This document contains instructions in gold font. Delete all

gold-colored text before publishing this document.

Oregon Department of Environmental Quality

**ENTER EQC DATE**

Oregon Environmental Quality Commission Meeting

Temporary Rulemaking Action Item: #

Air Quality 2016 Temporary Rules

|  |
| --- |
| **DEQ recommendation to the EQC**   |

DEQ recommends that the Environmental Quality Commission:

Determine that failure to act promptly would result in serious prejudice to the public interest or the interests of the parties concerned as provided under the Justification section of this staff report.

Adopt TEMPORARY rules as proposed in Attachment A as part of chapter 340 of the Oregon Administrative Rules to be effective Choose one: beginning on DATE or on filing with the Oregon Secretary of State.

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

Short summary

Background (Optional)

|  |
| --- |
|  **Statement of need**  |

Choose the format that fits your rules, delete the ones you don’t use:

FORMAT ONE:

What need is DEQ trying to address?

How would the proposed rule address the need?

FORMAT TWO

| **Proposed Rule or Topic** | **Discussion** |
| --- | --- |
| 1. Enter rule or topic title |  |
| What need is DEQ trying to address? |  |
| How would the proposed rule address the need?  |  |
| 2. Enter rule or topic title |   |
| What need is DEQ trying to address? |  |
| How would the proposed rule address the need?  |  |
| 3. Enter rule or topic title |  |
| What need is DEQ trying to address? |  |
| How would the proposed rule address the need?  |  |
| 4. Enter rule or topic title |  |
| What need is DEQ trying to address? |  |
| How would the proposed rule address the need? |  |

FORMAT THREE

1. **Enter rule or topic title**

What need is DEQ trying to address?

How would the proposed rule address the need?

1. **Enter rule or topic title**

What need is DEQ trying to address?

How would the proposed rule address the need?

1. **Enter rule or topic title**

What need is DEQ trying to address?

How would the proposed rule address the need?

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|  **Justification** ORS 183.335(5) |

In order to adopt a temporary rule, DEQ must:

* Provide findings that the agency’s failure to act promptly will result in **SERIOUS PREJUDICE** to the public interest or the interests of the concerned parties
* Provide specific reasons why the agency’s failure to act promptly will result in serious prejudice to those interests
* In your explanation below, state:
	+ Whether the proposed action is to adopt, amend or suspend the affected rules
	+ The specific consequences that will result if the agency does not act immediately
	+ Who would suffer those consequences
	+ Why or how failure to act immediately will cause those consequences
	+ How the temporary rulemaking will avoid or mitigate those consequences

THERE ARE FOUR METHODS FOR COMMUNICATING THE JUSTIFICATION. SELECT THE METHOD THAT BEST FITS YOUR PROPOSAL, DELETE UNUSED SECTIONS.

**METHOD 1**

Consequences of not taking immediate action

DEQ determined that not amending the proposed rules would \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Affected parties

How temporary rule would avoid or mitigate consequences

**METHOD 2:**

| **Proposed Rule or Topic** | **Discussion** |
| --- | --- |
| 1. Enter rule or topic title |  |
| Consequences of not taking immediate action |  |
| Affected parties  |  |
| How temporary rule would avoid or mitigate consequences |  |
| 2. Enter rule or topic title |   |
| Consequences of not taking immediate action |  |
| Affected parties  |  |
| How temporary rule would avoid or mitigate consequences |  |
| 3. Enter rule or topic title |  |
| Consequences of not taking immediate action |  |
| Affected parties |  |
| How temporary rule would avoid or mitigate consequences |  |
| 4. Enter rule or topic title |  |
| Consequences of not taking immediate action |  |
| Affected parties |  |
| How temporary rule would avoid or mitigate consequences |  |

**METHOD 3:**

1. **Enter rule or topic title**

Consequences of not taking immediate action

Affected parties

How temporary rule would avoid or mitigate consequences

1. **Enter rule or topic title**

Consequences of not taking immediate action

Affected parties

How temporary rule would avoid or mitigate consequences

1. **Enter rule or topic title**

Consequences of not taking immediate action

Affected parties

How temporary rule would avoid or mitigate consequences

1. **Enter rule or topic title**

Consequences of not taking immediate action

Affected parties

How temporary rule would avoid or mitigate consequences

1. **Enter rule or topic title**

Consequences of not taking immediate action

Affected parties

How temporary rule would avoid or mitigate consequences

1. **Enter rule or topic title**

Consequences of not taking immediate action

Affected parties

How temporary rule would avoid or mitigate consequences

1. **Enter rule or topic title**

Consequences of not taking immediate action

Affected parties

How temporary rule would avoid or mitigate consequences

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

Lead division

Program or activity

Chapter 340 action

|  |  |
| --- | --- |
| Adopt | ORS 340-000-0000, 340-000-0000 |
| Amend | ORS 340-000-0000 |
| Repeal | ORS 340-000-0000  |
| Renumber | ORS 340-000-0000  |
| Amend and Renumber | ORS 340-000-0000  |

Statutory authority

ORS 468.020, 468.065,

Other authority

 ORS

Statute implemented Legislation Year

ORS

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

Include documents such as studies or reports, but not statutes or rules, state or federal, unless they include a separate document like a study or report.

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

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| --- |
|  Housing costs - [ORS 183.534](http://www.leg.state.or.us/ors/183.html) |

ORS 183.534 requires DEQ to consider the rules’ impact on the cost of housing.

ORS 183.534 Housing cost impact statement described; rules. (1) A housing cost impact statement is an estimate of the effect of a proposed rule or ordinance on the cost of development of a 6,000 square foot parcel and the construction of a 1,200 square foot detached single family dwelling on that parcel.

OAR 813-025-0015 Preparation of Statement

(3) The Housing Cost Impact Statement shall include:

(a) A clear and concise statement of the need, objectives and legal basis for the rule;

(b) A description and estimate of how the proposed rule will increase the cost or reduce the supply of housing or land for residential development; and,

(c) A description of the impact of the proposed rules on the cost of materials, labor, administration and other factors as may be appropriate.

Include the applicable phrases and delete the others:

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an 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. DEQ determined the proposed rules

Choose one, delete the other:

would have no effect on the development costs because explain why.

or

would/could affect the development costs by explain why and how much, if possible, the rules raise these costs.

|  |
| --- |
|   |
| Fees |

IF TEMPORARY RULES INVOLVE FEES, INSERT “FEE.ANALYSIS” HERE. DELETE THIS SECTION IF FEES ARE NOT INVOLVED.

|  |
| --- |
|  Public notice OAR 183.355, OAR 137-001-0080  |

DEQ is not required to provide advance public notice before adopting a temporary rule. If DEQ did provide any advance public notice, describe it here. Include description of hearing, if one was held, testimony presented, any comments received, and responses to comments.

|  |
| --- |
|  Advisory Committee  |

Advisory committee is not required for a temporary rule. If one was held, describe it here. If not, delete this section.

DESCRIBE COMMITTEE CHARTER

The ##-member committee met ## times over ## months and included representatives from \_\_\_\_\_\_\_\_\_\_.

 BROADLY, DESCRIBE COMMITTEE MAKEUP.

 Roster

|  |  |
| --- | --- |
| Name | Representing |
| Enter name, Chair | Enter affiliation |
| Enter name, Co-Chair |  |
| Enter name, Member |  |
|  |  |
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The committee recommended that Enter text here> The committee’s findings are available at the DEQ web site HERE – PROVIDE LINK.

OPTION 1 - DELETE IF NOT APPLICABLE

DEQ appointed an advisory committee.

As ORS 183.33 requires, 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 complies with ORS 183.540.

The committee reviewed the draft fiscal and economic impact statement and

Choose one:

 -documented its recommendations in the (enter title and date of document)

or

- its findings are stated in the approved minutes dated DATE.

The committee Enter specifics about the committee’s fiscal impact review. The committee determined the proposed rules would/would not have a significant adverse impact on small businesses in Oregon.

Only if the fiscal impact statement or the advisory committee determined there would be a significant adverse impact on small business, include the following:

As ORS 183.333 and 183.540 require, the committee considered how DEQ could reduce the rules’ fiscal impact on small business by:

* Establishing differing compliance or reporting requirements or time tables for small business;
* Clarifying, consolidating or simplifying the compliance and reporting requirements under the rule for small business;
* Utilizing objective criteria for standards;
* Exempting small businesses from any or all requirements of the rule; or
* Otherwise establishing less intrusive or less costly alternatives applicable to small business.

Explain the outcome of the above review.

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|  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
* in the Director's Dialog of mmm dd, yyyy.

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| --- |
|  Implementation  |

Notification

The proposed rules would become effective on mmm dd, yyyy. DEQ would notify affected parties by \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Compliance and enforcement

* Affected parties - Enter text here.
* DEQ staff - Enter text here

Measuring, sampling, monitoring and reporting

* Affected parties - Enter text here.
* DEQ staff - Enter text here

Systems

* Website - Enter text here.
* Website - Enter text here.
* Website - Enter text here.
* Invoicing - Enter text here.

Training

* Affected parties - Enter text here.
* DEQ staff - Enter text here