

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
Land Use Evaluation Statement

Rulemaking Proposal
for
Conforming Oregon Air Quality Rules to Federal Clean Air Act Requirements

RULE CAPTION

Authorizing the Environmental Quality Commission to implement the Clean Air Act requirements for agriculture in Oregon

1. Explain the purpose of the proposed rules.

The Oregon Department of Environmental Quality (DEQ) is proposing to align Oregon Administrative Rules (OARs) with ORS 468A.020 to allow regulation of agriculture to the extent necessary to comply with the federal Clean Air Act.

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 proposed rule amendments affect the land use applicability in OAR 340-018-0030 (d) Issuance of Air Contaminant Discharge Permit.

The CAA requires large sources of air pollution to obtain a permit. There is the future potential that large agricultural sources may trigger federal requirements for a facility operating permit.

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

Yes X No _____ (if no, explain):

Existing procedures already adequately cover these new rule impacts. The Air Quality Permit program requires that a source provide a Land Use Compatibility Statement (LUCS) when

applying for a permit. This assures that the source is an approved use for the property where it is located.

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

NA

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.

NA