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| Rulemaking Roles and Responsibilities  |  |
| Effective Date: 11 June 2024 | Version: 2 |

1. Purpose
	1. The purpose of this document is to outline the roles and responsibilities the rulemaking team at DEQ’s Air Quality Division. This document serves as a guide to assist the Project Manager during completion of the Project Charter EPIC Memo. It is also useful to rulemaking team members to understand their role and applicable responsibilities.
2. Referenced Documents

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| **Document #****(Controlled Document)** | **Document Title** |
| N/A | [Rulemaking Process Flowchart](https://stateoforegon.sharepoint.com/%3Au%3A/r/sites/AirQualityPlanningSection77/Shared%20Documents/Rulemaking/Rulemaking%20Process%20Documents/Rulemaking%20Process%20Flowchart__v1.vsdx?d=w552b8a219aac420b9f50cf4f43264a4c&csf=1&web=1&e=PxYL3d) |
| N/A | [Rulemaking Flowchart Appendix](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/AirQualityPlanningSection77/Shared%20Documents/Rulemaking/Rulemaking%20Process%20Documents/Rulemaking%20Flowchart%20Appendix_v1.docx?d=wb437b80548d849929e4a4736f8291474&csf=1&web=1&e=XNpTCt) |
| N/A | [Rulemaking Service Agreement](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/AirQualityPlanningSection77/Shared%20Documents/Rulemaking/Rulemaking%20Process%20Documents/Rulemaking%20Service%20Agreement.docx?d=w0e4df699494f40fb90c4374b17ab3181&csf=1&web=1&e=a2T33X) |
| N/A | [Rulemaking Prioritization Matrix](https://stateoforegon.sharepoint.com/%3Ax%3A/r/sites/AirQualityPlanningSection77/Shared%20Documents/Rulemaking/Rulemaking%20Process%20Documents/Rulemaking%20Prioritization%20Decision%20Matrix_v1.xlsx?d=w5837c3f78a6f480883c9817184611838&csf=1&web=1&e=23fs5q) |
| N/A | [Draft Rules Template](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/DEQ-Rulemaking/Shared%20Documents/Rulemaking%20Templates/1-Initiating/Draft.Rules.Template.docx?d=wb1637fc72b0f4fb9be68252809d46b63&csf=1&web=1&e=iD8zTw) |
| N/A | [Rulemaking Project Charter](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/DEQ-Rulemaking/Shared%20Documents/Rulemaking%20Templates/1-Planning/1.EPIC.Memo.Template.docx?d=wd82756bfb9024d55bcb5bdd6da9c775f&csf=1&web=1&e=WvcFv0) EPIC Memo |
| N/A | [RAC Roster](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/DEQ-Rulemaking/Shared%20Documents/Rulemaking%20Templates/3-Advisory%20Committee/RAC.Roster.docx?d=wd34c0c8be17f4d388bd34978ef0ec631&csf=1&web=1&e=OeZuJv)  |
| N/A | [RAC Invitation to participate](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/DEQ-Rulemaking/Shared%20Documents/Rulemaking%20Templates/3-Advisory%20Committee/RAC.Invitation.to.Participate.docx?d=w36ce451e4c6f4e19a9d70dd8406da9e5&csf=1&web=1&e=R767Cw)  |
| N/A | [RAC Member Director Memo](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/DEQ-Rulemaking/Shared%20Documents/Rulemaking%20Templates/3-Advisory%20Committee/RAC.Member.Director.Memo.docx?d=we9dd530c38f74ebebd52cd36cf979642&csf=1&web=1&e=S6qCRf)  |
| N/A | [RAC Appointment Letter](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/DEQ-Rulemaking/Shared%20Documents/Rulemaking%20Templates/3-Advisory%20Committee/RAC.Appointment.Letter.docx?d=wf2cd5533aad5424bb2f963dbf43aa91f&csf=1&web=1&e=e07uIa) |
| N/A | [RAC Member appointment email](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/DEQ-Rulemaking/Shared%20Documents/Rulemaking%20Templates/3-Advisory%20Committee/RAC.Member.Appointment.Email.docx?d=w7bd44c5813e24b2eb2a2172111bb4ffc&csf=1&web=1&e=zwkYck)  |
| N/A | [RAC Charter](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/DEQ-Rulemaking/Shared%20Documents/Rulemaking%20Templates/3-Advisory%20Committee/RAC.Charter.dotx?d=w7f497cef222c4b7d85daffb4142cba0b&csf=1&web=1&e=BWOrpT) |
| N/A | [Stipend Process](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/DEQ-Rulemaking/Shared%20Documents/Rulemaking%20Templates/3-Advisory%20Committee/GiftCardsProcess%20V4.docx?d=wf2bd27729f344c53b7fd98623b2dd87e&csf=1&web=1&e=iIyOfs) |
| N/A | [RAC GovDelivery Notice](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/DEQ-Rulemaking/Shared%20Documents/Rulemaking%20Templates/3-Advisory%20Committee/RAC.GovDelivery.Notice.docx?d=w126b46b8706e440580b67001fe26c7e1&csf=1&web=1&e=ddAPqA) |
| N/A | [Public PowerPoint Template](https://sps.deq.state.or.us/comms/SitePages/Public-Templates--PowerPoint-Presentations.aspx) |
| N/A | [RAC Meeting Summary](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/DEQ-Rulemaking/Shared%20Documents/Rulemaking%20Templates/3-Advisory%20Committee/RAC.Meeting.Summary.dotx?d=we4d85c5948c84aa2b49fa847681c9eb5&csf=1&web=1&e=0IVB73) |
| N/A | [Fiscal Impact Statement](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/DEQ-Rulemaking/Shared%20Documents/Rulemaking%20Templates/4-Fiscal/Fiscal%20Impact%20Statement.docx?d=w0bc49723dc274367bd4ff7676ff6d941&csf=1&web=1&e=QaE6PA) |
| N/A | [Notice of Proposed Rulemaking](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/DEQ-Rulemaking/Shared%20Documents/Rulemaking%20Templates/4-Public%20Notice/Notice.of.Proposed.Rulemaking.dotx?d=w14985a2c1d8344a28842687f0f7a0271&csf=1&web=1&e=6rDNxl) |
| N/A | [GovDelivery Notice](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/DEQ-Rulemaking/Shared%20Documents/Rulemaking%20Templates/4-Public%20Notice/GovDelivery.Notice.docx?d=w693f37e76fa44b07a02530bad798b9b9&csf=1&web=1&e=c3AMmk) |
| N/A | [Email to Key Legislature](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/DEQ-Rulemaking/Shared%20Documents/Rulemaking%20Templates/4-Public%20Notice/Email.to.Key.Legislators.docx?d=w1bae8e968fef4b67b3f6f83783f2b01e&csf=1&web=1&e=pU8rLr)  |
| N/A | [Instructions and Script for Online Hearing](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/DEQ-Rulemaking/Shared%20Documents/Rulemaking%20Templates/5-Public%20Comment/Instructions.and.Script.for.Online.Hearing.docx?d=w4b2af625d284481fa6f750c26171c4bc&csf=1&web=1&e=zMQmZz)  |
| N/A | [EQC Staff Report](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/DEQ-Rulemaking/Shared%20Documents/Rulemaking%20Templates/6-EQC%20Preparation/EQC.Staff.Report.dotx?d=w7baa2de0c3db4fdc9b1fe549a749833a&csf=1&web=1&e=pGBE2L) |
| N/A | [EQC Temporary Rulemaking Action Item](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/DEQ-Rulemaking/Shared%20Documents/Rulemaking%20Templates/6-EQC%20Preparation/EQC.Temporary.Rulemaking.Action.Item.dotx?d=w28f86acaf68c42dbb2ff570e62666c78&csf=1&web=1&e=cUaxLk) |
| N/A | [Implementation Plan (Example)](https://stateoforegon.sharepoint.com/sites/DEQ-GDFs/Shared%20Documents/General/Implementation%20Plan/Implementation%20Plan/2023.11.15_GDFStageIIVaporRecovery_ImplementationPlan_v1.docx?web=1) |
| 107bf21 | [Request for fee increase/establishment/decrease](https://www.oregon.gov/das/financial/pages/budgetinstruct.aspx) |
| 107bf22 | [Fee change detail report](https://www.oregon.gov/das/Financial/Documents/107bf22.xlsx) |
| N/A | [SIP Development Schedule Template](https://stateoforegon.sharepoint.com/%3Aw%3A/r/sites/DEQ-Rulemaking/Shared%20Documents/Rulemaking%20Templates/1-Initiating/SIP.Development.Schedule.Template.docx?d=w8c0f03660d484e249f709316e949e7d9&csf=1&web=1&e=GdRSvJ) |
| **Document #****(Controlled Document)** | **Document Title** |
| N/A | [Rulemaking Prioritization Matrix](https://stateoforegon.sharepoint.com/%3Ax%3A/r/sites/AirQualityPlanningSection77/Shared%20Documents/Rulemaking/Rulemaking%20Guidance%20Materials/Planning%20Team%20Specific/2024.01.23_AQP_Prioritization%20Decision%20Matrix_v1.xlsx?d=w5837c3f78a6f480883c9817184611838&csf=1&web=1&e=yd2nGO) |
| N/A | [SIP Attachments Cover Page Template](file://deqhq1/AQCOMMON/AQ_Administrator/AQ_Rule_Activity/SIP/Templates) |

1. Acronyms

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| **Acronym** | **Complete Phrase** |
| AQ | Air Quality |
| DAS | Department of Administrative Services |
| DOJ | Department of Justice |
| EPIC | Environmental Policy Implementation Committee  |
| EQC | Environmental Quality Commission |
| RAC | Rulemaking Advisory Committee  |
| SIP | State Implementation Plan |
| SME | Subject Matter Expert |

1. Applicability/Responsible Roles
	1. Roles specific to the rulemaking project

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| **Role** | **Responsibilities (as Applicable to Procedure)** |
| Project Manager | * Determine purpose/outcome of rulemaking.
* Identify if rulemaking will involve a State Implementation Plan (SIP).
* Complete or ensure completion of Rulemaking Project Charter EPIC Memo, RAC Roster, RAC Invitation to Participate, RAC Member Director Memo, RAC Appointment Letter, RAC Member Appointment Email, RAC Charter, RAC GovDelivery Notice, meeting materials (Public PowerPoint Template), RAC Meeting Summary, Fiscal Impact Statement, Notice of Proposed Rulemaking, GovDelivery Notice, and EQC Staff Report.
* Follow Stipend Process for compensating community members during RAC
* Determine timeline, budget, resources, and deliverables.
* Hold team accountable for deliverables.
* Facilitate lines of communication for the team including setting up meetings and setting agendas for project meetings.
* Identify and communicate with impacted cross-functional staff.
* Facilitate Rules Advisory Committee (RAC) meetings if an independent facilitator is not utilized.
* Ensure the Environmental Justice Coordinator and Department of Justice (DOJ) are consulted during initial scoping.
* *Generally, this role comes from AQ Planning.*
 |
| Rule Writer(s) | * Write clear, implementable, enforceable rules based on Draft Rules Template.
* Draft Fiscal Impact Statement, which includes DAS Fee Approval form if applicable, with the Budget Analyst.
* Confirm, with DOJ and Office of Compliance and Enforcement, that the proposed rule language is within DEQ’s authority
 |
| Subject Matter Expert(s) (SME) | * Research and outline alternatives that were considered. Explain why the proposed strategy was chosen over others.
* Use expertise to foresee and prevent potential challenges to implementation.
* Anticipate potential questions and concerns from the public, RAC, and interested parties.
* Offer technical feedback during RAC and Environmental Quality Commission (EQC) meetings.
* Confirm proposed scope of rules are within DEQ’s authority.
* Provide feedback on draft rule(s).
* Provide feedback on Implementation Plan and communication plans.
 |
| Implementation Project Manager | * Review draft rules and identify barriers to functional implementation within DEQ’s processes.
* Develop and document an Implementation Plan, in coordination with the Project Manager.
* Hold parties accountable for Implementation Plan deliverables.
* *Generally, this role comes from the functional group that works closely with the implementation steps.*
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* 1. General rulemaking roles

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| **Role** | **Responsibilities (as Applicable to Procedure)** |
| Agency Rule Coordinator | * Ensure DEQ rulemaking project satisfies legal requirements.
* Ensure the rulemaking public comment process satisfies legal requirements.
* Serve as the subject matter expert for the rulemaking process.
* Respond to public inquiries about DEQ rules and rulemaking.
* Ensure rulemaking materials are published on the DEQ external web page.
* File completed rulemakings with the Secretary of State.
* Submit completed EPIC Memo/Project Charter to DEQ Leadership for approval.
* Archive completed rulemakings.
* Prepare and distribute required annual and five-year rule reviews.
* Assemble the rulemaking record for court challenges to rules.
* Responsible for education of DEQ staff on rulemaking procedures and legal requirements.
* Lead or delegate the creation and maintenance of rulemaking training and informational materials.
* Lead or delegate the creation, maintenance, and revision of rulemaking procedures, templates, and tools.
* Review rulemaking process documents for compliance with legal requirements, and DEQ style and formatting.
* Ensure that Email to Key Legislators is drafted and sent.
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| Legislative Analyst  | * Identify list of legislators to be notified of rulemaking.
* Give input on Rulemaking Advisory Committee
* Review Public Notice, Fiscal Impact statement, and response to public comments to ensure the content matches the legislative intent, if rulemaking resulted from legislation.
* Review the DAS Fee Approval Form and Fee Change Detail Report.
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| Budget Analyst | * Provide data to inform the fee analysis, if applicable.
* Draft Fee Change Detail Report with Rule Writer, if applicable.
* Submit DAS Fee Approval Form and Fee Change Detail Report, if applicable.
* Determine cost center(s) for project or create appropriate cost center(s) if needed.
* Determine funds available for DOJ consultation.
* Determine funds available for stipends for Environmental Justice advisory committee members, childcare for public hearings, translation fees, or other considerations for equitable communication and participation.
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| State Implementation Plan Coordinator | * Coordinate with Region 10 to develop SIP Development Schedule Template.
* Submit EPA early engagement draft, preview of Public Notice and draft rules.
* Draft SIP Cover Letter and attachments.
* Submit State Implementation Schedule, SIP Cover Letter, and attachments through EPA’s site: CDX.
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| EQC Coordinator | * Set the EQC meeting schedule.
* Coordinate with Agency Rule Coordinator about rulemaking items on EQC agenda.
* Set and communicate due dates for materials to be submitted to be presented at future EQC meetings.
* Communicate and circulate materials to EQC prior to the EQC meetings.
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| Department of Justice | * Review draft rules, GovDelivery Notice, and Fiscal Impact Statement for legal sufficiency and to ensure agencies have authority to set and implement rules.
* Review additional materials, upon request.
* Serve as legal subject matter expert to determine intent of statute, upon request.
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| Facilitator | * Serve as a meeting speaker for RAC and public hearings.
* Edit Instructions and Script for Online Hearing for public comment hearing.
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| Communications Coordinator | * Must review GovDelivery Notice, Fiscal Impact Statement, web content, fact sheets, presentations, and any other documents meant to provide public information.
* Coordinate communications plans, when necessary, to establish key talking points and organize communication efforts.
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| Project Sponsor | * Determine which rulemakings to introduce to the Division utilizing the Rulemaking Prioritization Matrix.
* Ensure rulemaking has sufficient resources and staff time.
* Communicate project status with DEQ Leadership, as needed.
* *Generally, this role is the Department Administrator or Program Manager*
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| Community Engagement Coordinator | * Recommend community groups and resources for early engagement to the Project Manager.
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1. Records Management
	1. This document does not have output documents. This document must be retained according to [state general](https://sos.oregon.gov/archives/Pages/records_retention_schedule.aspx) retention schedule.
2. Revision History

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| --- | --- | --- |
| **Revision** | **Updates** | **Author & Date** |
| 1 | * “Rulemaking Roles and Responsibilities White Paper”
 | H. KUOPPAMAKI |
| 2 | * Updated to Air Quality Planning Procedure Template
 | A. MantosJune 11, 2024 |