From: CURTIS Andrea
To: HUEFTLE Max
Cc: OLIPHANT Margaret; "robbye@lrapa.org"
Subject: RE: Template for LRAPA PM2.5 and GHG
Date: Wednesday, July 31, 2013 1:27:58 PM

Thanks Max. See below responses in red font.

Could someone at LRAPA (perhaps you or Robbye) hold the hearing at your offices?

Andrea

From: Max Hueftle [mailto:max@lrapa.org]
Sent: Wednesday, July 31, 2013 11:39 AM
To: CURTIS Andrea
Cc: OLIPHANT Margaret; Robbye Lanier
Subject: RE: Template for LRAPA PM2.5 and GHG

Andrea:

Attached is the first cut at the template notice for the LRAPA 'PM2.5 and GHG' rule package.

There are a few items for which the document needs additional clarification:

1. Header with page numbers: template had no header/footer with page numbers but it seems it could be helpful. I agree – I'll add page numbers.
2. Statement of fiscal and economic impact sections for 'impact on small businesses' (d). LRAPA is unsure how best to describe how DEQ involved small biz's in developing proposed rule (pp 17, 21, and 24). Or, should LRAPA describe how LRAPA involved small biz. We'll include a description of DEQ's and LRAPA's outreach and involvement in the document. So, for the period when LRAPA developed its regulations, we'll want to describe how LRAPA involved small businesses in the fiscal impact section. Please add this if you didn't already. DEQ will draft language for DEQ's outreach.
3. Statement of fiscal and economic impact sections Advisory committee. LRAPA is unsure how best to describe these sections (i.e. describe LRAPA's advisory committee usage at the time of LRAPA adoption, describe LRAPA's now, describe DEQ's corresponding usage of advisory committee at the time, or describe DEQ's usage now?). If LRAPA had an advisory committee at the time LRAPA developed its regulations, we want to describe the committee. We also want to describe whether LRAPA's committee considered fiscal impacts.
4. Federal relationship – LRAPA suggests using older format (pp 29, 31). I'll look at this.
5. Land use section rule triggering – LRAPA used OAR 340-200-0040 as the DEQ rule affecting land use. Please confirm or suggest alternative. I'll look at this.
6. Stakeholder and Public Involvement sections: LRAPA is unsure if DEQ prefers a description of what LRAPA did at the time these were adopted by the board, what LRAPA will do now, what DEQ will do now, or combination of all (page 35). We'll include a description of DEQ's and LRAPA's outreach and involvement in the document. So, for the period when LRAPA developed its regulations, we'll want to describe how LRAPA involved stakeholders.

7. Font in template uses both Arial and Times New Roman. Unsure as to which font is appropriate/intended for each section. I'll look at this at update fonts where needed.

I will work on the 'Invitation to Comment' templates for these now. Merlyn indicated that he will finalize the open burning templates on Thursday (8/1).

Thanks,
Max

From: Max Hueftle
Sent: Monday, July 29, 2013 12:08 PM
To: 'CURTIS Andrea'
Cc: OLIPHANT Margaret; Robbye Lanier
Subject: RE: Template for LRAPA Industrial Streamlining

Andrea:

Attached is the first cut at the template notice for the LRAPA 'Industrial Streamlining' rules. There are a number of areas/options in the template that don't fit the LRAPA action(s) so I attempted to make them as close to what was being required. We can host and provide the links to the supporting documents or let us know DEQ would rather host those documents and specify links.

Please let me know if you have questions, comments or suggestions on the document.

I will start working on the PM2.5/GHG rule changes.

Thanks,
Max

From: CURTIS Andrea [mailto:CURTIS.Andrea@deq.state.or.us]
Sent: Friday, July 26, 2013 9:23 AM
To: Max Hueftle; Robbye Lanier
Cc: OLIPHANT Margaret
Subject: RE: Templates for Rulemaking - DEQ Examples?

Max,

I completely understand this would feel overwhelming. I hope this helps significantly –

Attached is our first stab at the Notice for the LRAPA open burning rule. This draft Notice hasn't been reviewed by management, but it's a good starting point. We copied over material from LRAPA's original materials. I made several comments in the Notice where you would edit/elaborate/add to.

For the permit streamlining and PM2.5/GHG Notices, you can duplicate a lot of the verbiage (e.g. DEQ's and LRAPA's relationship) from the draft open burning Notice. Then copy and paste relevant language from LRAPA's original rulemaking material into relevant sections of the permit streamlining

and PM2.5/GHG Notices, and edit from that point. Since the permit streamlining and PM2.5/GHG Notices are the most complex, I hope you can send us draft Notices for those before you leave on vacation.

Attached are three examples of Notices for current DEQ rulemakings; these have been reviewed by management and pass the muster. Jill hasn't begun drafting the Notice for her kitchen sink rulemaking and we didn't use the Notice template for Jill's PM2.5/GHG rule adoption in 2011; however, I will send you staff reports for the PM2.5/GHG and the Permit Streamlining rule contain much of the content that the Notice would contain. I'll try sending these in another email - the files are pretty big. You might be able to copy some of the verbiage from DEQ's staff reports for those rulemakings. For the LRAPA PM2.5/GHG and the Permit Streamlining Notices, we'll need more fiscal analysis that what LRAPA performed in its original material. We talked about this on our last call.

Thanks,

Andrea Curtis
Oregon Department of Environmental Quality
Air Quality Division
503-229-5946
curtis.andrea@deq.state.or.us

From: Max Hueftle [mailto:max@lrapa.org]
Sent: Thursday, July 25, 2013 11:04 AM
To: CURTIS Andrea; Robbye Lanier
Cc: OLIPHANT Margaret
Subject: RE: Templates for Rulemaking - DEQ Examples?

Andrea,

I'm trying not to but I'm feeling a bit overwhelmed by the DEQ request for LRAPA to fit our historical rulemaking documents into this new format. This is going to be a rather significant amount of work required on our already full schedule. Also, for purposes of the schedule below, I wanted to let you know I will be on vacation from 8/23 to 9/9.

Do you have a recent comprehensive AQ rulemaking using this format that could be used as an example? Does Jill have one of these drafted for the upcoming "kitchen sink" package; or better yet was this format used in the PM2.5/GHG rule adoption DEQ did in 2011? That might be helpful in deciding how much detail is required to 'pass the muster'.

Thanks,
Max

From: Max Hueftle
Sent: Monday, July 22, 2013 4:55 PM
To: 'CURTIS Andrea'; Robbye Lanier
Cc: OLIPHANT Margaret

Subject: RE: Templates for Rulemaking

Andrea,

Thanks for the detailed schedule with dates to get this done. I will have time on my schedule to begin working on this starting Thursday (7/25) and the days that follow up until 7/31. If I have drafts and/or any questions before 7/31, I will let you know.

Max

Max Hueftle, P.E.
Permit Section Manager
Lane Regional Air Protection Agency
541-736-1056, x. 231

From: CURTIS Andrea [mailto:CURTIS.Andrea@deq.state.or.us]
Sent: Friday, July 12, 2013 3:38 PM
To: Max Hueftle; Robbye Lanier
Cc: OLIPHANT Margaret
Subject: Templates for Rulemaking

Max and Robbye,

I know we all look forward to wrapping up the four LRAPA rulemakings ☺ Let's talk next week about the templates and schedule. Attached are the two templates that we now use for rulemaking public notice: Invitation to Comment and Notice. The content is the same as what we used for previous rulemakings, but we revised the layout and consolidated forms.

We'd propose three packages: open burning, PM2.5/GHG; and permit streamlining. Below is the schedule that will allow us to propose each rule package for adoption at the December 2013 EQC meeting. We must open the public comment period 9/13/2013 to go to EQC in December.

Schedule:
Now through 7/31: LRAPA drafts rule package using attached templates. During that time, keep constant dialogue with DEQ (Andrea) to discuss the templates, answer questions and help ensure the fiscal analysis will be approved by DEQ's budget manager.
7/31 LRAPA provides DEQ and EPA the draft of each rule package for review
8/6 DEQ and EPA provide LRAPA with feedback
8/12 LRAPA provides DEQ and EPA updated rule package that addresses feedback
8/14 If new or revised fees are involved, this is the deadline to submit fee request to DAS – let's talk about any rules with new fees
8/15 DEQ submits package to Division Administrator (Andy G) for review and approval
8/23 Division Administrator review is due
8/23 – 9/6 DEQ and LRAPA address feedback from Division Administrator and obtain final approval

to publish package
8/30 DEQ submits final package to EPA
9/13 DEQ submits approved package to Secretary of State; issues notice to interested parties and stakeholders. Comment period begins.
10/15 Hearing
10/18 Comment deadline

I'll follow up with the schedule following the comment deadline.

Thanks,

Andrea Curtis
Oregon Department of Environmental Quality
Air Quality Division
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