Presiding Officer’s

Text for Conducting a Rulemaking Hearing

**Enter rulemaking caption**

**DELETE THIS BOX WHEN TEAM NO LONGER NEEDS THIS INFORMATION**

**137-001-0030**

**Conduct of Rulemaking Hearings**

(1) The hearing to consider a rule shall be conducted by and shall be under the control of the presiding officer. The presiding officer may be the chief administrative officer of the agency, a member of its governing body, or any other person designated by the agency.

(2) At the beginning of the hearing, any person wishing to be heard shall provide their name, address, and affiliation to the presiding officer. The presiding officer may also require that the person complete a form showing any other information the presiding officer deems appropriate. Additional persons may be heard at the discretion of the presiding officer.

(3) At the beginning of the hearing, the presiding officer must summarize, to the extent requested by any participant, the content of the notice given under ORS 183.335.

(4) Subject to the discretion of the presiding officer, the order of the presentation shall be:

(a) Statements of proponents;

(b) Statements of opponents; and

(c) Statements of other witnesses present and wishing to be heard.

(5) The presiding officer or any member of the agency may question any witness making a statement at the hearing. The presiding officer may permit other persons to question witnesses.

(6) There shall be no additional statement given by any witness unless requested or permitted by the presiding officer.

(7) The hearing may be continued with recesses as determined by the presiding officer until all listed witnesses have had an opportunity to testify.

(8) The presiding officer shall, when practicable, receive all physical and documentary evidence presented by witnesses. Exhibits shall be marked and shall identify the witness offering the exhibit. Any written exhibits shall be preserved by the agency pursuant to any applicable retention schedule for public records under ORS 192.001 et seq.

(9) The presiding officer may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious, or immaterial matter.

(10) The presiding officer shall make a record of the proceeding, by audio or video tape recording, stenographic reporting or minutes.

Stat. Auth.: ORS 183.341 & 183.390  
Stats. Implemented: ORS 183.335(3) & 183.341  
Hist.: 1AG 14, f. & ef. 10-22-75; 1AG 4-1979, f. & ef. 12-3-79; 1AG 1-1981, f. & ef. 11-17-81; JD 2-1986, f. & ef. 1-27-86; JD 1-1988, f. & cert. ef. 3-3-88; JD 5-1989, f. 10-6-89, cert. ef. 10-15-89; JD 7-1991, f. & cert. ef. 11-4-91; DOJ 10-2005, f. 10-31-05, cert. ef. 1-1-06; DOJ 10-2007, f. 10-15-07 cert. ef. 1-1-08

Introductions Presiding officer - name and title

Other presenters - names and titles

Logistics Sign up sheet

* The Administrative Procedures Act requires DEQ to record the names of people who attending our public hearings All attending, please sign the **Attendance Sheet**
* Those wishing to provide comments today should fill out the **Comment Registration** form.
* Those not wishing to make oral comments may submit hand written comments by completing the **Comment Sign-up/Comment Card.**

The **Proposed Rulemaking Announcement** provides a link to DEQ’s rulemaking website. If you are not already notified by our GovDelivery listserve and would like an electronic notice when the final Staff Report, including the Presiding Officer’s Report for this hearing, is available please provide your email address. If you would like us to mail you DEQ’s rulemaking website address or want a paper copy of the Staff Report mailed to you, provide your mailing address. We are trying to reduce paper usage and encourage people to use email for submitting comments and the DEQ website for reviewing documents.

Those participating via iLinc that would like to provide comments today, please let us know through the chat feature and provide your name, affiliation, and email address when commenting. You can also submit comments by email or in writing as indicated in the rulemaking **Announcement** (due by January 22nd).

Presentation by Bob and Peter

½ hour presentation and Q&A - no later than 4:00 pm

HEARING

(TURN ON RECORDER)

Pause, then begin

At this time I would like to begin the hearing. The hearing will be recorded to maintain a permanent record. Today is January 16, 2013, the time is XXXX p.m., and we are at the Headquarters Office of the Department of Environmental Quality. My name is Tom Roick. With me are Bob Barrows and Peter Spendelow with DEQ’s Solid Waste Program. I am the presiding officer for this hearing and as such I am taking comments on behalf of the Environmental Quality Commission which is a 5 member citizens’ board, appointed by the Governor. The Commission sets environmental rules and policy for DEQ and the Department is staff for the Commission.

If you haven’t done so, those wishing to provide comments should fill out the **Comment Registration** form or if on iLinc indicate that you would like to comment through the Chat feature.

The purpose of this meeting is to take public comments on the proposed rules for the **Conversion Technology Rulemaking** rule adoption. The job of presiding officer is to hear and acknowledge comments and not to defend the proposed rules. Following the completion of the public hearings, a written presiding officer’s report summarizing both written and verbal comments will be prepared and will be available with the final Staff Report posted on our DEQ rulemaking website, which is listed in the **Proposed Rulemaking Announcement**. The deadline date for receipt of written comments on the proposed rules is January 22, 2013 at 5 p.m.

After reviewing the comments, the Department may consider revisions to the proposed rules. The Department's final recommendation for rule adoption will be made at the EQC meeting scheduled for March 20-21, 2013, here at DEQ’s headquarters office. The Commission will use its own discretion in deciding whether to adopt all, part or none of the proposed rules, postpone adoption, or hold additional public hearings.

I would like to begin taking comments. If anyone has prepared a written statement or other documents, it would help to summarize them orally and then introduce written material into the record. Written comments are given the same weight as oral comments.

(IF APPROPRIATE) - At this point, no witnesses have signed up to comment. If anyone arrives to comment within the next half hour, we will turn the tape recorder on. Otherwise the hearing will be adjourned. (AGAIN, IF APPROPRIATE) - It is now *[TIME]*. No one attended the hearing and no one provided comments – this hearing is adjourned.

(AT END)

Thank you for coming and providing us with your comments. The hearing is adjourned.  
(RECORDER OFF)