**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**NOTICE OF PROPOSED RULEMAKING, HEARING**

A Statement of Need and Fiscal and Economic Impact accompanies this form.

**Department of Environmental Quality**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**OAR Chapter 340**\_\_\_\_\_\_\_\_\_

Agency and Division Administrative Rules Chapter Number

\_Maggie Vandehey\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_503-229-6878\_\_\_\_\_\_\_\_\_\_\_\_\_

Rules Coordinator Telephone

\_811 SW Sixth Avenue, Portland, OR 97204\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_vandehey.maggie@deq.state.or.us

**RULE CAPTION**

**401 Water Quality Certification Fee Increase**

**HEARINGS**

|  |  |  |  |
| --- | --- | --- | --- |
| Aug. 15, 2012 | 6 p.m. | Roseburg Central Library  1409 NE Diamond Lake Blvd  Ford Community Room  Roseburg, OR 97470 | DEQ employee |
| Hearing Date | Time | Location | Hearings Officer |
| Aug. 20, 2012 | 6 p.m. | Columbia Gorge Community College  400 East Scenic Drive  Building 3, Classroom 3.203  The Dalles, OR 97058 | DEQ employee |
| Hearing Date | Time | Location | Hearings Officer |
| Aug. 23, 2012 | 9:45 a.m. | DEQ - Headquarters Office  Conference Room EQC-A  811 SW Sixth Avenue  Portland, OR 97204 | DEQ employee |
| Hearing Date | Time | Location | Hearings Officer |

Auxiliary aids for persons with disabilities are available at hearings upon advance request.

**RULEMAKING ACTION**

**ADOPT: N/A**

**AMEND:** OAR 340-048-0055

**REPEAL:** NA

**RENUMBER:** NA

**AMEND AND RENUMBER:** NA

**Stat. Auth.:** ORS 420 and 468

**Other Authority:** NA

**Stats. Implemented:** ORS 468B.035 - ORS 468B.047

**RULE SUMMARY**

The Oregon Department of Environmental Quality is proposing to increase fees for certifying that activities requiring federal licenses and permits comply with water quality requirements and standards. DEQ certifies compliance as authorized by Section 401 of the federal Clean Water Act. The proposed fees apply to most removal, fill and other activities, except hydroelectric, requiring 401certification.

This rulemaking would increase 401 certification fees to cover program costs, provide additional staff to expedite review and approval, and enhance technical assistance to applicants.

The proposed changes will apply to those requiring federal permits or licenses for removal, fill or other activities (except hydroelectric projects) that may result in discharges to Oregon’s waters. Applicants could include individuals, small and large businesses, local governments, state and federal agencies and other entities.

To request more information about this rulemaking, please contact:

Steve Mrazik at the Department of Environmental Quality, call toll free in Oregon 800-452-4011 or 503-229-5263.

or visit DEQ’s public notices webpage <http://www.deq.state.or.us/regulations/proposedrules.htm>

To comment on this rulemaking, submit your comments to:

Steve Mrazik, Oregon Department of Environmental Quality, 2020 SW 4th Avenue, Suite 400, Portland, OR 97201, or by fax to 503-229-6957, or by email to [401Rulemaking@deq.state.or.us](mailto:401Rulemaking@deq.state.or.us)

*(if you do not receive an auto response to your emailed comments, contact staff listed above),*

5 p.m., Wednesday, Aug. 29, 2012

**Last day to receive public comments**

**ORS 183.335(2)(b)(G), The Department of Environmental Quality requests public comment on whether other options should be considered for achieving the rule’s substantive goals while reducing negative economic impact of the rule on business.**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Maggie Vandehey\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature and Date Printed name

The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday.