



State of Oregon Department of Environmental Quality

Five Year Rule Review ([ORS 183.405](#))

2024 review of rules adopted in 2019

Contact: [Emil Hnidey](#), Agency Rules Coordinator

The purpose of the review

ORS 183.405 of the Administrative Procedures Act requires agencies to review all newly adopted rules within five years after adopting them. This document meets DEQ's responsibilities under that law.

Legal requirements

The statute requires agencies to review new rules to determine whether:

- The rule had the intended effect
- The agency over- or underestimated the rule's anticipated fiscal impact
- Subsequent changes in the law required the agency to amend or repeal the rule
- There is a continued need for the rule

Agencies are only required to use available information to conduct this review.

If the agency appointed an advisory committee in developing the rule, the agency must provide the committee members a copy of the review.

Exemptions

Rules are exempt from this review if they:

- Consist only of the repeal of or an amendment to an existing rule
- Are adopted to implement court orders or to settle civil proceedings
- Only adopt federal laws or rules by reference
- Implement legislatively approved fee changes
- Only correct omissions or errors

Distribution of the review

DEQ's Agency Rules Coordinator:

- Provides a copy of this review to DEQ's Leadership Team
- Provides a copy of this review to any advisory committee members
- Posts a copy of the review on DEQ's rulemaking website

- Preserves a copy of the review in DEQ’s electronic rulemaking archives
- Sends a copy to the Oregon Secretary of State

EQC meetings in 2018

On May 16, 2019, the EQC adopted rules subject to review.

Rules subject to this review

Title – DEQ Rules Tables Attachments 2019

Adopted date: May 16, 2019

Rule numbers: 340-230-8010, 340-232-8010

Reviewer: Emil Hnidey

Summary

This rulemaking corrected references in Department of Environmental Quality administrative rules to external documents and published external documents that the rules referred to but that were not published with the rules. This rulemaking also corrected existing typographical or grammatical errors in several rules without making any substantive changes.

The purpose of this rulemaking is to make DEQ rules easier for readers to use. This rulemaking also helped ensure that readers and users of the rules are always relying on the current, correct version of external reference documents.

Many of DEQ’s rules refer to or incorporate external reference documents such as tables, graphs, maps or manuals. Many of these documents were not published with the official, online version of the rules that the Oregon Secretary of State publishes. This was an artifact of when rules were originally published in paper and there was not a practical way to attach or include large external documents with the rules.

The Secretary of State, whose office publishes the official Oregon Administrative Rules, is now able to attach most types of documents to the online published rules. It is much easier for people using the rules to find and access reference documents if they are located directly with the published rules and available electronically. DEQ conducted this rulemaking to correct errors in published rule attachments, to standardize formatting of rule attachments and to include reference documents that were not published with the rules.

The only change this rulemaking made to any rule text is to ensure that references to external documents were accurate. DEQ did not make changes to the meaning or effect of any of the rules included in this rulemaking.

This rulemaking had no fiscal impact on any party. This rulemaking did not require any new actions by, or impose any new requirements on, any party.

Did the rule have the intended effect?

Yes. These rules had the intended effect of creating a central place for tables to reside that all other rules in the Division can reference.

Did the agency over- or underestimate the rule’s fiscal impact?

DEQ accurately anticipated the fiscal impact of the rules and has not had to make any adjustment.

Do subsequent changes in the law require the agency to amend or repeal the rule?

No.

Is there a continued need for the rule?

Yes. These rules continue to serve as the place where all tables for Division 230 and 232 are housed.

Translation or other formats

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