

From: [ROOT Jenny](#)
To: [CLIPPER Chris](#)
Subject: RE: Division 12 Rulemaking
Date: Thursday, July 18, 2013 3:17:10 PM

Thank you, Chris. We just wanted to make sure we weren't missing anyone that the program feels should be notified.

Jenny

From: CLIPPER Chris
Sent: Thursday, July 18, 2013 3:10 PM
To: ROOT Jenny
Cc: CARLOUGH Les; CLIPPER Chris; ROICK Tom
Subject: RE: Division 12 Rulemaking

Hi Jenny,

No special lists for WQ that I think should receive the Division 12 notice of rulemaking (in addition to the agency rulemaking list).

Rationale:

- I'm sending out a public notice on July 22, which involves WQ permitting fees, and I don't want confusion to develop between the different rulemakings
- The enforcement process and civil penalty determinations are for the "bad actors". This process and fees are not directly related to the administration fees of the WQ program (e.g. application fee, annual fee, plan review fee, etc.) or policy development of the programs (permitting, TMDL, standards, etc).

Thanks.

Christopher Clipper
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From: ROICK Tom
Sent: Thursday, July 18, 2013 12:34 PM
To: ROOT Jenny; CLIPPER Chris
Cc: CARLOUGH Les
Subject: RE: Division 12 Rulemaking

Jenny, I'll need to check with the LQ program managers, but should be able to get back to you next week.

Tom

From: ROOT Jenny
Sent: Thursday, July 18, 2013 10:31 AM
To: ROICK Tom; CLIPPER Chris

Cc: CARLOUGH Les
Subject: Division 12 Rulemaking

Greetings Gentleman,

OCE has been working on its Division 12 rulemaking package for some time. We are now preparing to go out on public notice with the package in August. Division 12 prescribes DEQ's formal enforcement process and civil penalty determinations. Legislation in 2009 increased DEQ's civil penalty maximums from \$10,000 per day per violation to \$25,000 per day per violation (much more for spills!) This rulemaking package implements these new maximums, starting with an increase to base civil penalties. [Here](#) is a link to the rulemaking documents, just in case you are curious what this might entail.

So here's why I'm bugging you. The air quality program has informed OCE that they would like us to send notice of the rulemaking to not only the agency rulemaking list on GovDelivery, but also to all of the air quality permittees and interested persons list. So, my question to you both is, are there special lists for your respective programs that you also think should receive the Division 12 notice of rulemaking (in addition to the agency rulemaking list)? If so, please let me know what those are and whether they already exist on GovDelivery, or whether we will need to do this by other means. If you can let me know by **next week**, that would be greatly appreciated!

Jenny Root
Environmental Law Specialist
Oregon Dept. of Environmental Quality
503-229-5874