From: Garrahan Paul
To: DOWNING Kevin
Subject: RE: RM:DESLGRNT: Revised staff report with temporary justification attached
Date: Tuesday, October 08, 2013 3:53:38 PM

Kevin: It looks fine to me.

Paul Garrahan
Assistant Attorney-in-Charge, Natural Resources Section
Oregon Department of Justice
971-673-1943 (Portland Office; T, Th & F)
503-947-4593 (Salem Office; M & W)

From: DOWNING Kevin [mailto:DOWNING.Kevin@deq.state.or.us]
Sent: Tuesday, October 08, 2013 1:08 PM
To: GARRAHAN Paul
Subject: FW: RM:DESLGRNT: Revised staff report with temporary justification attached

Paul,

See the justification statement for your review.

Kevin

503.229.6549

Clean Diesel - We Can Live With That

From: CURTIS Andrea
Sent: Tuesday, October 08, 2013 12:37 PM
To: DOWNING Kevin
Subject: FW: RM:DESLGRNT: Revised staff report with temporary justification attached

Kevin,

To be safe, I suggest we ask Paul Garrahan to review our Statements.

Andrea

From: CURTIS Andrea
Sent: Tuesday, October 08, 2013 12:32 PM
To: GINSBURG Andy; DOWNING Kevin; PAPISH Uri; OLIPHANT Margaret
Cc: VANDEHEY Maggie
Subject: RE: RM:DESLGRNT: Revised staff report with temporary justification attached

All,

Here's how we'll include the "statement of justification" for the diesel grant and ACDP fee

temporary rules. Maggie worked this out with Larry Knudsen.

- The statement of justification must be signed by Joni Hammond or Dick.
- We will not revise the staff reports.
- Kevin and I will draft addendums explaining that we recommend EQC "adopt the justification for temporary rules as provided in Attachment B". Kevin, here's an example addendum.
- Attach the statement of justification to the addendum as attachment B.
- Maggie will have the addendum and attachment B posted on our website.
- Kevin and I will bring ten hard copies of the addendum and attachment B to the EQC meeting.
- Kevin and I will explain the addendum during the EQC presentations.

Also, unrelated to the above, during our presentations to EQC, we need to mention minor inaccurate information in our staff reports. These are Maggie's instructions. Kevin, please mention to EQC that we notified interested parties about the diesel grant proposal on October 7. The staff report says we notified interested parties on October 2; however, due to delays in posting materials to the web, we were delayed a week.

Let me know if you have questions.

Thanks,
Andrea

From: GINSBURG Andy
Sent: Monday, October 07, 2013 5:54 PM
To: DOWNING Kevin; PAPISH Uri
Cc: CURTIS Andrea
Subject: RE: RM:DESLGRNT: Revised staff report with temporary justification attached

Thanks. Looks good to me.

Andy

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

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
1515 S.W. Fifth Avenue, Suite 410
Portland, OR 97219
971.673.1880

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