

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal
for
Adoption of Federal Air Quality Regulations

Land Use Evaluation Statement

1. Explain the purpose of the proposed rules.

The Environmental Protection Agency (EPA) has adopted two new NESHAPs, which affect as many as 45 sources in Oregon. The EPA has also adopted changes to the NSPS and NESHAP standards, the list of hazardous air pollutants (HAP), and the definition of volatile organic compounds (VOC). Some of these changes provide additional flexibility. Oregon sources would like to use this additional flexibility immediately but are unable to do so until the EQC also adopts these changes.

Adopting these changes will make Oregon's rules consistent with EPA's so that the Department can implement and keep its delegation of these regulations, which benefits industrial sources. These benefits include quicker approval of applicability determination requests and alternative testing, monitoring, recordkeeping, and reporting requests. Adopting the NESHAP standards benefits the public by allowing the Department to ensure that the required emission reductions are achieved in Oregon.

2. Do the proposed rules affect existing rules, programs or activities that are considered land use programs in the DEQ State Agency Coordination (SAC) Program?

Yes X No ___

a. If yes, identify existing program/rule/activity:

The issuance of air permits is a DEQ Land Use Program. The Department will implement the proposed NSPS and NESHAPs for major source categories through the Department's Title V Operating Permit Program and the NSPS and NESHAPs for non-major source categories through the Department's Air Contaminant Discharge Permit (ACDP) Program.

- b. If yes, do the existing statewide goal compliance and local plan compatibility procedures adequately cover the proposed rules?**

Yes No (if no, explain):

The Department will implement these rules through the ACDP and Title V permitting programs. Currently, cities and counties must provide a Land Use Compatibility Statement approval before the Department issues these permits or approves a Notice of Construction.

- c. If no, apply the following criteria to the proposed rules.**

Not applicable.

In the space below, state if the proposed rules are considered programs affecting land use. State the criteria and reasons for the determination.

Not applicable.

- 3. If the proposed rules have been determined a land use program under 2. above, but are not subject to existing land use compliance and compatibility procedures, explain the new procedures the Department will use to ensure compliance and compatibility.**

Not applicable.