



DEQ's Rulemaking Process

What is an administrative rule?

An administrative rule is an extension of a law the legislature adopts. Agencies can only adopt rules that the legislature has given them authority to adopt. Agencies adopt administrative rules to explain, expand on or to implement laws. These rules carry the power of law.

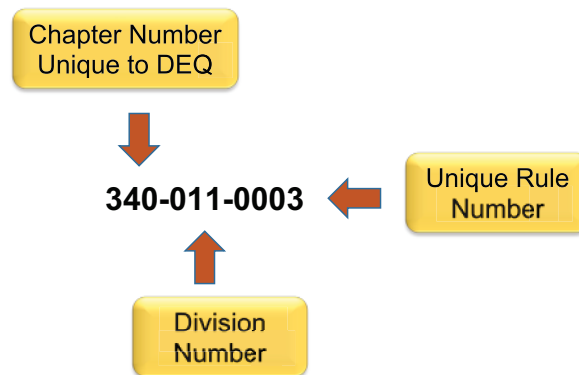
What does a rule look like?

Oregon Administrative Rules (OAR) are written as a set of three numbers:

OAR 340-0011-0003

These numbers are:

- Chapter number – unique to each agency
- Division number – general subject of the rule
- Rule number – the specific number for each rule



Where can a person find Oregon administrative rules?

The official version of the OAR's is on the Oregon Secretary of State's web page: [Oregon SOS Rules](#)

DEQ's rules are under Chapter 340.

What are the legal requirements to adopt a rule?

DEQ must complete the following steps to adopt a rule:

1. Notice to the public
 - DEQ creates a written notice document that:
 - Describes the proposed rule
 - Explains why the rule is necessary
 - Discusses the rule's possible fiscal impact
 - States when and where DEQ will hold a public hearing on the rule
 - DEQ posts notice documents and proposed rules on the DEQ web site
 - Secretary of State publishes a notice in the Oregon Bulletin
 - DEQ sends email notices to people who signed up on the GovDelivery service
2. Opportunity for the public to comment
 - DEQ accepts comments from the public on the proposed rules through an online comment system and at the public hearing
3. Public hearing
 - DEQ holds a hearing for every rulemaking which the public can attend and can present written or verbal testimony
4. EQC adoption
 - DEQ only proposes rules. The Environmental Quality Commission must adopt proposed rules for them to become law
 - EQC holds a public meeting where it decides whether to adopt the proposed rules
5. Filing with Secretary of State
 - Rules only take effect when DEQ files them with the Secretary of State
 - Rules are normally filed within a few days after EQC adopts them

How can the public know about DEQ rulemaking?

DEQ provides information about rulemaking through these resources (see links below):

- DEQ rulemaking web page
- GovDelivery; a free text and email notification service
- Press releases – located on DEQ main web page
- Posting on Facebook and Twitter

Where can a person find out what rulemaking DEQ is doing?

- DEQ home page: [DEQ](#)
- DEQ Rulemaking Page: [DEQ Rulemaking](#)
- DEQ GovDelivery Signup (to receive email or text notices): [DEQ GovDelivery Signup](#)

How can the public participate in DEQ rulemaking?

The public can participate in the DEQ rulemaking process in these ways:

- Advisory committees – Some rulemakings hold advisory committee meetings. Advisory committees are made up of members DEQ appoints to provide technical or policy advice

about proposed rules. The public can attend these meetings but the committee can decide whether or not to allow public participation.

- Informational meetings – Some rulemakings hold informational meetings to either provide information to the public or to gather input from the public about a proposed rule.
- Public hearing – DEQ holds a public hearing for every proposed rule. DEQ provides advance notice of these hearings; on its web page, through GovDelivery (text and email notices), and through Facebook and Twitter. The public can attend these hearings and can present written or verbal testimony at the hearing.
- Public comment period – For six to eight weeks after DEQ formally announces proposed rules, DEQ will accept public comment on those rules. The public can submit comments through the DEQ web page, by regular mail or at the public hearing. DEQ will respond to those comments in a report it submits to the EQC before the EQC decides whether to adopt the proposed rules.
- EQC meeting – EQC must hold a public meeting to discuss and adopt proposed rules. The public can attend these meetings. The EQC can decide whether to accept public input during these meetings.

How long does it take DEQ to complete a rulemaking?

Time in Months



1	2	3	4	5	6	7	8	9	10
Start	Planning	Planning	Advisory committee meeting	Prepare Notice	Start notice and comment period	Public hearing	Respond to comments	Respond to comments	EQC meeting
<ul style="list-style-type: none"> • Planning • Draft Rules • Plan advisory committee and hearings 			<ul style="list-style-type: none"> • Technical and policy advice • Public can attend but not comment 	<ul style="list-style-type: none"> • Draft notice document • Review rules 	<ul style="list-style-type: none"> • Publish notice and rules on web • Start accepting public comment on rules 	<ul style="list-style-type: none"> • Anyone can attend • Anyone can submit written or verbal comment 	<ul style="list-style-type: none"> • DEQ staff prepares report to EQC that: • Summarizes rules • Summarizes comments • Responds to comments 		<ul style="list-style-type: none"> • EQC holds public meeting • Discusses proposed rules • Votes whether to adopt rules