

NOTICES OF PROPOSED RULEMAKING

Department of Corrections Chapter 291

Rule Caption: Assignment of Maximum Custody Inmates to Special Security Housing

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Proposed Amendments: 291-055-0019, 291-104-0111

Last Date for Comment: 1-15-14, 5 p.m.

Summary: These rule amendments are necessary in order for the department to clarify and conform its administrative rules to reflect the department's historical policy and practice of classifying inmates that are pending retrial in a case in which a death sentence may be re-imposed as maximum custody, and assigning these inmates to special security housing separate from the general inmate population, to provide the maximum level of inmate security, control, and supervision. The department intends that these temporary rule amendments apply retroactively to persons sentenced to the legal and physical custody of the department before, on or after the effective date of these rule amendments.

Rules Coordinator: Janet R. Worley

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Department of Environmental Quality Chapter 340

Rule Caption: Updating Oregon's air quality rules to address federal regulations

Date:	Time:	Location:
12-18-13	5 p.m.	DEQ, 811 SW 6th Ave. Portland, OR 97201-1390
12-18-13	5 p.m.	DEQ, 475 NE Bellevue Dr., Suite 110 Bend, OR 97701
12-18-13	5 p.m.	DEQ, 221 Stewart Ave. Suite 201 Medford, OR 97501

Hearing Officer: Gregg Dahmen, Gregg Dahmen via teleconference
Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050 & 468A.310

Stats. Implemented: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050 & 468A.310

Proposed Adoptions: 340-230-0415, 340-230-0500

Proposed Amendments: 340-230-0010, 340-230-0020, 340-230-0030, 340-238-0040, 340-238-0060, 340-238-0090, 340-244-0020, 340-244-0030, 340-244-0220

Last Date for Comment: 12-23-13, 5 p.m.

Summary: DEQ proposes rules to adopt new and amended federal air quality regulations. This includes adopting:

New federal standards for boilers and process heaters, stationary internal combustion engines, nitric acid plants, and crude oil and natural gas production, transmission and distribution

Newly amended federal standards

Rules to implement new federal emission guidelines for commercial and industrial solid waste incineration units; and adopting the federal plan for hospital, medical, and infectious waste incinerators

BACKGROUND: The federal Clean Air Act requires the U.S. Environmental Protection Agency to establish National Emission Standards for Hazardous Air Pollutants, known as NESHAPs, for both major and area sources of hazardous air pollutants. EPA finished establishing major source standards in 2004. EPA began establishing area source standards in 2006 and concluded in 2011. EPA may adopt additional NESHAPs in the future for new source categories or source categories it may have missed.

This proposed rulemaking is the final phase for Oregon's adoption of area source standards. The first four phases concluded in December 2008, December 2009, February 2011 and March 2013.

The Clean Air Act also requires EPA to develop New Source Performance Standards for categories of sources that cause or sig-

nificantly contribute to air pollution that may endanger public health or welfare. Such regulations apply to each new source within a category without regard to source location or existing air quality. When EPA establishes New Source Performance Standards for a category of sources, it may also establish emission guidelines for existing sources in the same category. States must develop rules and a state plan to implement Emission Guidelines or request delegation of the federal plan. State plans, called Section 111(d) plans, are subject to EPA review and approval.

EPA performs a residual risk analysis for major source NESHAPs and periodic technology reviews for New Source Performance Standards and NESHAPs. These reviews are ongoing and in some cases result in EPA updating the standards. EPA also revises NESHAPs to address errors, implementation issues and lawsuits.

Rules Coordinator: Maggie Vandehey

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Department of Fish and Wildlife Chapter 635

Rule Caption: Establish Average Market Values of Food Fish for Determining Damages Related to Commercial Fishing Violations

Date:	Time:	Location:
1-10-14	8 a.m.	Oregon Dept. of Fish & Wildlife 4034 Fairview Industrial Dr. SE Salem, OR 97302

Hearing Officer: Oregon Fish & Wildlife Commission

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.720

Proposed Amendments: 635-006-0232

Last Date for Comment: 1-10-14, 8 a.m.

Summary: Amend rule to establish the average market value of food fish species used to determine damages for commercial fishing violations.

Rules Coordinator: Therese Kucera

Address: Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302

Telephone: (503) 947-6033

Rule Caption: Allow permitless take of wolves caught in the act of depredating livestock or working dogs

Date:	Time:	Location:
1-10-14	8 a.m.	Oregon Dept. of Fish & Wildlife 4034 Fairview Industrial Dr. SE Salem, OR 97302

Hearing Officer: Oregon Fish & Wildlife Commission

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 498.012

Stats. Implemented: ORS 496.171-496.192, 498.002, 498.006 & 498.012

Proposed Amendments: 635-110-0000, 635-110-0010, 635-110-0020, 635-110-0030

Last Date for Comment: 1-10-14, 8 a.m.

Summary: These rules implement 2013 Oregon Laws Ch. 626 (HB 3452), which amended ORS 498.012 and authorized in certain circumstances take of a wolf or wolves caught in the act of biting, wounding, killing or chasing livestock or working dogs without a permit.

Rules Coordinator: Therese Kucera

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