From:	GARRAHAN Paul
To:	DAVIS George; KAUTH Dave; GRUNOW Greg; PALERMO Jaclyn; WESTERSUND Joe; JOHNSON Keith; FELDON Leah
Cc:	artglass2016; DAVIS George
Subject:	RE: working copies of art glass rule text & response to comments
Date:	Wednesday, August 17, 2016 1:51:56 PM
Attachments:	JUSTICE-#7634725-v1-CAGM_rules--garrahan_redline.docx

George (and all): Here are my suggestions and comments on your two questions.

Regarding OAR 340-244-9010(11), the definition of "raw material," it is fine to use examples, but the risk is that the examples are later interpreted to narrow the intended meaning of the term more than intended. I wonder if instead of the example in subsection (c), it said: "Raw material includes glass materials that contain glass-making HAPs in amounts that materially affect the color of the finished product and that are used as coloring agents, whether in the form of a powder, glassified, vitrified, or in some other form."

I also note that you have focused this definition on glass-making HAPs as raw materials. I'm sure you've already thought through this, but I suggest that you verify that that is broad enough to include any potential coloring substitutes or new materials that could be used in the future. (I readily acknowledge that this comment is a reach beyond my scientific knowledge, it is just something that struck me when reading the definition.)

Regarding OAR 340-244-9020, I don't think you need to include all of that language about what was required under the temporary rules. The Sept. 1 deadline was in place under the temporary rules. Now you're affirming that date was the deadline and that any source that missed that date is in violation of the deadline. Perhaps it would be weird if the EQC was adopting a brand-new rule and imposing a deadline that preceded the rule adoption date, but that's not the case here. My suggestion is to leave the language as provided in the temporary rule.

These comments and my other comments and suggested edits are in redline form in the attached document. Please let me know if you would like to discuss these further or have any questions.

Paul Garrahan
Oregon Department of Justice
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503.929.7553 (Mobile)

From: DAVIS George [mailto:george.davis@state.or.us]
Sent: Friday, August 12, 2016 3:12 PM
To: KAUTH Dave; GRUNOW Greg; PALERMO Jaclyn; WESTERSUND Joe; JOHNSON Keith; FELDON Leah; GARRAHAN Paul
Cc: artglass2016; DAVIS George
Subject: RE: working copies of art glass rule text & response to comments

Hi all,

More changes were made today to the draft rules and summary doc referenced below in Joe's email. There are lots of changes from the temp rule….

Paul, there are a couple of changes that I think need legal review: 244-9010(11)(c), use of an example in

the rules, and 244-9020(1), reference to a date that precedes the effective date of the rules.

I've also worked out draft BLDS language and can drop that in if and when necessary.

George

From: WESTERSUND Joe
Sent: Thursday, August 11, 2016 5:42 PM
To: FELDON Leah <FELDON.Leah@deq.state.or.us>; PALERMO Jaclyn <PALERMO.Jaclyn@deq.state.or.us>; JOHNSON Keith <JOHNSON.Keith@deq.state.or.us>; KAUTH Dave <KAUTH.Dave@deq.state.or.us>; GRUNOW Greg <GRUNOW.Greg@deq.state.or.us>; DAVIS George <DAVIS.George@deq.state.or.us>; GARRAHAN Paul <Paul.GARRAHAN@state.or.us>
Cc: artglass2016 <artglass2016@deq.state.or.us>
Subject: working copies of art glass rule text & response to comments

Hi All,

George is working away at revising the text of the art glass rules, and he and I are working together on the response to comments. I plan to email the group around the end of next week to ask for a first-round review. In the meantime, if you'd like to see our working documents you can find them on Sharepoint here:

Revised rules:
http://deqsps/programs/rulemaking/lq/airtoxics2016/docs/artglass2016%20revised%20rules.docx
Summary of rule changes:
http://deqsps/programs/rulemaking/lq/airtoxics2016/docs/summary%20of%20rule%20changes.docx
Response to comments:
http://deqsps/programs/rulemaking/lq/airtoxics2016/docs/draft%20comments%20and%20responses.docx

(Paul, since Sharepoint doesn't give you access, let me know if you'd like me to email you a copy).

-Joe

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