

# Proposed Rulemaking Announcement

## Amend the Clean Water State Revolving Fund - Permanent Rules

### Background

The U.S. Environmental Protection Agency (EPA) allocated \$44 million for the Oregon Department of Environmental Quality's (DEQ) Clean Water State Revolving Fund (CWSRF) loan program. These economic stimulus funds are provided from the American Recovery and Reinvestment Act of 2009 (the Act) and are intended to preserve and create jobs and promote economic recovery. Within the CWSRF loan program, this additional money will increase the number of water quality improvement projects funded.

### Why are the rule changes needed?

To be eligible for these funds, DEQ must comply with federal requirements that currently govern the CWSRF program and new requirements under the Act. In April 2009, the Environmental Quality Commission (EQC) adopted temporary administrative rules that address the additional requirements of the Act. The temporary rules are effective for only 180 days and will expire in October 2009. To ensure DEQ's program is able to meet the requirements of the Act and utilize possible additional funds, a permanent rulemaking is necessary.

### What is the objective of this rulemaking?

The amendments will allow Oregon's CWSRF program to meet the requirements of the Act and use federal economic stimulus funds if additional funds become available under the Act.

### Who may be affected?

Public agencies (cities, counties, Indian tribal governments, sanitary districts, soil and water conservation districts, irrigation districts, various special districts and various intergovernmental entities) benefit directly by the additional funds available to them for water quality improvement projects. Consultants and contractors will benefit from the resulting jobs. Oregonians will benefit from water quality improvements to the waters of the state.

### How was this proposal developed?

This rulemaking was developed based on the requirements of the Clean Water Act and the 2009 American Recovery and Reinvestment Act.

The principal documents relied upon in

preparing this rulemaking include:

- The American Recovery and Reinvestment Act of 2009;
- U.S. Environmental Protection Agency Memo dated March 2, 2009 from the EPA Office of Wastewater Management – guidance document on awarding capitalization grants under the Act;
- Oregon administrative rules, chapter 340, division 54.

These documents are available from DEQ's Water Quality Division, 811 SW Sixth Avenue, Portland Oregon. To make arrangements to review these documents call Larry McAllister, (503) 229-6412.

### Additional materials available

- Proposed Rule changes
- Statement of Need and Fiscal Impact
- Land Use Evaluation Statement
- Relationship to Federal Requirements

The above documents provide additional information related to this proposed rulemaking and can be viewed at "Oregon DEQ Proposed Rulemakings"

<http://www.deq.state.or.us/regulations/proposedrules.htm>

### Authority

The Department and the EQC have the statutory authority to address this issue under ORS 468.020 and 468.423-468.440. Other authority is under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5). These rules implement ORS 468.423-468.440.

### How to Comment

Comments on the proposed rulemaking may be submitted in writing via mail, fax or email at any time prior to the comment deadline of 5:00p.m., Monday, August 24, 2009. Written and oral comments can be submitted during any of the public hearings listed below. It is not necessary to attend a hearing in order to comment. Written comments received prior to the deadline are treated equally with oral comments.

Written comments may be mailed to Larry McAllister, Oregon DEQ, Water Quality Division, 811 SW Sixth Avenue, Portland Oregon 97204.



State of Oregon  
Department of  
Environmental  
Quality

### Water Quality Division

811 SW Sixth Avenue  
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[www.oregon.gov/DEQ/](http://www.oregon.gov/DEQ/)



Comments may be faxed to Larry McAllister at (503) 229-6037 or emailed to:

[SRFrule@deq.state.or.us](mailto:SRFrule@deq.state.or.us)

(Email comments will be acknowledged immediately. Comments and attachments are limited to 10 MB. If you do not receive an automatic response, or your comments and attachments will exceed this limit, please contact the DEQ staff listed above)

If there is a delay between servers, emails may not be received before the deadline.

### **Public hearings**

Public hearings will be held during August at three locations across the state. Each hearing will begin with a brief overview of the proposed rule changes, followed by the opportunity for members of the public to provide oral and written comment. All comments will be recorded and reviewed by DEQ.

- Medford, August 17, 2009, 6:00pm,  
Jackson County Courthouse Auditorium  
10 South Oakdale
- Bend, August 18, 2009, 6:00pm,  
DEQ Office, Conference Room  
Suite 110  
475 NE Bellevue
- Portland, August 19, 2009, 6:00pm,  
DEQ Headquarters, Room EQC-A  
811 SW Sixth Ave, Portland

### **Comment deadline is August 24, 2009**

All comments are due to DEQ by 5 p.m., August 24. DEQ cannot consider comments from any party received after the deadline for public comment.

### **How will rules be adopted?**

DEQ will prepare a response to all comments received during the public hearings and comment period and may modify the proposed rules. DEQ plans to recommend that the Oregon Environmental Quality Commission (EQC) adopt the rules at the October 22-23, 2009 EQC meeting. DEQ will notify persons of the time and place for final EQC action if they submit comments during the hearings or comment period or request to be placed on DEQ's mailing list for this rulemaking.

### **Alternative formats/accommodations**

*Please notify DEQ of any special physical or language accommodations needed for the hearings as far in advance as possible.*

*Alternative formats (Braille, large type) of this document can be made available. Contact DEQ's Office of Communications & Outreach, Portland, at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696.*