From:	GOLDSTEIN Meyer
To:	INGMAN Mark
Subject:	RE: Rulemaking planning docs - worksheet
Date:	Wednesday, July 15, 2015 10:09:55
Attachments:	codename.rulemaking.notice.docx

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From: INGMAN Mark
Sent: Wednesday, July 15, 2015 9:31 AM
To: GOLDSTEIN Meyer
Subject: RE: Rulemaking planning docs - worksheet

Hi Meyer,

Thank you very much for the great information. I see the critical pieces of information I need to have in order to lay out a general timeline (1) Going to the EQC, and 2) Publishing Notice. Would you be able to provide a little clarification for the below six points? Would you be able to respond in-line? I think with this clarification I would be able to utilize the schedule template on my own.

Thank you,
Mark

Previous OAR 340-049 rulemaking changes (fee increase and other language modifications) last became effective March of 2013. April is when ½ of our fees are invoiced if that may have driven the effective date.

- Is March of the odd year always the effective date? Is this the same as implementation date?

Rules ordinarily take effect when they are filed with the secretary of state, which normally happens immediately after EQC adopts them. Except we can specify a later effective date if we want to. It may be that the controlling statute specifies when fees can be changed or put into effect, or there may be some restriction in DEQ budget that affects this. You probably need to check with your manager on this question.

I don't know what an implementation date is, unless it means that the rule takes effect on a certain date, but the fee is not put into operation until another date. I

don't see anything in the rules that talks about an implementation date?

- Last EQC presentation meeting for the rule change was Dec 2012, for the March 2013 effective date. Does this seem sufficiently in advance for me to follow in the future?

Rules do not take effect until EQC adopts them. EQC normally meets five or six times a year on pre-determined dates that are announced at the beginning of the year. They generally meet in December and April, although this can change. If you want a rule to take effect in March, you would have to take the rules to EQC the preceding December. There is no requirement for how far in advance before the rules' effective date you have to go to EQC, you can go as early as you want. But you have to have EQC adoption before the rules can take effect.

Depending on answers to the above, I would potentially set planning dates as the following:

- Going to the EQC: December 2016

- Effective date March 2017 (for the 2017-2019 biennium) (Is this the assumed next best potential effective date, or would there be another earlier time that I am not aware of?)

This sounds like a budget question, which I can't answer. Talk with your manager about this.

- Publishing notice date is 60 days prior for DEQ?(not sure what you mean by this). Is this prior to going to the EQC, or prior to the effective date?

Notice publishing date is normally about 60 days before the EQC meeting. This is because this sequence has to happen:

- File notice of rulemaking with secretary of state and open public comment period on 15th of the month
- 1st of next month, notice is published in Oregon Bulletin – this is the date the excel schedule refers to when it talks about publishing notice
- Public hearing cannot be less than 14 days after notice is published in Bulletin, so public hearing happens about the 16th of the month
- Public comment period closes 3 days after hearing, about the 19th of the month
- After public comment closes, rule writer must write the EQC staff report which includes responses to public comments
- Staff report must be given to EQC coordinator 5 weeks before EQC meeting

The 60 day minimum is to allow all of this to happen.

- What would be a basic description of the "publishing notice?" A keyword search on the rulemaking SharePoint page did not identify a template—perhaps its called also a different name and is already posted on the page?

“Publishing notice” is an action, not a thing. There is a document the secretary of state calls Notice of Rulemaking Hearing, and which we call Rulemaking Notice, which is a template/document that contains legally required information. The rule writer completes this form, and we publish it on the rulemaking web page as part of our public notice process. I attached a copy of the rulemaking notice template.

From: GOLDSTEIN Meyer
Sent: Tuesday, July 14, 2015 2:02 PM
To: INGMAN Mark
Subject: RE: Rulemaking planning docs - worksheet

Mark,

This page has all sorts of rulemaking information:

http://deqsps/programs/rulemaking/Lists/Rulemaking%20Plan/AllItems.aspx

Look at the “Planning Tools” Topic. The Schedule Template is an excel spreadsheet that can help you figure out timing. On its first tab, you fill in the date for publishing notice and for going to EQC (both highlighted in yellow) and it will estimate all other dates. The second and third tabs are schedule summaries.

The resources and considerations templates are Infopath forms we use for rule planning. You open them with the link, then save them to your own drive. They ask for information about why we are doing the rulemaking and what it will take to get it done. I use the information from these forms to go to Dick to get his approval of the rulemaking.

In the same topic, there is the Driver/Risk Table. This is a simple table you use to develop two numbers that concern the reason for doing the rulemaking, and the urgency of doing it. I include these numbers in my presentation to Dick.

The last link in this topic is the Rulemaking Gantt, another excel spreadsheet. The months run across the top, and essential rulemaking tasks run down the left. It gives a rough schedule for doing an average rulemaking.

Another topic on the page is “Rule Process Overview.” If you look at “Flow Chart” and “Summary of Rulemaking Process”, they will give you an overview of how we do rules.

Let me know if you have any more questions.

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From: INGMAN Mark
Sent: Tuesday, July 14, 2015 12:21 PM
To: GOLDSTEIN Meyer
Subject: Rulemaking planning docs - worksheet

Hi Meyer,

Please send along any/all of the available planning documents (worksheets), links or reading, and I think you mentioned Gantt chart. Any materials you provide will be very helpful.

Thank you!

-Mark

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