From:	GOLDSTEIN Meyer
To:	Garrahan Paul; GOLDSTEIN Meyer; GOLDSTEIN Meyer; MONRO David; DAVIS George; INAHARA Jill; FELDON Leah; CALDERA Stephanie
Cc:	VROOMAN Gary L
Subject:	RE: air toxics temp 2016 - staff report
Date:	Wednesday, April 20, 2016 08:52:19
Attachments:	image001.png

From: Garrahan Paul [mailto:paul.garrahan@state.or.us]
Sent: Wednesday, April 20, 2016 08:50
To: GOLDSTEIN Meyer <Meyer.Goldstein@state.or.us>; GOLDSTEIN Meyer <Meyer.Goldstein@state.or.us>; MONRO David <David.MONRO@state.or.us>; DAVIS George <George.DAVIS@state.or.us>; INAHARA Jill <Jill.INAHARA@state.or.us>; FELDON Leah <Leah.FELDON@state.or.us>; CALDERA Stephanie <Stephanie.CALDERA@state.or.us>
Cc: VROOMAN Gary L <Gary.L.VROOMAN@state.or.us>
Subject: RE: air toxics temp 2016 - staff report

Meyer: Your language will work, except that the first paragraph also needs to reference the additional "serious prejudice" discussion in the addendum. If you just added, "and in the addendum," at the end of that sentence, I think that would do the job.

Paul Garrahan
Oregon Department of Justice
971.673.1943 (Tue, Thu, Fri) (Portland)
503.947.4593 (Mon, Wed) (Salem)
503.929.7553 (Mobile)

From: GOLDSTEIN Meyer [mailto:meyer.goldstein@state.or.us]
Sent: Wednesday, April 20, 2016 8:44 AM
To: GARRAHAN Paul; GOLDSTEIN Meyer; MONRO David; DAVIS George; INAHARA Jill; FELDON Leah; CALDERA Stephanie
Cc: VROOMAN Gary L
Subject: RE: air toxics temp 2016 - staff report

I'm not exactly sure how the addendum is being presented to EQC. If it is standalone, and the original staff report is being left as the only staff report being presented to 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 and in the Addendum to this staff report, Attachment XXX?.

Adopt TEMPORARY rules as proposed in Attachment A, and as those rules are amended as described in the Addendum to this staff report, Attachment XXX?, as part of chapter 340 of the Oregon Administrative Rules to be effective on filing with the

From: Garrahan Paul [mailto:paul.garrahan@state.or.us]
Sent: Wednesday, April 20, 2016 08:38
To: GOLDSTEIN Meyer <Meyer.Goldstein@state.or.us>; MONRO David <David.MONRO@state.or.us>; DAVIS George <George.DAVIS@state.or.us>; INAHARA Jill <Jill.INAHARA@state.or.us>; FELDON Leah <Leah.FELDON@state.or.us>; CALDERA Stephanie <Stephanie.CALDERA@state.or.us>
Cc: VROOMAN Gary L <Gary.L.VROOMAN@state.or.us>
Subject: RE: air toxics temp 2016 - staff report

Meyer: You are correct, and AAG Gary Vrooman, who is now contact counsel for the Commission, is fully aware of this situation and he will ensure that the motion that is made includes incorporation of the Addendum (both the rule changes and the finding supporting adoption of the temporary rule). I believe he has also informed Stephanie. I agree that the simplest approach is to change the recommendation in the staff report to reference the addendum. If you draft proposed language, please run it by me and Gary. Thanks.

Paul Garrahan
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From: GOLDSTEIN Meyer [mailto:meyer.goldstein@state.or.us]
Sent: Wednesday, April 20, 2016 8:30 AM
To: MONRO David; DAVIS George; INAHARA Jill; FELDON Leah; GARRAHAN Paul; CALDERA Stephanie
Subject: air toxics temp 2016 - staff report

I am concerned that the way we are presenting the revisions in the temporary rules to EQC could result in them not being legally adopted.

The original staff report recommends that EQC adopt the original rules in Attachment A. Unless we change something, EQC will adopt the original rules without the revisions in the addendum.

We need to either:

- Change the recommendation in the original staff report to propose that EQC adopt the rules in Attachment A along with the revisions in the addendum, or
- Substitute the revised rules, that include the amendments, that I included with my revised version of the staff report, for the current version of the rules in the original attachment A
- Place my revised staff report, with the revised rules and the addendum, before EQC so they vote on and adopt the revised rules

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

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