



# Considerations

## Workbook Summary

### Enter caption on 2Basics cell F2

Enter program name on 4Program worksheet - row 4 - quality

#### Brief description of rule proposal

Description entered on the 2Basics worksheet- row 5

#### Worksheets

1 [Warm up](#)

2 [Basics](#)

3 [Stakeholders](#)

4 [Program](#)

5 [Environmental](#)

6 [Timing](#)

7 [Financial](#)

8 [Legal](#)

9 [Technical](#)

10 [Policy](#)

11 [Political](#)

12 [Implementation](#)

Do  
nothing  
severity  
rating

Risk rating low → high

### Schedule



legislative session

| 2013              |    |    |    | 2014 |    |    |    | 2015 |    |    |    |
|-------------------|----|----|----|------|----|----|----|------|----|----|----|
| Q1                | Q2 | Q3 | Q4 | Q1   | Q2 | Q3 | Q4 | Q1   | Q2 | Q3 | Q4 |
| <Start Effective> |    |    |    |      |    |    |    |      |    |    |    |
| <AdvCom>          |    |    |    |      |    |    |    |      |    |    |    |
| <Notice>          |    |    |    |      |    |    |    |      |    |    |    |
| EQC               |    |    |    |      |    |    |    |      |    |    |    |



#### Environmental

The proposed rules have no direct correlation to the environment.

#### The proposed rules involve

|                           |  |
|---------------------------|--|
| Compliance                | <input checked="" type="checkbox"/> not involved |
| Penalties                 | <input checked="" type="checkbox"/> not involved |
| Permits, certifications   | <input checked="" type="checkbox"/> not involved |
| Fees                      | <input checked="" type="checkbox"/> not involved |
| State Implementation Plan | <input checked="" type="checkbox"/> not involved |
| Land use rules            | <input checked="" type="checkbox"/> not involved |

## Ideal

What we want to happen.

Ideal entered on 2Basics worksheet- row 22

## Reality

What we are trying to change.

Ideal entered on 2Basics worksheet- row 25

## Consequences

What will happen if we don't change.

Consequences entered on 2Basics worksheet- row 28

## Alternatives considered

Alternatives entered on 2Basics worksheet - row 31

## Research/data needed

Research/data needs entered on 2Basics worksheet - row 34

## Models


Models that could be leveraged entered on 2Basics worksheet - row 37

## Public involvement


There is no expressed interest in this proposal at this time. DEQ does not plan to appoint an advisory committee. We plan to ask the committee to provide advice.

## Affected parties


Business

 not affected


Manufacturing

 not affected


City/county/state

 not affected


Individuals

 not affected

Custom entry

 not affected

Custom entry

 not affected

Friday, September 07, 2012

## 1 Warmed up

| Action | Object | Driver |
|--------|--------|--------|
|        |        |        |
|        |        |        |
|        |        |        |
|        |        |        |
|        |        |        |
|        |        |        |
|        |        |        |
|        |        |        |
|        |        |        |
|        |        |        |

### Optional discussion

### Process improvement

Friday, September 07, 2012

|          |  |                                  |
|----------|--|----------------------------------|
| 2 Basics |  | Enter caption on 2Basics cell F2 |
|----------|--|----------------------------------|

**Enter caption on 2Basics cell F2**

### Brief description of rule proposal

Description entered on the 2Basics worksheet- row 5

|                        |           |
|------------------------|-----------|
| <b>Rulemaking type</b> | permanent |
|------------------------|-----------|

## Chapter 340 divisions

## Strengths/weaknesses going into rulemaking

| The proposed rule...          | option              | Riskometer |
|-------------------------------|---------------------|------------|
| Had prior public input        | does not apply      | 6          |
| Is backed by science          | does not apply      | 6          |
| Is backed by data             | does not apply      | 6          |
| Supports sustainability       | does not apply      | 6          |
| Supports strategic directions | does not apply      | 6          |
| Furtheres DEQ priorities      | does not apply      | 6          |
| Would make DEQ's work easier  | does not apply      | 6          |
| Would reduce DEQ costs        | does not apply      | 6          |
|                               | <b>Risk average</b> | 6          |

## Ideal - What do we envision?

Short Ideal entered on 2Basics worksheet- row 22

|      |       |
|------|-------|
| Long | blank |
|------|-------|

## Reality - What are we trying to change?

Short Ideal entered on 2Basics worksheet- row 25

|      |       |
|------|-------|
| Long | blank |
|------|-------|

## Consequences - What will happen if we do nothing?

Short Consequences entered on 2Basics worksheet- row 28

|      |       |
|------|-------|
| Long | blank |
|------|-------|

## Alternatives to rulemaking already considered or to explore

Short Alternatives entered on 2Basics worksheet - row 31

|      |       |
|------|-------|
| Long | blank |
|------|-------|

### Research or data needed to develop proposal

Short Research/data needs entered on 2Basics worksheet - row 34

|      |       |
|------|-------|
| Long | blank |
|------|-------|

Models that could be leveraged for this proposal

Short

Models that could be leveraged entered on 2Basics worksheet - row 37

Long

blank

Land Use/SIP

Land use rules

State Implementation Plan

Out of the scope for this proposal

| Topic | Reasoning |
|-------|-----------|
|       |           |
|       |           |
|       |           |

Compliance, penalties, permits, certifications, registrations and licensing

|                        | Extent that proposal addresses listed items |                        |                        |                        |                        |
|------------------------|---|------------------------|------------------------|------------------------|------------------------|
|                        | n/a   | Reduced                | Involved               | New                    | Expanded               |
| Compliance             | <div><div></div></div>                      | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> |
| Penalties              | <div><div></div></div>                      | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> |
| Does not apply         |   |                        |                        |                        |                        |
|                        | <div><div></div></div>                      | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> |
|                        | <div><div></div></div>                      | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> |
|                        | <div><div></div></div>                      | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> |
|                        | <div><div></div></div>                      | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> |
|                        | <div><div></div></div>                      | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> |
|                        | <div><div></div></div>                      | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> |
|                        | <div><div></div></div>                      | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> |
| Enter custom item here | <div><div></div></div>                      | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> |
| Enter custom item here | <div><div></div></div>                      | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> |
| Enter custom item here | <div><div></div></div>                      | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> | <div><div></div></div> |

Reminders











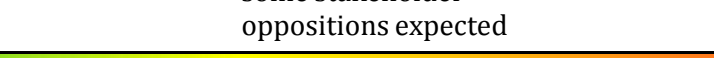




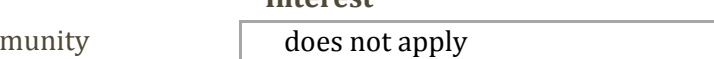
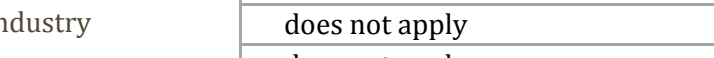
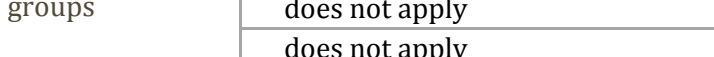
Process improvement

### 3 Stakeholders and public involvement

Enter caption on 2Basics cell F2

"The Legislative Assembly finds and declares that it is the policy of this state that whenever possible the public be involved in the development of public policy by agencies and in the drafting of rules. The Legislative Assembly encourages agencies to seek public input to the maximum extent possible before giving notice of intent to adopt a rule. The agency may appoint an advisory committee that will represent the interests of persons likely to be affected by the rule, or use any other means of obtaining public views that will assist the agency in drafting the rule." ORS 183.333

#### Affected parties

|                   | Not involved   | Involved   | Previously unregulated   | Number affected |      |        |
|-------------------|--|--|--|-----------------|------|--------|
|                   |  |  |  | 10s             | 100s | 1,000s |
| Business          |    |    |    |                 |      |        |
| Manufacturing     |    |    |   |                 |      |        |
| City/county/state |  |  |  |                 |      |        |
| Individuals       |  |  |  |                 |      |        |
| Custom entry      |  |  |  |                 |      |        |
| Custom entry      |  |  |  |                 |      |        |

#### Stakeholder complexity

Straight forward stakeholder considerations or no opposition expected

Multiple stakeholder considerations or some stakeholder oppositions expected

Complex stakeholder considerations or significant opposition expected



#### External stakeholder interest

Selecting an interest level indicates the group to the left is a stakeholder.

##### Group

##### Interest

##### Riskometer

Regulated community

does not apply

6 7 8 9

Business and industry

does not apply

6 7 8 9

Environmental groups

does not apply

6 7 8 9

Public

does not apply

6 7 8 9

State legislators

does not apply

6 7 8 9

Federal environmental regulators

does not apply

6 7 8 9

Other state and federal agencies

does not apply

6 7 8 9

Local governments

does not apply

6 7 8 9

Tribal nations

does not apply

6 7 8 9

Custom entry

does not apply

6 7 8 9

Custom entry

does not apply

6 7 8 9

Interest average

6 7 8 9

Optional stakeholder information

## Advisory committee appointment



No advisory committee



Use a standing committee



Reconvene a committee



Convene a new committee

### Type of committee (check all that apply)



Fiscal



Scientific



Policy



Rule language



Technical



Legally required



Implementation



Custom entry

No. of meetings

0

Describe appointment strategy

Describe how DEQ will use their input

## Information meetings/hearings during public notice

### Information meetings/hearings



Portland area



Regional

No. of meetings

0

### Public notice



No public notice



Public notice, no hearing



Public notice with hearing



Re-notice

Optional hearing information

## Reminders

## Process improvement

September 7, 2012

## 4 Program

Enter caption on 2Basics cell F2

Program name

Enter program name on 4Program worksheet - row 4

Media

Program consequences of doing nothing

Severity

does not apply

6

- ☐ Loss of delegation
- ☐ Failure to keep commitment
- ☐ Failure to respond to legislature
- ☐ Increased difficulty doing business
- ☐ Unclear administrative rules
- ☐ Loss of reputation
- ☐ Enter custom consequences here
- ☐ Enter custom consequences here



Subject program considerations

Other DEQ program considerations

Dependencies

Not dependent on  
success of other  
projects/programs or  
no legislation

Some dependence on  
success of other  
projects/programs or  
legislation required

Fully dependent on  
success of other  
projects/programs or  
potentially controversial  
legislation needed

☒ Low



☐ Medium



☐ High

Optional dependency information

Include program  
considerations in:

Committee charter  
Message map  
Proposal

Complexity

does not apply

6

Reminders

## Process Improvement

Friday, September 07, 2012

## 5 Environmental

Enter caption on 2Basics cell F2

The proposed rules have no direct correlation to the environment.

**The team does not need to complete this worksheet.**

### Environmental consequences of doing nothing

Severity

does not apply

6

- ☐ Science does not apply to Oregon
- ☐ Delay in public health protection
- ☐ Adverse effect on vulnerable populations
- ☐ Adverse effect on environmental justice communities
- ☐ Enter custom environmental consequence here
- ☐ Enter custom environmental consequence here

### Describe environmental considerations

#### Environmental reach

Select the most expansive environmental reach of this proposed rule.

Local

Regional OR

Statewide

Regional US

National

Beyond



### Links

#### 2011-2015 EPA Strategic Plan

The proposed rules align with actions in the EPA Strategic Plan:

- ☐ Taking Action on Climate Change/Improving AQ
- ☐ Protecting America's Waters
- ☐ Ensuring Safety of Chemicals/Preventing Pollution
- ☐ Enforcing Environmental Laws
- ☐ Cleaning Up Communities/Advancing Sustainable Development

#### the Natural Step

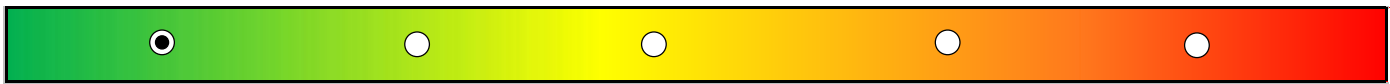
The proposed rules support the elimination of Oregon's contribution to:

- ☐ The progressive buildup of substances extracted from the Earth's crust (for example, heavy metals and fossil fuels)
- ☐

- ☐ The progressive buildup of chemicals and compounds produced by society (for example, dioxins, PCBs, and DDT)
- ☐ The progressive physical degradation and destruction of nature and natural processes (for example, over harvesting forests and paving over critical wildlife habitat)
- ☐ Conditions that undermine people's capacity to meet their basic human needs (for example, unsafe working conditions and not enough pay to live on)

## Environmental data

|   |  |   |
|---|--|---|
| No new data; Leverage existing data or methods; No accuracy, applicability or reliability uncertainties; Easy to explain in common language | Some uncertainty about leveraging existing data, it's accuracy or applicability; Data or methods need translating into common language; Potential for stakeholder mistrust | Original or unique data; Potential sources of error; Challenging translation to common language; High probability for |
|---|--|---|



## Include environmental consideration in:

Committee charter ☐

Message map ☐

Proposal ☐

**Complexity**

does not apply

6

## Reminders

## Process Improvement

Friday, September 07, 2012

## 6 Timing

Enter caption on 2Basics cell F2

### Rational for developing proposal now - drivers



Consider any challenges to the rulemaking for each activity below that may occurs during a legislative session (Q1 of even years, Q1 and Q2 of odd years.)

|                    | START |     | END  |     |              |
|--------------------|-------|-----|------|-----|--------------|
|                    | Year  | Qtr | Year | Qtr |              |
| Start              | 2013  | 1   |      |     |              |
| Advisory committee | 2013  | 1   | 2013 | 1   | not involved |
| Rulemaking notice  | 2013  | 1   | 2013 | 1   | not involved |
| EQC Action         | 2013  | 1   |      |     |              |
| Effective          | 2013  | 2   |      |     |              |

### Timing challenges

No challenge in meeting rule adoption

Compressed or extended timeframe for rule adoption

Difficult schedule, no contingencies allowed, uncontrolled changes to deadline likely



### Include timing rational above in:

Committee charter

Message map

Proposal

### Complexity

does not apply

6

### Reminders

### Process Improvement

Friday, September 07, 2012

Funding source

|                |  |
|----------------|--|
| Rulemaking     |  |
| Implementation |  |

Financial consequences of doing nothing

- ☐ Loss of program funding
- ☐ Failure to address costs
- ☐ Loss of federal funding
- ☐ Insufficient funding
- ☐ Failure to address undue burden
- ☐ Enter custom financial consequence here
- ☐ Enter custom financial consequence here

Severity

|                |
|----------------|
| does not apply |
| 6              |

Optional notes

|  |
|--|
|  |
|  |
|  |
|  |
|  |
|  |
|  |

Fees

- Action
- ☐ Establish new fees
- ☐ Increase existing fees
- ☐ Decrease existing fees

DAS Fee Approval

|                                  |                               |
|----------------------------------|-------------------------------|
| <input checked="" type="radio"/> | Does not apply                |
| <input type="radio"/>            | Exempt under ORS 291.55(2)(d) |
| <input type="radio"/>            | Exempt under ORS 291.55(2)(m) |

Authority to adopt, amend or repeal fees:

|     |
|-----|
| ORS |
|-----|

Fiscal impact on:

- Regulated community
- Small business (50 emp or less)
- Business and industry
- Local governments
- Other state or federal agencies
- Public
- DEQ
- Program -Air Quality
- Custom entry
- Custom entry

Impact

|                   |
|-------------------|
| no fiscal impacts |
| no fiscal impacts |
| no fiscal impacts |
| no fiscal impacts |
| no fiscal impacts |
| no fiscal impacts |
| no fiscal impacts |
| no fiscal impacts |
| no fiscal impacts |
| no fiscal impacts |

Riskometer

|   |
|---|
| 6 |
| 6 |
| 6 |
| 6 |
| 6 |
| 6 |
| 6 |
| 6 |
| 6 |
| 6 |
| 6 |
| 6 |
| 6 |
| 6 |

Fiscal impact average

|   |
|---|
| 6 |
|---|

Optional fiscal discussion

## Invoicing system

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Develop new     | <input type="checkbox"/> CHRIS              | <input type="checkbox"/> TRAACS          |
| <input type="checkbox"/> Access database | <input type="checkbox"/> HazWaste Invoicing | <input type="checkbox"/> UST Invoice.new |
| <input type="checkbox"/> Access template | <input type="checkbox"/> SWIFT              | <input type="checkbox"/> WQSIS           |
| <input type="checkbox"/> Custom entry    | <input type="checkbox"/> Custom entry       | <input type="checkbox"/> Custom entry    |

## Description

### Include description above in:

Committee charter

Message map

Proposal

|  |
|--|
|  |
|  |
|  |

**Complexity**

does not apply

6

## Reminders

## Process improvement

Friday, September 07, 2012

# 8 Legal

Enter caption on 2Basics cell F2

## Current authority

links

links

## Requirement

## Dependencies

## Legal consequences of doing nothing

Severity

does not apply

6

## Optional notes

- ☐ Rules will not align with the law
- ☐ Risks noncompliance
- ☐ Failure to comply with Clean Water Act
- ☐ Failure to comply with Clean Air Act
- ☐ Failure to comply with Resource Conservation and Recovery Act
- ☐ Enter custom legal consequence here
- ☐ Enter custom legal consequence here

## Describe legal consideration

## Include description above in:

- Committee charter
- Message map
- Proposal

Complexity

does not apply

6

## Reminders

## Process improvement



Describe technical considerations

Innovation

No new technology, development, methods, production or tools

New techniques but with stable application, known techniques but with new application

New or untried technology, development, methods or tools, high degree of complexity or uncertainty

Low

Medium

High

Infrastructure

No new infrastructure requirements

Infrastructure required, packaged software, data migration, some links to other internal or external systems

Significant infrastructure requirements, complex data migration, extensive or complex links to internal/external systems

Low

Medium

High

Include technical considerations below in:

Committee charter

Message map

Proposal

Complexity

does not apply

6

Reminders

Process improvement

Describe policy considerations

Policy risks

Policy is very clear, high assurance policy will be developed or no need for

Developing clear policy, some assurance clear policy will be developed

Policy lacks clarity, low assurance that clear policy will be developed

Low

Medium

High

Include policy consideraion below in:

Committee charter

Message map

Proposal

Complexity

does not apply

6

Reminders

Process improvement

## 11 Political

Enter caption on 2Basics cell F2

### Describe political considerations

### Include political consideration below in:

Committee charter

Message map

Proposal

|                          |
|--------------------------|
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |

### Complexity

does not apply

6

### Reminders

### Process improvement

Friday, September 07, 2012

Describe implementation considerations

|                |
|----------------|
| does not apply |
| 6              |

Include description below in:

Complexity

|                   |                          |
|-------------------|--------------------------|
| Committee charter | <input type="checkbox"/> |
| Message map       | <input type="checkbox"/> |
| Proposal          | <input type="checkbox"/> |

Reminders

Process improvement