

State of Oregon
Department of Environmental Quality

Memorandum

Date: Aug. 4, 2015
To: Environmental Quality Commission
From: Joni Hammond, Deputy Director
Subject: Agenda item G2, Action item: Authorizing Director Dick Pedersen to decide motions to correct, and to correct, the EQC record in the case of specific petitions for review of adopted rules

Why this is important DEQ currently has no expedited procedure available to make decisions regarding the correction of the commission's record when petitioned under specific parameters.

Background A party may petition the commission for review of any rule approved by EQC if the party meets certain legal definitions and files the review in accordance with Oregon Rules of Appellate Procedure. When that filing occurs, there are a number of motions that may also be filed during the appellate proceedings.

One type of motion is to correct the record related to a commission rulemaking. Currently, the commissioners would have to review any request and take formal action to approve, deny or otherwise take action on the motion. That requirement can lead to a long delay between motion and action, which can be difficult during legal proceedings and other administrative processes.

Authorizing Director Pedersen to decide motions to correct the commission record will provide more timely response during specific legal and administrative processes.

DEQ recommendation and EQC motion DEQ recommends that the commission approve a resolution authorizing the DEQ director to decide motions to correct the record, and to correct the record, on behalf of the EQC when such motions are filed pursuant to Oregon Rule of Appellate Procedure (ORAP) 4.22 by a party that has petitioned for review of a rule adopted by the commission.

Attachments None

*Information provided by Oregon Department of Justice,
report prepared by Stephanie Caldera*