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|---|---|
| **From:** | ADES Dennis R |
| **To:** | VANDEHEY Maggie; CLIPPER Chris |
| **Cc:** | ALDRICH Greg; MRAZIK Steve; DECONCINI Nina |
| **Subject:** | RE: RM - 401TEMP - Implementation Plan |
| **Date:** | Monday, March 25, 2013 4:39:05 PM |

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Thank you both very much

Dennis Ades
Surface Water Management Section Manager
Water Quality Division
Oregon Department of Environmental Quality
(503) 229-5589

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**From:** VANDEHEY Maggie
**Sent:** Monday, March 25, 2013 4:34 PM
**To:** CLIPPER Chris
**Cc:** ADES Dennis R
**Subject:** RE: RM - 401TEMP - Implementation Plan

Hi Chris,

Congratulations! The 401 Certification Fee rule has been filed and is effective as of today. The attachment is proof of SOS filing and LC submittal. With online filing, we no longer develop a certificate but the information comes from the new staff report. We still ask LC to date stamp the SOS-issued Certificate and return it to us. We no longer have the problems with submitting to LC too late or too early since I file within a few minutes of getting SOS proof of filing. We still have problems with LC saying they didn't get our notice; therefore, I send it by registered shuttle. All documentation goes in the post-EQC folder on Rules_Development.

Under the new process, we have an email from the program that authorizes me to file the rules, shares any changes the EQC may have made and verifies the effective date. A hallway chat with Stephanie and Greg and your email below provided this information.

I don't know about the program aspects below but I am responsible for updating the Rules Registry.

Maggie

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**From:** CLIPPER Chris
**Sent:** Monday, March 25, 2013 12:55 PM
**To:** VANDEHEY Maggie
**Cc:** CLIPPER Chris
**Subject:** RM - 401TEMP - Implementation Plan

Hi Maggie,

I'd like to clarify the implementation steps I think are needed for the temporary rulemaking - 401 certification fee, adopted by EQC on 3/21/13. Some of these steps are mandatory

(required by statute), while others represent DEQ best practices.

1) File rules with Secretary of State. This should be done as soon as possible.
   Certificate of Filing Temporary Rules (Rules are to become effective upon filing.)
   Statement of Need and Justification
   Adopted rules (no changes shown)

   Rules will be published in the Bulletin and OAR website May 1, 2013.

2) File rules with Legislative Counsel. Submitted within 10 days of submittal to SOS.
   Copy of Certificate of Filing Temporary Rules
   Copy of Statement of Need and Justification
   Adopted rules (changes shown)

   The Statement of Need and Justification and Adopted rules (changes shown) are on the sharepoint site. I don't think you need anything from me to complete the SOS and LC filing.

3) Rules will be automatically updated on http://www.deq.state.or.us/regulations/rules.htm since the adopted rules are text with no tables. This site links to the OAR website. Since there's no policy change, the 401 program doesn't need to update their program website.

4) No rule adoption announcement is required for stakeholders (Govdelivery recipients, legislators) since we notified this group prior to rule adoption. Model Rule 137-001-0080(1) specifies this. I recommend no announcement.

5) The 401 program will verify accuracy of SOS publication ~ May 1, 2013.

6) I'll submit the official rulemaking record.

7) A five year rule review is not required. Rule only effective until July 31, 2013, and it was an amendment.

Please let me know if you agree with the above, and I will send to those who need to know.

Thanks.

Christopher Clipper
Permit Program Analyst
Oregon Dept. of Environmental Quality
811 SW 6th Avenue | Portland, OR 97204
T: 503-229-5656 | clipper.chris@deq.state.or.us