

Request for Comments

Petition for Amendment of Oregon Rules Related to the Clean Water State Revolving Fund Loan Program

The purpose of this notice is to invite you to provide written comments on a petition submitted to the Oregon Department of Environmental Quality (DEQ) from the City of Coburg. The petition requests the Environmental Quality Commission (EQC) to amend two temporary rules related to the Clean Water State Revolving Fund loan program.

DEQ's Role:

DEQ is responsible for protecting and enhancing Oregon's water and air quality, for cleaning up spills and releases of hazardous materials, and for managing the proper disposal of hazardous and solid wastes. The EQC is a five-member citizen panel appointed by the governor to serve as DEQ's policy and rulemaking board. The EQC adopts rules, establishes policies, issues orders, and judges appeals of fines and other DEQ actions.

Comments due:

Written comments due: 5 p.m., August 4, 2009.

Opportunity for oral comments:

An opportunity to present oral comments will be provided to members of the public during the public forum at the August 21, 2009 EQC meeting in Newport, Oregon at the Best Western Agate Beach Inn, 3019 North Coast Highway. The public forum will begin at approximately 11:30 am.

Where can I send my comments?

Judy Johndohl
811 S.W. Sixth Ave.
Portland, OR 97204-1390
(503) 229-6896 or toll free at (800) 452-4011
Fax: (503) 229-6037
EQCpetition@deq.state.or.us

Where can I get technical information?

Judy Johndohl
(503) 229-6896 or toll free at (800) 452-4011
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Portland, OR 97204-1390
Fax: (503) 229-6037
johndohl.judy@deq.state.or.us

Who is the petitioner?

A full copy of the rule amendment petition and the statement to support the petition submitted by Milo Mecham, Attorney for the City of Coburg is available at:

<http://www.deq.state.or.us/wq/loans/loans.htm>

or by contacting Judy Johndohl as listed above.

Who is the petitioner?

This petition for proposed rule amendments was submitted on June 2, 2009, by Milo Mecham, Attorney for the City of Coburg.

What rule amendments are requested?

The petitioner is requesting the EQC to amend Oregon's CWSRF loan program rules, Oregon Administrative Rules (OAR) 340-054-0102 and OAR 340-054-0104 as follows (new text is **underlined and bold**):

1. Include in Project Eligibility under the Act, OAR 340-054-0102(1) Eligibility for funding under the Act is the same as in OAR 340-054-0015(1) except for planning as defined in OAR 340-054-0010(38), **and as provided in OAR 340-054-0104.**
2. Include in Use of Funds, Intended Use Plan under the Act, OAR 340-054-0104(3) Existing Loan Agreement. A borrower with a loan agreement executed prior to October 1, 2008 is not eligible to receive funding under the Act for the **portion of the project funded with that existing loan. For projects in which the total project cost exceeds the amount of the loan agreement executed prior to October 1, 2008, a borrower that is otherwise qualified may receive a separate loan agreement for funding under the Act, provided that no funds received under the Act may be used to refinance, reconstruct or repay the loan executed prior to October 1, 2008, and that the separate loans be accounted for separately.**

Who might have an interest?

Public agencies who are interested in applying for a loan under DEQ's CWSRF loan program.



State of Oregon
Department of
Environmental
Quality

Water Quality Division Clean Water State Revolving Fund Loan Program

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Please include your full name, e-mail address and mailing address so that we can purge you from our print mailing list, thus saving trees and taxpayer dollars.

What legal requirements apply?

OAR 137-001-0070 allows any interested person to “petition an agency to adopt, amend or repeal a rule.” OAR 137-001-0070 also identifies the information that must be included in the petition and dictates that “...before denying a petition, the agency must invite public comment upon the rule, including whether options exist for achieving the rule's substantive goals in a way that reduces the negative economic impact on businesses.” Finally, OAR 137-001-0070 dictates that the agency “shall, in writing, within 90 days after receipt of the petition, either deny the petition or initiate rulemaking proceeding.” OAR 340-011-0046 clarifies that the EQC will generally serve as the decision maker for petitions submitted in accordance with OAR 137-001-0070.

What happens next?

The allowed 90-day window for an EQC decision on the petition expires on September 2, 2009. DEQ will review the petition and prepare a staff report to be presented to the EQC at its August 21, 2009 meeting in Newport, Oregon. The staff report will include discussion of potential impacts of the proposed amendments and the DEQ's recommendation to the EQC regarding action on the petition. DEQ will also provide the EQC a summary and discussion of written comments received during the comment period. EQC will provide a final opportunity for members of the public to provide oral comments at their August 21, 2009 meeting before making a decision on the petition.

DEQ's staff report will be made available for public review before the August meeting of the EQC. The EQC agenda for the August meeting and the DEQ's staff report will be posted on the DEQ website when it is available:

<http://www.oregon.gov/DEQ/EQC/index.shtml>

Accessibility information

DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications & Outreach (503) 229-5696 or toll free in Oregon at (800) 452-4011; fax to 503-229-6762; or e-mail to deqinfo@deq.state.or.us.

People with hearing impairments may call DEQ's TTY number, (503) 229-6993.