From:	GOLDSTEIN Meyer
To:	HOOFF Rian
Cc:	ballast2016
Subject:	RE: Ballast 2016 rule notice packet - ballast2016
Date:	Monday, February 29, 2016 14:34:38
Attachments:	image001.png

I can't find any direct guidance on how to do this, but I found these examples. We should look at your particular rules and see what makes the most sense in that context.

340-016-0005

Purpose

The purpose of these rules is to prescribe procedures and criteria to be used by the Department and Commission for issuance of tax credit certificates for pollution control facilities. These rules are to be used in connection with ORS 468.150 to 468.190. These rules become effective upon filing with the Secretary of State or on February 1, 2001 whichever is the later date and apply to all applications received by the Department on or after that date except where otherwise noted herein. An applicant with an application pending Commission action on the date these rules become effective may elect to proceed under these rules by informing the Department in writing.

340-150-0200
Training Requirements for UST System Operators and Emergency Response Information

(1) This rule is effective through August 7, 2009, after which it is superseded by the provisions of OAR 340-150-0210 (except to the extent expressly incorporated into that rule).

411-320-0020 Definitions

(Temporary Effective 01/01/2016 to 06/28/2016)

Unless the context indicates otherwise, the following definitions and the definitions in OAR 411-317-0000 apply to the rules in OAR chapter 411, division 320:

333-250-0000
Effective Date and Preemption
(1) On and after July 1, 1994, no person shall operate an ambulance service unless issued an ambulance service license by the Division.

From: HOOFF Rian
Sent: Friday, February 26, 2016 11:41
To: GOLDSTEIN Meyer <Goldstein.Meyer@deq.state.or.us>
Cc: ballast2016 <ballast2016@deq.state.or.us>
Subject: RE: Ballast 2016 rule notice packet - ballast2016

Thanks Meyer.
Do you have any examples of rules that have specified a specific/later effective date?
Is the specification within the rule, or stated as a header or footnote?

From: GOLDSTEIN Meyer
Sent: Friday, February 26, 2016 11:18 AM
To: HOOFF Rian
Subject: FW: Ballast 2016 rule notice packet - ballast2016

Good question. I should add this to my rule resources. Absent anything else, rules become effective when filed with Secretary of State. This is done through an online system, so is essentially instantaneous. If you want a later effective date, you have to specify this in the rule.

Although rules will be published in the bulletin, this happens after they have already taken effect (1st of the next month if filed by the 15th)

183.355 Filing and taking effect of rules; filing of executive orders; copies; fees. (1)(a) Each agency shall file in the office of the Secretary of State a certified copy of each rule adopted by it.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, an agency adopting a rule incorporating published standards by reference is not required to file a copy of those standards with the Secretary of State if:

(A) The standards adopted are unusually voluminous and costly to reproduce; and

(B) The rule filed with the Secretary of State identifies the location of the standards so incorporated and the conditions of their availability to the public.

(2) Each rule is effective upon filing as required by subsection (1) of this section, except that:

(a) If a later effective date is required by statute or specified in the rule, the later date is the effective date.

Meyer Goldstein
DEQ Agency Rules Coordinator
503-229-6478
811 SW 6th Ave.
Portland,OR 97204
Telecommute Fri. 7 a.m. - 4 p.m.
503-512-9028

From: HOOFF Rian
Sent: Friday, February 26, 2016 10:50 AM
To: GOLDSTEIN Meyer
Cc: ballast2016
Subject: RE: Ballast 2016 rule notice packet - ballast2016

Hello Meyer,

I don't see anything in the rule notice regarding effective date of new rules.
Is it assumed that rules will be filed and become effective in the SOS Bulletin immediately following EQC adoption. Or, is there a mechanism for specifying a rule becoming effective at a later specified date.
For example, if EQC adopts rule at August meeting, would it be feasible to specify that the rule becomes effective January 1, 2017?

Thanks.
Rian

From: GOLDSTEIN Meyer
Sent: Thursday, February 25, 2016 8:58 AM
To: HOOFF Rian
Cc: ballast2016
Subject: RE: Ballast 2016 rule notice packet - ballast2016

If you have to move the schedule back its almost impossible to get to the August EQC meeting. The meeting is on August 17, which means the staff report is due to EQC July 10. If you publish notice and have your hearing in June, the public comment period will close in the third week of June. That would only give you a couple of weeks to write the staff report and get all management reviews of it. That would be difficult unless you have almost no public comments and no other issues pop up.

You do the notice originally in redline/strikeout because you should always have track changes turned on when working on any rulemaking document until it is ready to be finalized. That way, anyone who reviews or edits it can see what changes have been made and whether their edits or comments have been addressed. The rules go to EQC with the redline/strikeout still in so they can see what changes have been made to the rules. The notice, and other documents, stay in redline during the editing process, but get cleaned up before they go to the public or EQC.

From: HOOFF Rian
Sent: Thursday, February 25, 2016 08:50
To: GOLDSTEIN Meyer <Goldstein.Meyer@deq.state.or.us>
Cc: ballast2016 <ballast2016@deq.state.or.us>; ballast2016 <ballast2016@deq.state.or.us>
Subject: RE: Ballast 2016 rule notice packet - ballast2016

Yes, that is the proposed/correct timeline, though it is pending the outcome of Mondays AC meeting. If they throw some curveballs my way, I may need to delay the schedule by a month.

Question about the detailed tasks you identified below (highlighted in yellow): The rule notice template that I have been working from had a lot of instructions in gold/brown font. Why would I be completing that document in 'redline/strikeout'?

From: GOLDSTEIN Meyer
Sent: Thursday, February 25, 2016 8:37 AM
To: HOOFF Rian
Cc: ballast2016
Subject: RE: Ballast 2016 rule notice packet - ballast2016

I will do that. According to the schedule on your SharePoint, the plan is to file the notice in April, publish in May and have the hearing in May. Is that correct?

We must file the notice for a rulemaking with Secretary of State no later than the 15th of the month to have the required notice published in the Oregon Bulletin on the 1st of the next month.

The schedule for this rulemaking calls for filing the notice on the 15th of April.

The steps required to file the notice on time are:

- 3.4 (Filing-6 weeks)
    - Rian Completes draft rules in redline/strikeout
    - Rian Completes Rulemaking Notice in redline/strikeout
- 3.11 (filing-5 weeks) Bruce completes review
- 3.18 (filing-4 weeks) Rian finalizes draft rules by:
    - addressing and deleting all comments
    - rejecting all proposed edits that will not be kept in final draft rules
    - leaving untouched in redline/strikeout all proposed edits that will be kept in the final rules
    - IMPORTANT NOTE: In rejecting and accepting text to create a final version of the rules, you will still have redline/strikeout and blue underline text to indicate deletions and insertions. HOWEVER: you have to note the difference between text from the original rules that you are deleting versus newly inserted text that you are now deleting or don't intend to keep. You must fully delete newly inserted text that you don't intend to keep so that it does not appear in any form in the final rules. **Newly inserted text that you are deleting should not be red or strike through, it should be gone.** Red text/strikethrough is only for text from the original rule that you are deleting. The final version of the rules does not show all proposed edits that were considered. It only shows insertions and deletions that are being kept for the final version of the rules. To accomplish this, turn off track changes, delete newly inserted text you are not going to keep, then turn track changes back on
    - Review final appearance of rules by changing review status to display "no markup"; after review complete, change display status back to "all markup"
- 3.18 (filing-4 weeks) Rian finalizes Rulemaking Notice by:
    - turn track changes off
    - addressing and deleting all comments
    - rejecting any edits that will not be kept in the final document
    - accepting all edits that will be kept in the final document
    - Results in clean copy of Rulemaking Notice with no redline/strikeout
    - turn track changes on
- 3.25 (filing -3 weeks)
    - Lydia completes review
    - Rian and Bruce address any DA comments or edits
    - 4.1 (filing -2 weeks)
    - Rian and Bruce review draft GovDelivery and Legislator email notices
    - Rian and Bruce review list of proposed GovDelivery topics/mailing lists
    - Rian Bruce review draft news release
    - Communications completes review
    - Preview Period – Rules Group Lead emails information about the rulemaking to Leadership Team for 1 week review
- 4.15 Notice filing and Open Public Comment – Rules Group Lead:
    - files notice with Secretary of State
    - sends GovDelivery notice
    - opens public comment web page
    - has news release distributed
    - has facebook and twitter notices distributed
    - sends email to key legislators
- 5.1 Notice published in Oregon Bulletin
- 5.18 Public rulemaking hearing
- 5.23 Close public comment period

From: HOOFF Rian
Sent: Wednesday, February 24, 2016 17:35
To: GOLDSTEIN Meyer <Goldstein.Meyer@deq.state.or.us>
Cc: ballast2016 <ballast2016@deq.state.or.us>
Subject: Ballast 2016 rule notice packet

Hello Meyer,
Pending the outcome of next Mondays advisory committee meeting, I hope to still be on track to submit my rule notice packet for review/approval by Thursday 3/3 aiming for a 4/14 SOS bulletin publication.
The rule notice document that I have been working with is at:
http://deqsps/programs/rulemaking/lq/ballast2016/docs/ballast2016.rulemaking.notice.docx
and is available for you to add Noise Table rule information at your convenience.
I will keep you posted on the timeline and whether we may have to delay the proposed schedule, but wanted to make sure you had a heads up about the need to incorporate the rules table pieces.

Rian

Rian v. Hooff
Department of Environmental Quality
811 SW 6th Avenue
Portland, Oregon 97204
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Email: ballast.water@deq.state.or.us

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DEQ must preserve all emails sent about this rulemaking. When you send an email concerning this rulemaking, please Cc the mailbox for this rulemaking, which is: ballast2016@deq.state.or.us.