From:	GOLDSTEIN Meyer
To:	FELDON Leah
Cc:	DAVIS George; MONRO David; INAHARA Jill
Subject:	RE: upcoming rulemaking projects
Date:	Tuesday, April 26, 2016 11:23:41
Attachments:	image001.png

We should check with DOJ. You cannot replace a temporary rule with another temporary rule that is essentially the same. And I think the effect here would be to replace the current temporary rule with another temporary rule. I don't know of a process to "correct" a rule, unless its a spelling, typo, or similar error. If its that kind of error, we can do it without EQC action.

We can make these changes without EQC action:

An agency may amend a rule without prior notice or hearing if the amendment is solely for the purpose of:

(a) Changing the name of an agency by reason of a name change prescribed by law;

(b) Changing the name of a program, office or division within an agency as long as the change in name does not have a substantive effect on the functions of the program, office or division;

(c) Correcting spelling;

(d) Correcting grammatical mistakes in a manner that does not alter the scope, application or meaning of the rule;

(e) Correcting statutory or rule references; or

(f) Correcting addresses or telephone numbers referred to in the rules.

If the change is substantive, I recommend we check with DOJ about whether and how we can do this.

If DOJ approves this, it would be the normal process for adopting a (new) temporary rule. And the 180 days would start over.

To adopt a temporary rule, we have to do a full temporary rulemaking. This requires:

- Full draft text of the rules in redline/strikethrough showing change from previously adopted temporary rule
- A statement of findings that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its findings of prejudice;
- A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;
- A statement of the need for the rule and a statement of how the rule is intended to meet the need;
- A list of the principal documents, reports or studies, if any, prepared by or relied upon by the agency in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection; and
- A housing cost impact statement as defined in ORS 183.534.
- Clearly worded recommendation to EQC that they
    - Adopt the findings of the justification section of the staff report, any

addendums
- Find failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned
- State the specific reasons for finding this prejudice

This is the information that is included in the staff report template.

I would assume we would re-use the staff report we just did and just add an explanation at the beginning of what changes we are making.

From: FELDON Leah
Sent: Tuesday, April 26, 2016 11:11
To: GOLDSTEIN Meyer <Goldstein.Meyer@deq.state.or.us>
Cc: DAVIS George <DAVIS.George@deq.state.or.us>; MONRO David <MONRO.David@deq.state.or.us>; INAHARA Jill <INAHARA.Jill@deq.state.or.us>
Subject: RE: upcoming rulemaking projects

Meyer,

We need to make a correction to the temp rules. Stephanie knows and is contacting commissioners for a special session targeting may 5. Joni knows and approves. I am contacting Pete.

Please advise george, Jill and I on what we need. We will only be changing a couple words but it is supposed static not administrative.

Hoping to post to go delivery Monday.

Leah

Sent from my Verizon Wireless 4G LTE smartphone

-------- Original message --------
From: GOLDSTEIN Meyer <Goldstein.Meyer@deq.state.or.us>
Date: 04/26/2016 8:36 AM (GMT-08:00)
To: EMER Lydia <EMER.Lydia@deq.state.or.us>, WILES Wendy <WILES.Wendy@deq.state.or.us>, LIVENGOOD David <Livengood.David@deq.state.or.us>, COLLIER David <COLLIER.David@deq.state.or.us>, PALERMO Jaclyn <PALERMO.Jaclyn@deq.state.or.us>, STOCUM Jeffrey <STOCUM.Jeffrey@deq.state.or.us>, PRESTON Gerry <PRESTON.Gerry@deq.state.or.us>, FELDON Leah <FELDON.Leah@deq.state.or.us>, GILLES Bruce A <GILLES.Bruce@deq.state.or.us>, YAP Anita <YAP.Anita@deq.state.or.us>, WIGAL Jennifer <WIGAL.Jennifer@deq.state.or.us>, STURDEVANT Debra <STURDEVANT.Debra@deq.state.or.us>, PICKERELL Loretta <PICKERELL.Loretta@deq.state.or.us>

Subject: upcoming rulemaking projects

Hello All.

I meet with the director three times a year to get new proposed rulemaking projects approved. I will next meet with the director the week of May 31. My next meeting with him will be in September. The DEQ rulemaking process requires that the director approve a new rulemaking project before we move forward with it. If you plan to start any rulemaking project before September, please contact me so that I can help you prepare the preliminary planning information I will present to the director.

If you want me to bring a proposed rulemaking to the director at this meeting, you will need to have your program staff complete the Considerations, Resources and Schedule worksheets. I can provide them to you.

If you want more information about the DEQ rulemaking planning process, you can look here:
http://deqsps/programs/rulemaking/SitePages/Rule%20development%20process.aspx

If you want to see examples of the worksheets, you can look here:
http://deqsps/programs/rulemaking/SitePages/Planning%20tools.aspx

Please contact me with any questions.

Meyer Goldstein
DEQ Agency Rules Coordinator
503-229-6478
811 SW 6th Ave., Portland 97204
Telework Friday 7:00-4:00
503-512-9028

Questions about DEQ rulemaking procedures? Try looking here: DEQ Rulemaking Resources