DOWNING Kevin
Subject: Re: RM-DESLGRNT: Diesel grant temporary rule and grain loading

We can do that, but I want to first check on an email/issue raised by DOJ via Larry K. Kevin - please see the next email and reply to me. I will check and we can restore or resolve on Monday, based on your reply.

Thanks, all.

- Stephanie

From: STEVENS-SCHWENGER Joanie
Sent: Friday, October 04, 2013 06:41 PM
To: MAKICHEN Mary-Frances; THOMPSON Michele; 'acadiavt@hotmail.com' <acadiavt@hotmail.com>; CALDERA Stephanie
Subject: Fw: RM-DESLGRNT: Diesel grant temporary rule and grain loading

Reverse our previous reversal. Oh my!

J
Joanie Stevens-Schwenger
Outreach and Communications Manager
503-229-6585
Cell: 971-563-6662

From: DOWNING Kevin
Sent: Friday, October 04, 2013 03:26 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
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Portland, Oregon 97204

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