**DEQ contacts:**

**Media**

Public Affairs Specialist William Knight, 503-757-1889, knight.william@deq.state.or.us

**Senior Managers**

Air Quality Division Administrator Andy Ginsburg, 503-229-5397, ginsburg.andy@deq.state.or.us

Program Operations Manager Uri Papish, 503-229-6480, papish.uri@deq.state.or.us

**Project or issue**

DEQ is proposing changes to the air quality permitting program rules to:

* simplify/clarify existing rules;
* improve air quality throughout the state, especially in areas that do not meet ambient air standards; repeal outdated rules;
* improve timeliness; and
* make housekeeping changes.

The changes will improve the permitting process while providing environmental benefit and more flexibility for permitted businesses. DEQ is also proposing rule changes due to changes in EPA rules.

**Purpose of your communication**

Sharing information and involving stakeholders

**Key messages**

* Rules are not use friendly
* Rules not workable (Net Air Quality Benefit)
* Rules outdated
* Rule changes from EPA (Significant Impact Levels and Significant Monitoring Concentrationss)

**Background**

DEQ undertook this proposed rulemaking in order to clean up the air quality rules by moving procedural requirements out of the division of definitions and combining common definitions throughout all the divisions into one division. Some DEQ rules are no longer needed because certain industries have shut down so those rules are proposed for repeal.

In the meantime, air quality in Lakeview exceeded the 24-hour PM2.5 standard, making it impossible for businesses to build or expand in the area based on current regulations. That triggered the necessity for rulemaking and DEQ also decided to fix air quality analysis rules that are unworkable.

In a recent rulemaking for Klamath Falls to bring the area back into attainment with the 24-hour PM2.5, DEQ provided an option for reducing emissions increases with offsets from a buy-out program for woodstoves. Since other areas cannot meet the ambient air quality standards because of air pollution from woodstoves, DEQ decided to make this option available in all areas of the state. While doing the analysis for Klamath Falls, DEQ determined that particulate matter emissions from industrial sources can cause exceedances of the standard so DEQ is proposing lowering of the grain loading and opacity standards throughout the state.

*Guiding questions:*

* What do audiences think or believe about the project or issue?
* How are people involved with issue – in the past and currently?
* To whom has DEQ talked to about the project or issue?
* What has DEQ told audiences?
* Is there a relevant evolution of rules, regulations and laws that affect the situation?

**Goals and desired outcomes**

This proposed rulemaking will make it easier to use the air quality regulations. It will also help address emissions from the specific sources that are causing exceedances or potential exceedances of the standards.

* Protect the environment according to state laws and regulations.
* Clearly communicate the proposed changes in DEQ’s rules.
* Provide information to Oregonians and opportunities for input through a thorough and transparent public process.

**Legal or program requirements**

The Oregon Administrative Procedures Act (ORS 183.335) requires:

* opportunity for interested persons to be notified of the agency’s proposed action at least 28 days before the effective date, to persons who have requested notice; and
* electronic mail, at least 49 days before the effective date, to the chair or cochairs of any interim or session committee with authority over the subject matter of the rule
* A request for public comment on whether other options should be considered for achieving the rule’s substantive goals while reducing the negative economic impact of the rule on business.

ORS 183.333 encourages the following:

* involve the public in the development of public policy and in the drafting of rules whenever possible
* seek public input to the maximum extent possible before giving notice of intent to adopt a rule
* 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
* develop a list of interested parties and inform those parties of any issue that may be the subject of rulemaking and invite the parties to make comments on the issue
* seek the committee’s recommendations on whether the rule will have a fiscal impact, what the extent of that impact will be and whether the rule will have a significant adverse impact on small businesses.

If an advisory committee is not appointed:

* an explanation as to why no advisory committee was used to assist the agency in drafting the rule; and
* if 10 or more persons likely to be affected by the rule object to the agency’s statement of fiscal impact, the agency shall appoint a fiscal impact advisory committee to provide recommendations on whether the rule will have a fiscal impact and what the extent of that impact will be.

**Constraints**

* The technical aspects of permitting larger businesses are extremely complex and very few people in the state understand the requirements.
* There has been significant opposition to this permitting program from environmental groups in the past. A lawsuit may be filed.

**Worst-case scenario**

* Businesses may contact their legislators and complain about tighter particulate matter limits in the face of economic hard times
* Environmentalist may file a lawsuit over our permitting rules for larger businesses

**Measurement**

**Goal:**

* This proposed rulemaking will make it easier to use the air quality regulations.
* It will also help address emissions from the specific sources that are causing exceedances or potential exceedances of the standards.

**Measurement:**

* Fewer questions by businesses/consultants (Hard to track!!! In Qtime?)
* Better air quality (monitoring data)

**Rationale:**

* By tracking how much time permit writers spend answering questions, DEQ can assess the success of simplifying/clarifying its rules.
* By evaluating ambient air quality monitoring data, DEQ can assess the success of the tighter particulate matter standards and the effectiveness of targeting air quality problems around the state.

**People who may be interested and should be involved in outreach**

* Permitted businesses – additional cost of doing business
* Environmental organizations – degradation of air quality
* General public - both

**Involved DEQ staff**

* Person: Jill Inahara project manager for this rulemaking. Inahara will draft proposed rules, a public notice, and a response to comments; organize a public hearing; and prepare the project’s final report.
	+ Title/position: Air Quality Division Environmental Engineer
	+ Office: Headquarters
	+ Email contact: inahara.jill@deq.state.or.us
	+ Phone contact: 503-229-5001
	+ Why involved: Main staff person for the project
* Person: Mark Fisher is a lead technical staff for this rulemaking. Fisher will draft and review proposed rules and a response to comments.
	+ Title/position: Eastern Region Senior Permit Writer
	+ Office: Bend
	+ Email contact: fisher.mark@deq.state.or.us
	+ Phone contact: 541-633-2022
	+ Why involved: Main technical staff person for the project
* Person: George Davis is a lead technical staff for this rulemaking. Davis will draft and review proposed rules and a response to comments.
	+ Title/position: Northwest Region Senior Permit Writer
	+ Office: Portland
	+ Email contact: davis.george@deq.state.or.us
	+ Phone contact: 503-229-5534
	+ Why involved: Main technical staff person for the project
* Person: Gary Andes is a lead technical staff for this rulemaking. Andes will draft and review proposed rules.
	+ Title/position: Western Region Senior Permit Writer
	+ Office: Salem
	+ Email contact: andes.gary@deq.state.or.us
	+ Phone contact: 541-378-5316
	+ Why involved: Main technical staff person for the project
* Person: Karen White-Fallon is a lead technical staff for this rulemaking. White-Fallon will draft and review proposed rules.
	+ Title/position: Western Region Senior Permit Writer
	+ Office: Salem
	+ Email contact: white-fallon.karen@deq.state.or.us
	+ Phone contact: 541-378-5315

Why involved: Main technical staff person for the project

**Responsibilities and approval process**

Jill Inahara will create preliminary documents. Uri Papish and William Knight will sign off on them. Uri Papish has the authority to approve a final document/plan for release.

**Outreach tools**

**Tool:** GovDelivery and limited postal delivery

**Target audience:** All people interested in air quality rulemaking and all permitted businesses. *.*

**Rationale:** People who are interested in air quality rulemaking have signed up for notices by giving us their email addresses. There are only a couple people that would like notice by US mail.

I will use GovDelivery to email notice of the public notice period to all people interested in air quality rulemaking along with all permitted businesses. Public hearings will be help in November.

**Timeline and task list**

| Task | Detail | Start date | Due date |  Owner | Status |
| --- | --- | --- | --- | --- | --- |
| Draft communications plan | Write a first draft of communications plan | 03/13/13 | 03/18/13 | Jill Inahara | In progress  |
| Review and approve communications plan | - | 03/18/13 | 03/25/13 | Uri Papish | In progress  |
| Stakeholder Meetings | Enviros – 08/08AOI – 08/09Eugene – 08/12Medford – 08/13Pendleton – 08/15 | 08/08/13 | 08/16/13 | Gary AndesGeorge DavisMark FisherJill InaharaKaren White-Fallon |  |
| Fact sheets, web pages |  |  |  | Jill Inahara |  |
| news release |  |  |  | Jill Inahara |  |
| Schedule public hearing | Review best dates, venue and logistics for a public hearing in November 2012 | 08/01/13 | 08/05/13 |  |  |
| Draft public notice for hearing | Write a public notice for public hearing, work with agency rules coordinator to publish in Secretary of State Bulletin | 09/01/13 | 09/05/13 | Jill Inahara |  |
| Review business office materials | Review accounting information for proposed changes |  |  |  |  |
| respond to comments |  |  |  |  |  |
| staff report |  |  |  |  |  |

**Notes or additional comments**

Is there anything else you, or another person, need to know about the project and its communications? What else is critical to convey about your project that may not be covered above?

**Review and approvals**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_**

**Plan completed Date**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_**

**Communications and Outreach review Date**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_**

**Manager’s approval Date**

**Modifications reviewed and approved**

Each substantive modification to the plan (meaning anything more than typographical, grammatical or factual corrections) should be reviewed and approved by the Office of Communications and Outreach and a manager.

***Modification one:*** *Short descriptive statement of modification*

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_**

**Communications and Outreach review Date**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_**

**Manager’s approval Date**

**RESULTS**

**Summary**

Briefly describe whether you think this outreach effort worked. What were the major highlights? What were major concerns or unanticipated issues? Did it go according to plan? Did it stay within the expected timeframe?

**Measurements**

Include measurements listed in the plan and the actual results.

 **Data:** What did you measure?

 **Result:** What happened?

 **Explanation:** Did the result meet the threshold for success? Explain.

**Analysis and follow-up**

If outreach was a success, say so. If more or different outreach is needed, briefly describe options and provide some next steps for follow-up, if necessary.