From: Max Hueftle
To: CURTIS Andrea; Robbye Lanier
Cc: OLIPHANT Margaret
Subject: RE: Templates for Rulemaking - DEQ Examples?
Date: Friday, July 26, 2013 9:25:17 AM

Thank you, Andrea! I'm sure this will help clarify and speed things up on our end. I appreciate the examples and first cut at the OB rule.

-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,

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