

Proposed Rulemaking Announcement

Public Hearing on Proposed Rule on Water Quality Certification Procedures for Klamath River Restoration Project

Summary

The U.S. Secretary of Interior is currently deciding whether to remove J.C. Boyle Dam as part of efforts to restore the Klamath River. If a decision is made to remove the dam, the dam removal entity will have to obtain a permit from the federal government and a water quality certification from the Oregon Department of Environmental Quality.

DEQ proposes a rule stating the policy and procedures DEQ would use to evaluate whether the removal project would comply with the Clean Water Act should a water quality certification be requested. In order to certify the project, DEQ must conclude that the project will comply with Oregon's water quality standards.

The rulemaking will help protect water quality as much as possible during the dam removal process and ensure that the long-term water quality and fish habitat improvements outweigh the expected short-term water quality impacts.

Why are the rule changes needed?

Existing rules are not clear about how DEQ would evaluate a water quality certification for removing J.C. Boyle Dam.

What is the objective of this rulemaking?

The purpose of the proposed rule is to clarify DEQ's policy and procedures for certifying that the dam removal will comply with water quality standards.

Who may be affected?

The proposed rule will benefit state and federal agencies by clarifying regulatory procedures. It is not anticipated that small businesses and communities will be affected by the proposed rule. This rule is separate from the federal government's decision on whether or not to remove the dam and does not affect that decision.

How was this proposal developed?

DEQ formed a local advisory committee that considered the input of the committee while developing these rules. DEQ had multiple discussions with neighboring states and the U.S. Environmental Protection Agency to learn about and evaluate DEQ's rule options.

How Can I Participate?

Attend the public hearing to learn more about the proposed rule, ask questions and provide oral and written comments related to the proposed rule. You can also submit written comments by mail, fax or email.

Hearing details

When: 6:00 p.m., Tuesday, Dec. 6

Where: Oregon Institute of Technology
OIT College Union Auditorium
Campus Drive
Klamath Falls, Oregon

Send written comments by mail, fax or email to:

Steve Kirk
DEQ Water Quality Division
475 NE Bellevue Drive, Suite 110
Bend, Oregon 97701
FAX: 541-388-8281
Email:
Waterqualitystandards@deq.state.or.us

Written comments are due by **6 p.m., Dec. 15**. Email comments will be acknowledged in a timely manner. Comments and attachments are limited to 10MB. If you do not receive an automatic response, or your comments and attachments will exceed this limit, please contact the staff listed above.

How can I get more information?

You can access an electronic version of the proposed rule and supporting documents at: www.deq.state.or.us/regulations/proposedrules.htm
The background and basis for this rule are contained in the document titled *Klamath River Restoration Rulemaking*.

Additional materials available:

- Proposed Rule changes
- Statement of Need and Fiscal Impact
- Land Use Evaluation Statement
- Relationship to Federal Requirements

You can review hard copies of these documents at DEQ's office at 475 NE Bellevue Drive, Suite 110, Bend. To schedule an appointment in Bend, or to receive hard copies of the rulemaking documents by mail, call Steve Kirk at 541- 633-2023.



State of Oregon
Department of
Environmental
Quality

Water Quality Division
475 NE Bellevue Drive
Suite 110
Bend, OR 97701
Phone: 541-388-6146
866-863-6668
Fax: 541-388-8283
Contact: Steve Kirk
kirk.steve@deq.state.or.us
www.oregon.gov/DEQ/

DEQ and the EQC have the statutory authority to address this issue under ORS 468.020, 468B.030, 468B.035 & 468B.048. These rules implement ORS 468B.030, 468B.035 & 468B.048.



In addition, the documents may be viewed at DEQ's office at 811 SW 6th Ave., Portland. Please contact Debra Sturdevant at 503-229-6691.

What happens next?

DEQ will prepare a response to all comments received during the public hearing and comment period and may modify the proposed rules. DEQ plans to recommend that the Oregon Environmental Quality Commission adopt the rules at the April 2012 EQC meeting.

DEQ will directly notify people who submitted comments of the time and place of final EQC action and issue a general public notice.

Accessibility information

DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications and Outreach at 503-229-5696 or call toll-free in Oregon at 800-452-4011; fax to 503-229-6762; or email deqinfo@deq.state.or.us.

People with hearing impairments may call 711.