From: GOLDSTEIN Meyer
To: FLYNT Jennifer
Subject: RE: http://airsafety.oregon.gov/ - Next Steps (3/7/2016)
Date: Tuesday, March 08, 2016 10:04:33

Apparently the governor can declare a "Public Health Emergency" so maybe OHA is used to that language.

And it seems to be a common terminology, when talking about temporary rules:

http://www.oregonlive.com/business/index.ssf/2012/01/oregon_ag_kroger_issues_emerge.html

I'm just going by what the statute authorizes; ORS 183.335(5):

(5) Notwithstanding subsections (1) to (4) of this section, an agency may adopt, amend or suspend a rule without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, if the agency prepares:

(a) A statement of its 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;

(b) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;

(c) A statement of the need for the rule and a statement of how the rule is intended to meet the need;

(d) 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

(e) For an agency specified in ORS 183.530, a housing cost impact statement as defined in ORS 183.534.

(6)(a) A rule adopted, amended or suspended under subsection (5) of this section is temporary and may be effective for a period of not longer than 180 days. The adoption of a rule under this subsection does not preclude the subsequent adoption of an identical rule under subsections (1) to (4) of this section.

From: FLYNT Jennifer
Sent: Tuesday, March 08, 2016 09:51
To: GOLDSTEIN Meyer <Goldstein.Meyer@deq.state.or.us>
Subject: RE: http://airsafety.oregon.gov/ - Next Steps (3/7/2016)

Thank you. I was wondering why the word 'emergency' has been thrown around so much lately. I will do my best to make sure we get that right on the website.

From: GOLDSTEIN Meyer
Sent: Tuesday, March 08, 2016 8:21 AM
To: JOHNSON Keith <JOHNSON.Keith@deq.state.or.us>; FLYNT Jennifer <FLYNT.Jennifer@deq.state.or.us>; MONRO David <MONRO.David@deq.state.or.us>; DECONCINI Nina <DECONCINI.Nina@deq.state.or.us>; WELLS-ALBERS Rebecca <wells-albers.rebecca@deq.state.or.us>; 'Anna Richter Taylor' <anna@artpublicaffairs.com>
Cc: ARMITAGE Sarah <ARMITAGE.Sarah@deq.state.or.us>; COLLIER David <COLLIER.David@deq.state.or.us>; GRABHAM Cheryl <Grabham.Cheryl@deq.state.or.us>; DANAB Marcia <DANAB.Marcia@deq.state.or.us>; HAMMOND Joni <HAMMOND.Joni@deq.state.or.us>
Subject: RE: http://airsafety.oregon.gov/ - Next Steps (3/7/2016)

Just for clarity, there is no such thing as an emergency rule. We may adopt a temporary rule,

which we can do without advance public notice, comment, or a hearing, and which can only remain in effect for 180 days.

From: JOHNSON Keith
Sent: Monday, March 07, 2016 20:57
To: FLYNT Jennifer <FLYNT.Jennifer@deq.state.or.us>; MONRO David <MONRO.David@deq.state.or.us>; DECONCINI Nina <DECONCINI.Nina@deq.state.or.us>; GOLDSTEIN Meyer <Goldstein.Meyer@deq.state.or.us>; WELLS-ALBERS Rebecca <wells-albers.rebecca@deq.state.or.us>; 'Anna Richter Taylor' <anna@artpublicaffairs.com>
Cc: ARMITAGE Sarah <ARMITAGE.Sarah@deq.state.or.us>; COLLIER David <COLLIER.David@deq.state.or.us>; GRABHAM Cheryl <Grabham.Cheryl@deq.state.or.us>; DANAB Marcia <DANAB.Marcia@deq.state.or.us>; HAMMOND Joni <HAMMOND.Joni@deq.state.or.us>
Subject: RE: http://airsafety.oregon.gov/ - Next Steps (3/7/2016)

I looked at Agency Actions:

- Is our pursuit of emergency rules firm? I thought it was a concept only, or a maybe.
- DEQ has pursued all of the testing- moss, air and soils- around the facilities, in coordination with USFS. We are also monitoring post toxics use to ensure reductions and create a baseline. Our soils and air monitoring cover both facilities. Our goal is to understand the environmental impacts, nature and extent of the effects of emissions.
- DEQ has provided out reach at multiple different community meetings, staffing booths and answering questions.
- DEQ is coordinating interagency, with the City, county and gov's office to provide a comprehensive and protective response. That includes working with the facilities on a long term operating plan.
- DEQ has been working with the public to review individually collected soil samples and provide consultation on an as needed basis.
- At the request of the Gov's office, DEQ has formed a long term rule making team to find a comprehensive, risk based solution to air toxics challenges in Oregon.

For laws, I recommend David answer- it's a delegated program in statute/rule, with some add ons. Rename to "laws and rules governing air quality". Add a blurb on asbestos as well.

From: FLYNT Jennifer

Sent: Monday, March 07, 2016 7:52 PM

To: MONRO David; DECONCINI Nina; GOLDSTEIN Meyer; JOHNSON Keith; WELLS-ALBERS Rebecca; 'Anna Richter Taylor'

Cc: ARMITAGE Sarah; COLLIER David; GRABHAM Cheryl; DANAB Marcia; HAMMOND Joni

Subject: FW: http://airsafety.oregon.gov/ - Next Steps (3/7/2016)

We're still writing, editing and adding copy and documents.

Next steps:

Pulling together some bullets on what DEQ has done for the ‘Agency Actions’ page.
We also need DEQ copy for the section on ‘Laws and rules governing air safety,’ and any contacts you want listed on this page.