From:	Garrahan Paul
To:	DOWNING Kevin
Subject:	RE: Temporary Rules for AQ Division Fees
Date:	Thursday, October 03, 2013 4:20:34 PM
Attachments:	JUSTICE-#4645204-v1-Statement_of_Need_and_Justification_for_Temporary_Ru....docx

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Here you go.

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: Thursday, October 03, 2013 4:11 PM
To: Garrahan Paul
Cc: Knudsen Larry
Subject: RE: Temporary Rules for AQ Division Fees

Paul,

I have been working with Andrea, who is currently on jury duty. I am having security issues using Google just now and was wondering if you can send me a direct link to Admin Law Manual so that I can begin work on the form.

Kevin

503.229.6549

Clean Diesel - We Can Live With That

From: Garrahan Paul [mailto:Paul.Garrahan@doj.state.or.us]
Sent: Thursday, October 03, 2013 4:05 PM
To: DOWNING Kevin
Cc: Knudsen Larry
Subject: FW: Temporary Rules for AQ Division Fees

Kevin: Larry Knudsen has identified a potential problem with the diesel retrofit program temporary rules package. See his emails below. When I reviewed the staff report I did not realize that DOJ had a special form for documenting satisfaction of the prerequisites for the EQC's statement of findings to adopt temporary rules.

Were you working with Andrea Curtis on these? The form recommended for this by the SOS is on page C-9 of the AG's Adminstrative Law Manual. It will not be difficult to complete—you can use the information in your staff report to do it.

Paul Garrahan

Assistant Attorney-in-Charge, Natural Resources Section
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From: Knudsen Larry [mailto:larry.knudsen@state.or.us]
Sent: Thursday, October 03, 2013 2:39 PM
To: Garrahan Paul
Subject: FW: Temporary Rules for AQ Division Fees

Paul, It looks like we have the same issue with the temporary rules for the Diesel Tax Credit program. This is easy enough to fix, but Stephanie is out of the office until 10/15 and I know that Andy doesn't like to have to supplement the SR at the meeting. I sent an email to Joanie Stevens-Schwenger to see who is handling the agenda in Stephanie's absence. It may be that we can fix this before the materials go out to the commission.

Larry Knudsen
Senior Assistant Attorney General
1515 S.W. Fifth Avenue, Suite 410
Portland, OR 97219
971.673.1880

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
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