

Oregon Department of Environmental Quality

**ENTER NOTICE DATE**

Notice of Proposed Rulemaking

[**?**](http://deqsps/programs/rulemaking/qcards/4-Caption.pdf) **Enter caption**

|  |
| --- |
|  **Overview** |

Short summary

[ENTER A SHORT HIGHLEVEL SUMMARY OF THE PROPOSED RULES. THE PURPOSE IS TO HELP THE READER PICK UP THE GIST OF OUR PORPOSAL IN A SHORT PERIOD OF TIME.] Enter text here

Brief history

Enter text here

Regulated parties

Enter text here

Outline

[ENTER AN OUTLINE OF THE MAJOR POINTS OF THE PROPOSED RULES EITHER AS A TABLE OR PROSE.] Enter text here

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|  **Statement of need** |

There are four methods below for communicating the *Statement of need*. Methods 2 through 4 held convey information in this section if the proposal includes numerous issues or topics. Select the method that fits the proposal. Delete this box after the team has settled on a method.

[**METHOD 1:** FOR PROPOSALS THAT ARE STRAIGHTFORWARD]

What problem is DEQ trying to solve?

Enter text here

How would the proposed rule solve the problem?

Enter text here

How will DEQ know the problem has been solved?

Enter text here

[**METHOD 2:** FOR PROPOSALS THAT ADDRESS NUMEROUS, DISPARATE ISSUES]

| **Proposed Rule or Topic** | **Discussion** |
| --- | --- |
| 1. Enter rule or topic title
 |  |
| What problem is DEQ trying to solve? |  |
| How would the proposed rule solve the problem?  |  |
| How will DEQ know the problem has been solved? |  |
| 1. Enter rule or topic title
 |   |
| What problem is DEQ trying to solve? |  |
| How would the proposed rule solve the problem?  |  |
| How will DEQ know the problem has been solved? |  |
| 1. Enter rule or topic title
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| What problem is DEQ trying to solve? |  |
| How would the proposed rule solve the problem?  |  |
| How will DEQ know the problem has been solved? |  |
| 1. Enter rule or topic title
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| What problem is DEQ trying to solve? |  |
| How would the proposed rule solve the problem?  |  |
| How will DEQ know the problem has been solved? |  |

 [**METHOD 3:** FOR PROPOSALS THAT ADDRESS NUMEROUS, DISPARATE ISSUES]

1. **Enter rule or topic title**

What problem is DEQ trying to solve?

Enter text here

How would the proposed rule solve the problem?

Enter text here

How will DEQ know the problem has been solved?

1. **Enter rule or topic title**

What problem is DEQ trying to solve?

Enter text here

How would the proposed rule solve the problem?

Enter text here

How will DEQ know the problem has been solved?

1. **Enter rule or topic title**

What problem is DEQ trying to solve?

Enter text here

How would the proposed rule solve the problem?

Enter text here

How will DEQ know the problem has been solved?

Enter text here

[**METHOD 4:** ANY COMBINATION OF THE METHODS ABOVE.]

Request for other options

During the public comment period, DEQ requested public comment on whether to consider other options for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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|  **Considerations** - optional |

Information in this section originates with the Considerations worksheet. Delete this section if the team decides it does not want to use it.

Enter title here

Enter text here

|  |
| --- |
|  **Freeform title** - optional |

The rule design team may adapt the main and subsection titles to the rulemaking. If the other sections adequately address the situation, delete this section.

Enter freeform title

Enter text here

Enter freeform title

Enter text here

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|  **Federal relationship**  |

For proposals that address numerous issues, the rule design team may use one of the methods under the Statement of Need section if it clarifies how this section applies to the disparate elements of this rulemaking. Delete this box after the team has settled on a method.

*"It is the policy of this state that agencies shall seek to retain and promote the unique identity of Oregon by considering local conditions when an agency adopts policies and rules. However, since there are many federal laws and regulations that apply to activities that are also regulated by the state, it is also the policy of this state that agencies attempt to adopt rules that correspond with equivalent federal laws and rules..."*

Relationship to federal requirements

[**OPTION 1** – verbatim or by reference]

 The proposed rule adopts the federal requirement Choose an item.. [ENTER THE NAME OF THE REQUIREMENT, ITS CITATION AND A BRIEF DESCRIPTION.] Enter text here.

 [**OPTION 2**– in addition to federal requirements]

DEQ determined this rule proposal is “in addition to federal requirements” as required under [ORS 468A.327(1)(a)](http://www.oregonlaws.org/ors/468A.327) and [OAR 340-011-0029(1)(a)](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_011.html).

[EXPAND ON HOW AND WHY THE PROPOSED RULES ARE DIFFERENT FROM THE FEDERAL REQUIREMENTS.] [EXAMPLES: address science applicable to Oregon, incorporate technological advances, protect public health, protect environment, address administrative issues or address economic concerns] Enter text here

What alternatives did DEQ consider, if any?

[DESCRIBE WHY DEQ DID NOT PURSUE THESE ALTERNATIVES] Enter text here

|  |
| --- |
|  Rules affected, authorities, supporting documents |

Lead divisionProgram or activity

 Enter text here Enter text here

 [**?**](http://deqsps/programs/rulemaking/qcards/0-RuleBasics.pptx) Chapter 340 action

 Recommendation Division Rule Title SIP/Land use\*

 Choose an item. 000 0000 TEXT Choose an item.

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\* SIP – This rule is part of the State Implementation Plan.

\* Land use – DEQ State Agency Coordination Program considers this rule, program or activity is a land use program.

Statutory authority

ORS 468.020, 468.065, [ENTER CITATIONS] Enter here

Other authority🞂

 ORS [ENTER CITATIONS] Enter here

Statute implemented Legislation Year

ORS [ENTER CITATIONS] Enter here [ENTER BILL #] Enter here yyyy

Documents relied on for rulemaking [ORS 183.335(2)(b)(C)](http://www.leg.state.or.us/ors/183.html)

[BRIEFLY DESCRIBE THE PRINCIPAL DOCUMENTS, REPORTS OR STUDIES RELIED ON TO DEVELOP THIS PROPOSAL. INCLUDE THE LOCATION WHERE THE DOCUMENTS ARE AVAILABLE FOR PUBLIC INSPECTION. THE LIST MAY BE ABBREVIATED IF THE TEAM IDENTIFIES THE LOCATION OF THE COMPLETE LIST.]

|  |  |
| --- | --- |
| **Document title** | **Document location** |
|  |  |
|  |  |

|  |
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|  Statement of fiscal and economic impact [ORS 183.335 (2)(b)(E)](http://www.leg.state.or.us/ors/183.html) |

For proposals that address numerous issues, the rule design team may use one of the methods under the Statement of Need section if it clarifies how this section applies to the disparate elements of this rulemaking. Delete this box after the team has settled on a method.

Statement of Cost of Compliance

1. Impacts on general public

[CONSIDER BOTH POSITIVE AND NEGATIVE IN A BRIEF DESCRIPTION OF THE PROJECTED FISCAL AND ECONOMIC IMPACTS AND COSTS OF COMPLIANCE ON THE GENERAL PUBLIC.] Enter text here

1. Cost of compliance on small businesses (those with 50 or fewer employees). [ORS 183.336](http://www.leg.state.or.us/ors/183.html)

[CONSIDER BOTH POSITIVE AND NEGATIVE IN A BRIEF DESCRIPTION OF THE PROJECTED FISCAL AND ECONOMIC IMPACTS AND COSTS OF COMPLIANCE ON SMALL BUSINESSES. IT IS OK TO REFERENCE 1. ABOVE IF THE TEXT WOULD BE IDENTICLE. ] Enter text here

|  |  |
| --- | --- |
| a) Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.  | [EXAMPLE] Assuming all manufacturers in the lowest fee tier are small businesses, 109 small businesses could be affected by this rule. |
| b) Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule. | [EXAMPLE] No additional activities are required for compliance with the proposed rules. All manufacturers already pay registration fees. |
| c) Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule. | [EXAMPLE] No additional resources are required for compliance with the proposed rules. All manufacturers already pay registration fees. |
| d) Describe how DEQ involved small businesses in developing this proposed rule. | [EXAMPLE] DEQ included small business representatives on the Oregon E-Cycles Registration Fee Advisory Committee that advised DEQ on the cost of compliance for small businesses. DEQ also provided notice of the proposed rules to all manufacturers registered under Oregon E-Cycles, the fee-payers, including those that are small businesses. |

3. Impact on large businesses (all businesses that are not small businesses under #2 above)

[CONSIDER BOTH POSITIVE AND NEGATIVE IN A BRIEF DESCRIPTION OF PROJECTED FISCAL AND ECONOMIC IMPACTS AND COSTS OF COMPLIANCE ON LARGE BUSINESSES. IT IS OK TO REFERENCE #1 OR #2 ABOVE IF THE TEXT WOULD BE IDENTICLE. ] Enter text here.

4. Impact on local government other than DEQ

[CONSIDER BOTH POSITIVE AND NEGATIVE IN A BRIEF DESCRIPTION OF THE PROJECTED FISCAL AND ECONOMIC IMPACTS AND COSTS OF COMPLIANCE ON STATE AGENCIES. IT IS OK TO REFERENCE #1, 2 OR 3 ABOVE IF THE TEXT WOULD BE IDENTICAL.] Enter text here.

5. Impact on DEQ

[CONSIDER BOTH POSITIVE AND NEGATIVE IN A BRIEF DESCRIPTION OF THE PROJECTED FISCAL AND ECONOMIC IMPACTS AND COSTS OF COMPLIANCE ON DEQ. IT IS OK TO REFERENCE 1, 2, 3 or 4 ABOVE IF THE TEXT WOULD BE IDENTICAL.] Enter text here.

Documents relied on for fiscal and economic impact

Enter text here.

Advisory committee

**[OPTION 1]**

DEQ appointed an advisory committee and considered the committee’s recommendations on this fiscal and economic impact statement. In compliance with [ORS 183.333](http://www.leg.state.or.us/ors/183.html), DEQ asked for the committee’s recommendations on:

* Whether the proposed rules would have a fiscal impact,
* The extent of the impact, and
* Whether the proposed rules would have a significant impact on small businesses and compliance with [ORS 183.540](http://www.leg.state.or.us/ors/183.html).

[ADD ANY SPECIFICS ABOUT THE COMMITTEE’S INVOLVEMENT WITH THE FISCAL AND ECONOMIC IMPACT STATEMENT] Enter text

**[OPTION 2]**

DEQ did not appoint an advisory committee. [INCLUDE A BRIEF STATEMENT DESCRIBING WHY DEQ DID NOT CONVENE AN ADVISORY COMMITTEE.] Enter text

Housing cost

To comply with [ORS 183.534](http://www.leg.state.or.us/ors/183.html), DEQ determined the proposed rules would have no effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached single-family dwelling on that parcel. [EXAMPLE OF QUALIFIER] The proposed fee affects only manufacturers of electronic devices sold in or into Oregon.

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| --- |
|  Fees  |

INSERT *CodeNamePROPOSAL.FEE*.3.0~ here.

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|  Land use  |

For proposals that address numerous issues, the rule design team may use one of the methods under the Statement of Need section if it clarifies how this section applies to the disparate elements of this rulemaking. Delete this box after the team has settled on a method.

*“It is the Commission's policy to coordinate the Department's programs, rules and actions that affect land use with local acknowledged plans to the fullest degree possible.”*

 [ORS 197.180](http://www.leg.state.or.us/ors/197.html), [OAR 660-030](http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_660/660_tofc.html)

Land-use considerations

To determine whether the proposed rules involve programs or actions that are considered a *land-use action*, DEQ considered:

* Statewide planning goals for specific references. Section III, subsection 2 of the DEQ State Agency Coordination Program[🞂](http://deq05/intranet/working/guidance/stateAgencyCoordinationProgram10-MSD-009.pdf) document identifies the following statewide goal relating to DEQ's authority:

 **Goal Title**

 5 Open Spaces, Scenic and Historic Areas, and Natural Resources

 6 Air, Water and Land Resources Quality

 11 Public Facilities and Services

 16 Estuarial resources

 19 Ocean Resources

* [OAR 340-018-0030](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_018.html) for EQC rules on land-use coordination. Division 18 requires DEQ to determine whether proposed rules will significantly affect land use. If yes, how will DEQ:
	+ Comply with statewide land-use goals, and
	+ Ensure compatibility with acknowledged comprehensive plans, which DEQ most commonly achieves by requiring a [Land Use Compatibility Statement](http://www.deq.state.or.us/pubs/permithandbook/lucs.htm).
* DEQ’s mandate to protect public health and safety and the environment.
* Whether DEQ is the primary authority that is responsible for land-use programs or actions in the proposed rules.
* Present or future land uses identified in acknowledged comprehensive plans.

Determination

[APPLIES TO THE PROPOSED RULES THAT **DO NOT** **AFFECT** LAND-USE PROGRAMS OR ACTIONS. ADJUST TO FIT SITUATION.]

DEQ determined that the proposed rules identified under the 'Chapter 340 Action' section above **do not affect** existing rules, programs or activities that are considered land-use programs and actions in OAR 340-018-0030 or in the DEQ State Agency Coordination Program.

[APPLIES TO THOSE PROPOSED RULES THAT **AFFECT** LAND-USE PROGRAMS OR ACTIONS. ADJUST TO FIT SITUATION.]

DEQ determined that the proposed rules identified under the ‘Rules affected, authorities, supporting documents’ section above **affect** [IDENTIFY EXISTING PROGRAM, RULE OR ACTIVITY], which is an existing rule, program or activity that is considered a land-use program in the DEQ State Agency Coordination Program.

[**OPTION 1**]DEQ’s statewide goal compliance and local plan compatibility procedures adequately cover the proposed rules. [DESCRIBE BRIEFLY WHY IT IS ADEQUATE.] [EXAMPLE 1: 340-018-0040(1) - compliance with statewide planning goals achieved by ensuring compatibility with acknowledged comprehensive plans] [EXAMPLE 2: 340-018-0050(2)(a) - ensuring compatibility with acknowledged comprehensive plans may be accomplished through a Land Use Compatibility Statement.] Enter text here.

[**OPTION 2**]DEQ’s statewide goal compliance and local plan compatibility procedures do not cover the proposed rules. [DESCRIBE CRITERIA AND RATIONALE USED TO DETERMINE THE PROPOSED RULES ARE LAND-USE RULES.] Enter text here.

[POTENTIAL TEXT] DEQ reasonably expects the program, rules or actions to have Choose an item. effect on resources, objectives or areas in the planning goals. [PLEASE EXPLAIN] Enter text here.

[**OPTION 3**]The proposed rules are not subject to existing compliance and local plan compatibility procedures. To ensure compliance and compatibility, DEQ will [EXPLAIN NEW PROCEDURES DEQ WILL USE TO ENSURE COMPLIANCE AND COMPATIBILITY] Enter text here.

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|   Stakeholder and public involvement |

 Advisory committee

DEQ convened the [ENTER ADVISORY COMMITTTEE NAME] advisory committee on [DATE]. [DESCRIBE COMMITTEE CHARTER] Enter text here.

The ##-member committee included representatives from [GENERALLY DESCRIBE COMMITTEE MAKEUP.] The committee met ## times over ## months. The committee recommended that [SUMMARIZE RECOMMENDATION OR INVOLVEMENT AND LINK TO ANY FORMAL RECOMMENDATION.] The committee reviewed the fiscal impact statement, specifically impact on small businesses.

 EQC prior involvement

DEQ shared information about this rulemaking with the EQC at a facilitated hearing on mmm dd, yyyy, through an information item on the mmm dd, yyyy EQC agenda, and in the Director's Dialog mmm dd, yyyy.

Public notice

[ADAPT TENSE. USE “PLANS” FOR FUTURE TENSE.] The Notice of Proposed Rulemaking with Hearing [WITHOUT HEARING] for this proposed rulemaking will publish in the mmm dd, yyyy *Oregon Bulletin*. DEQ also:

* Posted notice on DEQ’s webpage <http://www.deq.state.or.us/regulations/proposedrules.htm> on mmm dd, yyyy.
* E-mailed notice to:
* #### interested parties through GovDelivery on mmm dd, yyyy.
* #### stakeholders on the [LIST OTHER MAILING LIST].
* ## key legislators required under [ORS 183.335](http://www.leg.state.or.us/ors/183.html) on mmm dd, yyyy. Key legislators included:
	+ Name, Title, Committee
	+ Name, Title, Committee
	+ Name, Title, Committee
* Members of the advisory committee on mmm dd, yyyy.
* Mailed the notice by U.S. Postal Service to ## interested parties on mmm dd, yyyy.
* Sent notice to EPA on mmm dd, yyyy.
* Other

Public hearings

DEQ plans to hold one [ENTER NUMBER OF HEARINGS] public hearing. [OPTION]The hearing is accessible by:

Conference call: (###) ###-####

Webinar: (###) ###-#### Participant code: #####

Before taking public comment, DEQ will describe the rule proposal. The following table lists public hearing locations and participation:

| Public Hearings |
| --- |
| Hearing Date | Time | Location | Hearings Officer |
|  |  |  | DEQ Staff |  |
|  |  |  |  |  |
|   |  3 pt |   |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

Close of public comment period

The comment period will close on mmm dd, yyyy at ##:## p.m.