From: FOSTER Eugene P
To: KISHIDA Koto; CLIPPER Chris;
cc: HICKMAN Jane;
Subject: RE: OFIC Comments on Corrections and Clarifications to Nonpoint Source REgulations
Date: Wednesday, April 24, 2013 12:40:39 PM

Koto et al., - should we let OFIC know we accepted their comments?

From: KISHIDA Koto
Sent: Wednesday, April 24, 2013 12:30 PM
To: CLIPPER Chris
Cc: FOSTER Eugene P; HICKMAN Jane
Subject: RE: OFIC Comments on Corrections and Clarifications to Nonpoint Source REgulations

Thanks Chris.

Koto

From: CLIPPER Chris
Sent: Tuesday, April 23, 2013 6:38 PM
To: KISHIDA Koto
Cc: FOSTER Eugene P; HICKMAN Jane; CLIPPER Chris
Subject: RE: OFIC Comments on Corrections and Clarifications to Nonpoint Source REgulations

The mistake was also made on the proposed rules website (http://www.deq.state.or.us/regulations/proposedrules.htm), and may exist in other locations.

I would advise accepting any comments through today (Tuesday, April 23) because commenters may have been confused, as noted below.

From the Attorney General's Administrative Law Manual:

If the Agency makes mistakes in its notice, the agency may correct the errors in an amended filing unless the errors substantially prejudice the interests of persons affected by the rule. ORS 183.335(12)(a)

I don't think DEQ was required to do an amended filing. Anyone who had questions about the error could have contacted you if they were planning on submitting comments – which is what happened below.

Thanks.

Christopher Clipper
Water Quality 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

From: KISHIDA Koto
Sent: Tuesday, April 23, 2013 1:44 PM
To: HICKMAN Jane
Cc: FOSTER Eugene P; CLIPPER Chris
Subject: RE: OFIC Comments on Corrections and Clarifications to Nonpoint Source REgulations

Jane

I think so, unless there is a requirement to keep the public comment period for more than one week after the public hearing. (We had the hearing last Tuesday on 4/16)

Chris, do you know?

Koto

From: HICKMAN Jane
Sent: Tuesday, April 23, 2013 1:33 PM
To: FOSTER Eugene P; KISHIDA Koto; CLIPPER Chris
Subject: RE: OFIC Comments on Corrections and Clarifications to Nonpoint Source REgulations

Koto, I assume the correct deadline was 4/22? Jane

From: FOSTER Eugene P
Sent: Tuesday, April 23, 2013 1:29 PM
To: KISHIDA Koto; CLIPPER Chris; HICKMAN Jane
Subject: RE: OFIC Comments on Corrections and Clarifications to Nonpoint Source REgulations

I think we should accept the comments, if we have that discretion.

Do we?

thanks
Gene

From: KISHIDA Koto
Sent: Tuesday, April 23, 2013 1:27 PM
To: FOSTER Eugene P; CLIPPER Chris
Subject: FW: OFIC Comments on Corrections and Clarifications to Nonpoint Source REgulations

Gene and Chris

I wanted to check in with you before I responded to his message. Maggie is out of the office for one month.

It seems to me that we should accept the comments since the date on the notice was incorrect. What do you think?

Koto

From: Heath Curtiss [Heath@ofic.com]
Sent: Tuesday, April 23, 2013 10:50 AM
To: KISHIDA Koto
Subject: FW: OFIC Comments on Corrections and Clarifications to Nonpoint Source REgulations

Koto,

Appears I also screwed up your email address. See below.

Heath A. Curtiss | General Counsel, Director of Government Affairs
Oregon Forest Industries Council | (503) 877-3225 | heath@ofic.com

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From: Heath Curtiss
Sent: Tuesday, April 23, 2013 10:47 AM
To: 'Comment-NPS@deq.state.or.us'
Cc: 'koto@deq.state.or.us'; Kristina McNitt; mrcampbell@stoel.com
Subject: OFIC Comments on Corrections and Clarifications to Nonpoint Source REgulations

Koto,

See OFIC's comments attached. I note that the Rulemaking Announcement (also attached) indicates that the comment deadline is 5 pm Tuesday, April 22, 2013. It occurs to me now that, while today is Tuesday, it's also April 23. I probably should have spotted the conflicting dates sooner. My hope is that you will still accept our comments. Please confirm.

Thanks so much,

Heath A. Curtiss | General Counsel, Director of Government Affairs
Oregon Forest Industries Council | (503) 877-3225 | heath@ofic.com

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