Concurrence Reviews for Notice of Proposed Rulemaking

Title of Rulemaking: Amend the Clean Water State Revolving Fund - Permanent Rules

Contact person/phone: Larry McAllister 503 229-6412

Date routed: July 6, 2009

Reviewers responses requested by: July 10, 2009

Lead Administrator response requested by: July 13, 2009

**Reviewers**:

Your comments are summarized and addressed below:

* **Dave:** Would you please focus on areas highlighted in yellow and check that the sentences are complete, that I did’t drop words out when changing/inserting edits. Please review that the hearing dates and end of comment period in the Notice of Rulemaking & the Rulemaking Announcement are consistent.
* **Pat:** I would like you to scrutinized the same items as I have asked Dave –thanks.
* **Larry K:** Please take a good look at the proposed rules. Specifically review 54-0106 #1 –given the recent comments on our by-pass process, do we even want this phrase/ is it necessary to state this? Review 54-0106#3, do we really need procedures for how unclaimed funds should be provided as “increases”. Doesn’t hurt to have this procedure if we ever have more money than demand, but this procedure is not likely to be used. Finally, 54-0106#4 I edited this language based on your verbal comments. Please review to make sure it addressed your concerns about not using the term “reallocation”.

 I did check with SOS about whether the permanent rulemaking should “amend” or “adopt” these rules-the rules going out for public comment need to show as “adopting” the rules. That is not how I have them in the attached, but will show them that way in the Notice of Rulemaking, Hearing before submitting it to the SOS Bulletin – you were correct. And we will have to show the difference between the Temp and Permanent rules for the benefit of the EQC.

Finally please review the highlighted language in the Relationship to Federal Requirements form. You asked that the language show DEQ was imposing additional limitations as is possible with these two federal programs.

**Please return your completed concurrence review to the contact designated above** *via e-mail.* Lead Administrator should review all concurrence reviews before authorizing publication of the Notice of Proposed Rulemaking.

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| **Reviewer: E. Pat Vernon**  | **Date: July 7, 2009** |
| **Concur XX**  |
| **Concur with comment** |
| **Non-concur, with explanation** |

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| **Lead Administrator:** | **Date:** |
| Authorize publication of Notice of Proposed Rulemaking |