



# Oregon

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## **Process: Environmental Quality Commission review after the Cleaner Air Oregon public comment period**

*This process document outlines expected process steps between the end of the public comment period and the commission action for the proposed Cleaner Air Oregon program and rules.*

### **Key rulemaking process information**

- The Oregon Environmental Quality Commission makes the decisions on rule and program proposals for DEQ.
- DEQ provides recommendations for rules and program proposals based on scientific, technical, policy and legal reviews, including guidance or advice from agency workgroups, advisory committees and the Oregon Department of Justice.
- Oregon law specifies that the commission cannot consider information related to the proposals if the information comes after the formal public comment period and process. This includes any comments from individuals, organizations, associations or advocacy campaigns. These comments and information must be excluded from the record.
- DEQ staff can provide the commission with program information and answer commissioner questions at any time throughout the process.

### **Cleaner Air Oregon timeline, after public comment closes (Aug. 6, 2018)**

#### **August through September 2018: Comment review and responses**

- DEQ staff review all comments received and begin to assess possible changes to the proposals based on the comments and materials submitted.
- DEQ staff continue development of the packet of materials for commission review and action.

#### **Sept. 13-14, 2018: Informational presentation at EQC meeting**

- DEQ staff will present general and summary information about the process and current state of the development, and DEQ staff may ask the commission for additional direction or feedback on specific proposal elements if appropriate.

#### **October 2018: Final proposals prepared for commissioners**

- DEQ staff will finalize the proposals and prepare a packet of materials for the commissioners to consider as they prepare to take action in November.
- This packet will be posted online and be broadly available. It will include:

- A staff report: Summarizes DEQ's efforts to develop the rule proposals and how the agency collected and reviewed public comment;
- Proposed rule language: The actual text of the proposals, as it would be seen in any final law;
- Summary of and response to comments: A summary of the types of comments DEQ received during the public comment period, with a link to the entire full text of all comments, and the responses DEQ provided and any changes the agency made due to the comments; and
- Supporting materials: This can include committee reports, copies of research and development materials and anything else that DEQ wants the commissioners to review as part of the proposal.

### **November 2018: Commission review and action**

- The commission is scheduled to review and take action on final rule proposals as part of its Nov. 15-16, 2018, regular EQC meeting.
  - DEQ staff will present a summary of the materials and processes the agency used to develop the proposals.
  - Commissioners will have an opportunity to ask questions and get greater detail from staff on any part of the proposal.
  - Commissioners will take action on the proposal – that could include approving the proposal as presented, approving with changes, approving only part or other actions. The commission has very broad authority to take actions at its discretion; however, its actions must always be legally defensible and be based on sound policy and science.

### **Resources and for more information**

- **EQC webpage:** <http://www.oregon.gov/deq/about-us/eqc/Pages/default.aspx>
- **Questions about process:** Stephanie Caldera, EQC assistant
  - Email: [Caldera.Stephanie@deq.state.or.us](mailto:Caldera.Stephanie@deq.state.or.us)
  - Phone: 503-229-5301
  - Location: DEQ's Portland office, 700 NE Multnomah Street, Suite 600 (6<sup>th</sup> floor reception desk)