**From:** Steve.Mader@CH2M.com
**To:** CHRISTENSEN Sara
**Cc:** MRAZIK Steve; VANDEHEY Maggie
**Subject:** RE: 340-048-0055 Interpretation
**Date:** Thursday, March 14, 2013 12:58:08 PM

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Sara

I have a nagging question about 340-048-0055. If the current -0055 rules provide DEQ with authority to assess 401 Cert fees beginning July 31, 2013, where is DEQ's current authority provided? I am thinking it must be referenced somewhere in the OARs, but I cannot find the location.

Thanks.

**Steve Mader**
*Environmental Manager*
**CH2M HILL, Inc.**
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Portland, Oregon 97201, USA
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**From:** CHRISTENSEN Sara [mailto:Christensen.Sara@deq.state.or.us]
**Sent:** Wednesday, March 13, 2013 3:27 PM
**To:** Mader, Steve/PDX
**Cc:** MRAZIK Steve; VANDEHEY Maggie
**Subject:** RE: 340-048-0055 Interpretation

Steve,

Currently, fees are not charged for activities:

1. Requiring an operating permit for surface mining under ORS chapter 517( http://www.leg.state.or.us/ors/517.html) ;
2. Relating to commercial sand and gravel removal operations;
3. Involving removal of less than 500 cubic yards of material; or
4. Involving a fill of less than two acres.

Thanks for your patience as we work through updating our website to reflect the new fee rules that will be in effect July 31, 2013. Please do not hesitate to contact me should you have any further 401 questions.

Sara Christensen

401 Water Quality Certification Coordinator
Oregon Department of Environmental Quality
2020 SW 4th Avenue
Portland, Oregon 97201
503-229-6030

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**From:** Steve.Mader@CH2M.com [mailto: ]
**Sent:** Tuesday, March 12, 2013 2:21 PM
**To:** VANDEHEY Maggie
**Subject:** RE: 340-048-0055 Interpretation

Maggie

Thanks for your reply. Excuse my ignorance, but if the fee structure in the effective rules has an implementation date of July 31, 2013, what is the fee structure that is used today? In particular, I would like to know what exemptions apply to 401 fees today.

The 401 fee structure on DEQ's website (http://www.deq.state.or.us/wq/sec401cert/faqs.htm#q10) says, "some projects are currently exempt from fees," but I cannot determine which projects are exempt. Am I making sense?

**Steve Mader**
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**From:** VANDEHEY Maggie [mailto:VANDEHEY.Maggie@deq.state.or.us]
**Sent:** Tuesday, March 12, 2013 2:11 PM
**To:** Mader, Steve/PDX
**Subject:** RE: 340-048-0055 Interpretation

Hi Steve,

You may link to the current rules on: http://www.deq.state.or.us/regulations/rules.htm. The fees you are referring to are in the current effective OAR but the fee section has a future effective date. The history at the bottom of the rule has an effective date. In the case of OAR 340-048-0055, the effective date is 1-16-13.

for certification. DEQ may refund the fee or some portion if it determines that no certification is required, that minimal program costs were not incurr
assignment is provided or the wrong application has been filed.

Stat. Auth.: ORS 468.068 & 468B.047
Stats. Implemented: ORS 468.068
Hist.: DEQ 28-1998, f. & cert. ef. 12-22-98; Renumbered from 340-048-0200, DEQ 2-2004, f. & cert. ef. 4-15-04; DEQ 1-2013, f. & cert. ef. 1-16-13

Regards,

**Maggie Vandehey** |EIM |Sr. Operations and Policy Analyst
Department of Environmental Quality | 34000
811 SW Sixth Ave., Portland, OR 97204-1390 | vandehey.maggie@deq.state.or.us
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**From:** Steve.Mader@CH2M.com [mailto:Steve.Mader@CH2M.com]
**Sent:** Tuesday, March 12, 2013 12:23 PM
**To:** maggie.vandehey@state.or.us
**Subject:** 340-048-0055 Interpretation

**Hello Maggie**

**I am wanting to know the current OAR language for 340-048-0055 (Fee Schedule for Certifications). The version of the OAR on the state website gives the OAR effective July 31, 2013. What is the currently effective OAR?**

Thanks.

**Steve Mader**
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