

From: [FELDON Leah](#)
To: [\(All DEQ\) Executive Management Team](#)
Cc: [\(DEQ\) Staff @ Eastern Region](#); [\(DEQ\) Staff @ Headquarters](#); [\(DEQ\) Staff @ Northwestern Region](#); [\(DEQ\) Staff @ Western Region](#); [\[All DEQ\] Office of Compliance and Enforcement](#)
Subject: Preview Period: Divisions 11 and 12 Rulemaking
Date: Thursday, July 25, 2013 3:27:12 PM
Attachments: [image002.png](#)
Importance: High

Chapter 340, Divisions 11 and 12 Rulemaking Preview - Delete if not interested

The rulemaking public notice packet is a major external deliverable in DEQ's rulemaking process. On behalf of the rule design team, I thank all DEQ contributors to the notice packet. The packet has had the required reviews and signoffs including from the Division 12 advisory committee and DOJ. It is now ready for your preview before we submit it to the Oregon Secretary of State on Aug. 15, 2013 and open our public comment period.

No action is required on your part. However, we will consider your input on the packet if we receive it by close of business on Aug. 2, 2013. To offer input, contact Jenny Root, root.jenny@deq.state.or.us, 503-229-5874.

Title	Updating Oregon's Civil Penalty Rules
Notice Packet	Invitation to Comment – 2-page fact sheet Proposed Rules – redline/strikethrough Notice of Proposed Rulemaking – information and analysis required by APA; Model Rules; DEQ statutes, rules and best practices; and federal regulations. If you are new to SharePoint, this tutorial will help with the document Check Out and Check In features.
Proposal	The rulemaking affects three rule divisions. Amendments to Division 12 implement the 2009 legislation that increased DEQ's civil penalty statutory maximums and make other changes, including aligning violation classification and magnitudes with DEQ program priorities, providing greater mitigating credit for correcting violations, and housekeeping including the elimination of duplicative text. Amendments to Division 11 modify DEQ procedural rules to align with recent changes to the Oregon Attorney General Model Rules. Amendments to OAR 340-200-0040 update the Oregon Clean Air Act State Implementation Plan (because these rule changes are a revision to Oregon's SIP and must be submitted to and approved by the EPA as meeting the requirements of the Clean Air Act.)
Need	Division 11 must be amended to align with the Oregon

Attorney General model rules. Division 12 should be amended to implement the 2009 Senate Bill that increased civil penalty maximums and should align violation classifications with current program priorities.

Affected parties	The rules do not create any new requirements for regulated entities. Parties affected are those which are assessed penalties for alleged violations of Oregon environmental laws.	
Staff engagement	Environmental Law Specialist staff in the Office of Compliance and Enforcement coordinated with the program managers groups, including regional managers, to	
Authority	The primary authorities for the Division 11 proposal are the Oregon Administrative Procedures Act and the Oregon Attorney General models rules. The primary authority for the Division 12 proposal are DEQ's authorizing statutes, especially as modified by Oregon Senate Bill 105 (2009) which increased the statutory maximum penalty amounts	
Public comment	Starts Aug. 15, 2013	Ends Sept. 15, 2013
EQC meeting	Dec. 11-12, 2013	

Thank you – Leah Feldon

