From:	WILLIAMS Karen
To:	Infrastructure2018
Subject:	FW: Rulemaking planning form for AQ Infrastructure/Interstate Transport SIP
Date:	Thursday, June 21, 2018 14:22:46
Attachments:	rulemakingplanningformdraft2.xsn Form1.xml rule timeline.docx rulemaking.gantt.pdf

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Karen Font Williams | Air Quality Planner
DEQ Air Quality Division
700 NE Multnomah St., Ste. 600 | Portland, OR 97232
(503) 229 - 5519

From: GOLDSTEIN Meyer
Sent: Friday, June 8, 2018 5:07 PM
To: MIRZAKHALILI Ali <Mirzakhalili.Ali@deq.state.or.us>; WILLIAMS Karen <WILLIAMS.Karen@deq.state.or.us>; HNIDEY Emil <HNIDEY.Emil@deq.state.or.us>; ORMAN Michael <ORMAN.Michael@deq.state.or.us>; BENNETT Nancy <Bennett.Nancy@deq.state.or.us>; FELDON Leah <FELDON.Leah@deq.state.or.us>; WHITMAN Richard <WHITMAN.Richard@deq.state.or.us>
Subject: RE: Rulemaking planning form for AQ Infrastructure/Interstate Transport SIP

Karen,

You have just submitted a request for director approval for a rulemaking project for which you wish to begin public comment on June 25, 2018, and be presented to EQC in October, 2018.

This cannot be done.

This request should have been presented for director approval six months ago.

Attached are several illustrations of the steps necessary to complete a rulemaking, and the time needed to complete those steps. This is based on established, standard DEQ practice, as well as legal requirements.

DEQ does not adopt rules. EQC adopts them. The first EQC meeting this rulemaking might possibly be able to get to is November.

Before the rules can go to EQC, we must publish public notice, accept public comment, and write an EQC staff report, subject to management and communications review. That staff report ordinarily takes six weeks to complete, and must be submitted to the EQC staff coordinator five weeks before the EQC meeting, as is standard EQC practice.

By statute, before the rulemaking can go to EQC, we must have a public notice and comment period, and a public hearing.

By statute, in order to have a hearing, notice must first be published in the Secretary

of State's Oregon Bulletin.

We can not hold our hearing sooner than 15 days after the notice is published in the Oregon Bulletin.

In order to publish the notice in the Oregon Bulletin, the completed, management-approved notice must be filed with the Oregon Secretary of State not later than the 15th of a given month, in order to be published in the Oregon Bulletin on the first of the next month.

It ordinarily takes one to two months to draft the notice of rulemaking.

Based on requirements established by DEQ management, it takes normally 35 days for that document to reviewed and approved.

We are required by established DEQ practice to provide leadership team one week to review the final, approved notice of rulemaking, before we publish it to the public.

By statute, our notice of rulemaking must contain a Fiscal Impact Statement. Standard DEQ practice is to assemble an advisory committee to review that FIS, before the notice is published to the public. The AC must determine whether the FIS is accurate and valid. If we do not have an advisory committee review the FIS, once we publish the notice to the public, the public can object to the FIS, and by statute, require us to assemble an advisory committee to review the FIS. That can take one to three months. Assuming that committee approves the FIS, the rulemaking can then resume, but it may be necessary to restart the notice and hearing process.

DEQ
State of Oregon Department of Environmental Quality

Meyer Goldstein
DEQ Agency Rules Coordinator
503-229-6478
8-12: (Lloyd building)
1-5: (VIP tech center)
Telecommute Fridays 7 a.m. – 4 p.m.

Have questions about DEQ rulemaking procedures? Try looking here: Rulemaking Resources

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From: MIRZAKHALILI Ali
Sent: Friday, June 08, 2018 16:30
To: GOLDSTEIN Meyer <Goldstein.Meyer@deq.state.or.us>; WILLIAMS Karen <WILLIAMS.Karen@deq.state.or.us>; HNIDEY Emil <HNIDEY.Emil@deq.state.or.us>; ORMAN Michael <ORMAN.Michael@deq.state.or.us>
Subject: RE: Rulemaking planning form for AQ Infrastructure/Interstate Transport SIP

Several months to draft and approve notice is not acceptable, please resolve this as soon as possible. Thanks.

From: GOLDSTEIN Meyer
Sent: Friday, June 8, 2018 4:19 PM
To: WILLIAMS Karen <WILLIAMS.Karen@deq.state.or.us>; HNIDEY Emil <HNIDEY.Emil@deq.state.or.us>; ORMAN Michael <ORMAN.Michael@deq.state.or.us>; MIRZAKHALILI Ali <Mirzakhalili.Ali@deq.state.or.us>
Subject: RE: Rulemaking planning form for AQ Infrastructure/Interstate Transport SIP

There is no way this can begin public comment on June 25, 2018. It takes several months to draft and have approved a rulemaking notice. Then, the notice must be filed with the Secretary of State by the 15th of the month in order to be published on the first of the next month in the Oregon Bulletin. We are required by law to hold a public hearing on all rulemakings, and cannot hold the hearing until after the notice is published in the Oregon Bulletin. I'm not clear what your October date is about, but rules are not adopted until approved by the EQC. EQC is meeting in September and November.

Karen, please call me at 503-381-2690 so we can discuss this.

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: WILLIAMS Karen
Sent: Friday, June 08, 2018 3:59 PM
To: GOLDSTEIN Meyer; HNIDEY Emil
Subject: Rulemaking planning form for AQ Infrastructure/Interstate Transport SIP

Meyer and Emil,

Here is the rulemaking planning form for the Infrastructure and Interstate SIP submission, due October 1, 2018. To meet this deadline, EPA has agreed to review a preliminary draft within one week. Presuming minimal revisions necessary, public comment would begin on June 25. Michael Orman and Ali Mirzakhalili have approved this expedited schedule. Thank you for presenting this to the Director next week to be placed on the rulemaking docket.
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Karen Font Williams | Air Quality Planner
DEQ Air Quality Division
700 NE Multnomah St., Ste. 600 | Portland, OR 97232
(503) 229 - 5519