

## Draft EAC Recommendations

### **Pre- Op Memo (Why is it needed in a particular situation?)**

First understand drivers behind this specific op memo:

- Is op memo a temporary stop-gap mechanism until rules changes can be proposed/revised?
- Are regulated entities and regulators in agreement on the need for the op memo?
- Is op memo filling a technical gap in the rules to prevent unnecessary complexity/rigidity in the rules?
- Is vehement opposition expected? Is it due to the rules themselves or the op memo clarifications?
- Have other States addressed this similar issue effectively? If so, how?

Need to explicitly define what has triggered the op memo development based on answers to questions above and use it throughout the stakeholder engagement process.

If general agreement on op memo necessity and scope, initiate op memo development process as described below.

### **Op Memo Development Process (How is it developed?)**

Adopt common transparent internal/external op memo development process applicable to all MDEQ divisions:

- Public stakeholder engagement meeting(s)
- Share drafts early in the process
- Ensure drafts are reviewed interdepartmentally (including legal and laboratory groups) and finally approved at Director level

### **Op Memo Style/Contents (How should it look?)**

Establish specific template/format all MDEQ divisions must use for op memos (facilitates improved understanding within regulated community).

Create central library on MDEQ web-site where regulated community can access most recent version of all op memos from all MDEQ divisions (sortable/searchable by media).

Use e-mail list servers for communicating revisions, etc.

Ensure both regulated community and regulators understand the distinction between guidance and compliance regulatory requirements. (Add clear statement to that effect in the op memos)

Include regulatory citations in relevant sections of the op memo where direct linkages to promulgated rules are found.

Explain rationale behind op memo at the very beginning (findings from the pre- op memo section above) to remind everyone why op memo was developed in the first place. This avoids "scope creep" over time and helps with the post- op memo section below.

### **Post- Op Memo (Don't stop now. . .critical part is internal/external calibration)**

Regulator needs to provide internal training on op memo contents and "alignment/calibration" on application of the op memos externally.

Conduct similar outreach with regulated community (association meetings, e-mail, town halls. Etc.).

Regulator needs to re-review all op memos at some predetermined frequency to revisit the questions listed in the "pre- op memo" section above including feedback received to date on each op memo.