Oregon Department of Environmental Quality

ENTER EQC MEETING DATEEnter EQC Meeting Date mm dd, yyyy

Oregon Environmental Quality Commission Meeting

Rulemaking Action Item No. XX

**Enter Rulemaking Name Here**

Instructions are in gold font. Delete all before distributing document.

****This file contains the following documents:****

* **EQC Staff Report**
* **Draft rules – redline/strikethrough**
* **Draft rules – no markup**
* **Supporting documents**

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| DEQ recommendation to the EQC |

Choose one and delete the others; or draft your own recommendation based on these examples:

DEQ recommends that the Environmental Quality Commission adopt the proposed rules in Attachment A as part of Chapter 340 of the Oregon Administrative Rules.

OR

THIS EXACT LANGUAGE MUST BE INCLUDED for SIP rulemakings:

DEQ recommends that the Environmental Quality Commission:

# Adopt the proposed rules in Attachment A as part of chapter 340 of the Oregon Administrative Rules;

# Approve incorporating these rule amendments into the Oregon Clean Air Act State Implementation Plan under OAR 340-200-0040;

# Direct DEQ to submit the SIP revision to the U.S. Environmental Protection Agency for approval.

## YOU WILL POPULATE MOST OF THE STAFF REPORT DOCUMENT BY COPYING THE SAME-NAMED SECTIONS FROM THE RULEMAKING NOTICE DOCUMENT.

## Insert the following sections from published NOTICE after the Recommendation section.

* Overview – include *Request for Other Options.*
* Freeform title
* Statement of need
* Rules affected, authorities, supporting documents
* Fees
* Statement of fiscal and economic impact
* Federal relationships
* Land use

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| Overview |

## Short summary of proposed rule changes

## Background of reasons for doing this rulemaking

## How this rulemaking addresses the reasons for doing the rulemaking

## Key policy and technical issues

## Affected parties

## Outreach efforts and public and stakeholder involvement

## Hearing testimony

## Summary of significant public comments and responses

## Effects of this rulemaking on any fees

## Brief summary of fiscal impact

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| Optional Additional Topic from Notice |

**REVIEWERS do not edit or modify this section**

Management reviewed and edited this section. It was then published with the Public Notice. Do not modify it except to correct typographical errors.

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| Statement of Need |

**REVIEWERS do not edit or modify this section**

Management reviewed and edited this section. It was then published with the Public Notice. Do not modify it except to correct typographical errors.

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| Rules affected, authorities, supporting documents |

**REVIEWERS do not edit or modify this section**

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| Fee Analysis |

**REVIEWERS do not edit or modify this section**

Management reviewed and edited this section. It was then published with the Public Notice. Do not modify it except to correct typographical errors.

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| **Statement of fiscal and economic impact** |

**REVIEWERS do not edit or modify this section**

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| Federal relationship |

**REVIEWERS do not edit or modify this section**

Management reviewed and edited this section. It was then published with the Public Notice. Do not modify it except to correct typographical errors.

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| Land Use |

**REVIEWERS do not edit or modify this section**

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| Stakeholder and public involvement |

Insert information from NOTICE here

* Advisory committee
* EQC involvement
* Public notice

CHANGE FROM FUTURE TO PAST TENSE

## **Request for other options**

During the public comment period, DEQ requested public comment on whether to consider other options for achieving the rules’ substantive goals while reducing the rules’ negative economic impact on business. This document includes a summary of comments and DEQ responses.

## **Public hearings and comment**

DEQ held ##XX public hearing(s). DEQ received ## XX public comments. Later sections of this document include a summary of comments received, DEQ’s responses, and a list of the commenters. Original comments are on file with DEQ.

## **Presiding Officers’ Record**

### **Hearing 1**

Meeting location:

Meeting date and time:

Presiding Officer:

The presiding officer convened the hearing, summarized procedures for the hearing, and explained that DEQ was recording the hearing. The presiding officer asked people who wanted to present verbal comments to sign the registration list, or if attending by phone, to indicate their intent to present comments. The presiding officer advised all attending parties interested in receiving future information about the rulemaking to sign up for GovDelivery email notices.

As Oregon Administrative Rule 137-001-0030 requires, the presiding officer summarized the content of the rulemaking notice.

DEQ added all names and affiliations of hearing participants who presented testimony to the commenter section of this staff report. The commenter list includes a cross reference to the hearing number. DEQ added all written and oral comments presented at each hearing to the summary of comments and agency responses section of this staff report.

**Hearing 2**

Meeting location:

Meeting date and time:

Presiding Officer:

The presiding officer convened the hearing, summarized procedures for the hearing, and explained that DEQ was recording the hearing. The presiding officer asked people who wanted to present verbal comments to sign the registration list, or if attending by phone, to indicate their intent to present comments. The presiding officer advised all attending parties interested in receiving future information about the rulemaking to sign up for GovDelivery email notices.

As Oregon Administrative Rule 137-001-0030 requires, the presiding officer summarized the content of the rulemaking notice.

DEQ added all names and affiliations of hearing participants who presented testimony to the commenter section of this staff report. The commenter list includes a cross reference to the hearing number. DEQ added all written and oral comments presented at each hearing to the summary of comments and agency responses section of this staff report.

## **Informational Meetings**

Describe meeting. Delete this section if it does not apply.

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| Summary of comments and DEQ responses |

For public comments received by the close of the public comment period, the following table organizes comments into NUMBER OF CATEGORIES categories with cross references to the commenter number. DEQ’s response follows the summary. Original comments are on file with DEQ.

Select one option below

DEQ did not change the proposed rules in response to comments.

DEQ changed the proposed rules in response to comments described in the response sections below.

**Comment 1**

DEQ received XX NUMBER comments in this category from commenters Cross reference to commenter number or numbers submitted in this category using format ##, ##, ## and ##.

Enter a summary of this comment category.

**Response**

Enter DEQ’s response to this category of comments.

**Comment 2**

DEQ received XX NUMBER comments in this category from commenters Cross reference to commenter number or numbers submitted in this category using format ##, ##, ## and ##.

Enter a summary of this comment category.

**Response**

Enter DEQ’s response to this category of comments.

**Comment 3**

DEQ received XX NUMBER comments in this category from commenters Cross reference to commenter number or numbers submitted in this category using format ##, ##, ## and ##.

Enter a summary of this comment category.

**Response**

Enter DEQ’s response to this category of comments.

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| **Commenters** |

## Comments received by close of public comment period

The table below lists number of commenters people and organizations that submitted public comments about the proposed rules by the deadline. Original comments are on file with DEQ.

Use of the two alternate formats for listing commenters; either a list or a table.

**Commenter 1** NAME

AffiliationORGANIZATION

This commenter submitted comments under categories Cross reference to comment category using ##, ##, ##, and ## format in the *Summary of comments and DEQ responses* section above.

**Commenter 2** NAME

AffiliationORGANIZATION

This commenter submitted comments under categories Cross reference to comment category using ##, ##, ##, and ## format in the *Summary of comments and DEQ responses* section above.

**Commenter 3** NAME

AffiliationORGANIZATION

This commenter submitted comments under categories Cross reference to comment category using ##, ##, ##, and ## format in the *Summary of comments and DEQ responses* section above.

**OR**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **List of Commenters** | | | | |
| **#** | **Name** | **Organization** | **Comment Category** | **Hearing #** |
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Add more commenters by copying and pasting additional commenter sections here.

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| Implementation |

## **Notification**

The proposed rules would become effective upon filing on approximately DATE mmm, dd, yyyy. DEQ would notify affected parties by:

Describe Notification (PARTIES AND METHOD USED TO PROVIDE NOTICE)

## **Compliance and enforcement**

* Affected parties -Text
* DEQ staff - Text

## **Measuring, sampling, monitoring and reporting**

* Affected parties - Text
* DEQ staff - Text

## **Systems**

* Website - Text
* Database - Text
* Invoicing - Text

**Training**

* Affected parties - Text
* DEQ staff - Text

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| Five-year review ORS 183.405 |

**Requirement**

Oregon law requires DEQ to review newrules within five years after EQC adopts them. The law also exempts some rules from review. DEQ determined whether the rules described in this report are subject to the five-year review. DEQ based its analysis on the law in effect when EQC adopted these rules.

## **Exemption from five-year rule review**

DELETE THIS PARAGRAPH IF NO RULES ARE EXEMPT FROM REVIEW:

The Administrative Procedures Act exempts CHOOSE ONE: SOME … ALL of the proposed rules from the five-year review because the proposed rules would:

DELETE ANY THAT DON’T APPLY:

* Amend or repeal an existing rule. ORS 183.405(4).
* Implement a court order or a civil proceeding settlement. ORS 183.405(5)(a).
* Adopt a federal law or rule by reference. ORS 183.405((5)(b).
* Implement legislatively approved fee changes. ORS 183.405(5)(c).
* Correct errors or omissions in the existing rules. ORS 183.405(d).

DELETE THIS PARAGRAPH IF ANY OF THE RULES ARE EXEMPT FROM REVIEW:

None of these proposed rules are exempt from the five-year review under ORS 183.405(4) and 183.405 (5) of the Administrative Procedures Act.

DELETE THIS PARAGRAPH IF NO RULES ARE SUBJECT TO FIVE YEAR REVIEW:

## **Five-year rule review required**

No later than DATE FIVE YEARS FROM ADOPTION. DEQ will review the newly adopted rules for which ORS 183.405 (1) requires review to determine whether:

* The rule has had the intended effect
* The anticipated fiscal impact of the rule was underestimated or overestimated
* Subsequent changes in the law require that the rule be repealed or amended
* There is continued need for the rule.

DEQ will use “available information” to comply with the review requirement allowed under ORS 183.405 (2).

DEQ will provide the five-year rule review report to the advisory committee to comply with ORS 183.405 (3)

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| DELETE THIS SECTION WHEN DOCUMENT IS COMPLETE  Formats used in this document Arial 14 bold, Text RGB 0-73-79, Box RGB 226-221-219 |

Subsection title Ariel 11

Level 1 text -- Times Roman 12 Level 2 text

1. Level 2 text

a. Level 3 text

b. Level 3 text

c. Last text

1. Level 2 text

* Level 1 bullet 1
  + Level 2 bullet
  + Level 2 bullet
  + Last bullet
* Level 1 bullet

| Table # (Arial 11)  **Table Title – (RGB 0-130-114 Bold Arial 13)** | | | | |
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1 Footnote Times Roman 12

**WORD PROBLEM**

The extra column on the right corrects a Word error that prevents vertical alignment in last column of a Word table.

Maggie 5/1/2012

2 Footnote Times Roman 12