

Exemption Subcommittee Meeting Minutes

Meeting held 17 May 2012

1. Attendance

Present:

See attached sign-in sheet

2. Description of substance discussed

- The meeting was called to order at 12:05 PM
- Mary moved and Robert seconded that the minutes of the 19 April 2012 meeting be accepted. Motion passed.
- Mary moved and Robert seconded that the minutes of the 3 May 2012 meeting be accepted. Motion passed.
- Staff of ENV presented their revised exemption list amendment request. Gary moved and John seconded that the proposed exemption list modifications be recommended to the full Environmental Council for approval. Ayes: Robert, John, Chuck, Gary, Mary, David. Opposed/abstentions: None. Motion passed.
- There was a general discussion of "ad hoc" exemptions vs. exemption lists. Consensus developed around the following points:
 - Need allowance for unusual circumstances
 - Shouldn't occur more than once per type of activity. Initial "ad hoc" exemption should trigger update of exemption list.
 - "Ad hoc" acceptable but not to be used to routinely circumvent updating the applicable exemption list
 - Public reporting obligation when "ad hoc" exemption issued (transparency)
 - Lay out details of two-track process, ok to incentivize updating exemption list in lieu of "ad hoc" exemptions (rulemaking)
- Assignments to draft language resolving "known issues" were issued, as listed below. Progress to be discussed at next meeting, to be held after the retreat.

<u>Public Notice of Exemption Determinations</u>	Gary
Threshold for public notice	
Notification of OEQC	
Location of issued determinations	
Document retention policy	
Shelf Life of Exemption	John
Transferability of Exemption	Pete
Exemption Declaration Content Requirements (cockroach from form in the Guidebook)	David
Statute of limitations to challenge an exemption determination	Addressed in statute
Combining exemptions across agencies	Robert
"ad hoc" exemptions vs. exemption list	Chuck (draft since provided)

3. Decisions made

- Motion to recommend approval of ENV exemption list changes
- Writing assignments above

4. The meeting was adjourned at 1:50 PM