

DEPARTMENT OF ENVIRONMENTAL QUALITY
NOTICE OF PROPOSED RULEMAKING HEARING
A Statement of Need and Fiscal Impact accompanies this form.

Department of Environmental Quality

Agency and Division

OAR Chapter 340

Administrative Rules Chapter Number

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RULE CAPTION

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

HEARINGS

May 19, 2008

Hearing Date

6:30 pm

Time

DEQ HQ, 811 SW 6th Ave Portland, OR

Location

DEQ employee

Hearings Officer

Auxiliary aids for persons with disabilities are available at hearings upon advance request.

RULEMAKING ACTION

AMEND: 340-200-0030; 340-200-0040; 340-210-0205; 340-264-0040

Stat. Auth.: 468.020 and 468A.020

Other Authority:

Stats. Implemented: 468A.020

RULE SUMMARY

The 2007 Legislature passed SB235 amending ORS 468A.020, 468A.550 and 561.400. The amendments to ORS 468A.020 allow regulation of air emissions from agriculture to the extent necessary to comply with the federal Clean Air Act (CAA). The Oregon Department of Environmental Quality (DEQ) is proposing to align Oregon Administrative Rules (OARs) with ORS 468A.020.

As a result of revisions made to ORS 468A.020 during the 2007 legislative session, it is possible that agricultural sources, such as confined animal feeding operations (CAFOs) with high emissions, may be subject to the permitting requirements of the CAA in the future if their emissions are above federal permitting thresholds.

Other than the potential requirement for permitting, these rule changes will have minimal impact on agricultural operations in Oregon because no new requirements are directly imposed by this rulemaking. ORS 468A.020 authorizes the Environmental Quality Commission (EQC) to limit emissions from agricultural sources if needed to meet federal CAA requirements, such as National Ambient Air Quality Standards (NAAQS), federal air toxic

requirements, or regional haze issues. However, no such requirements are included in this rulemaking and any such requirements would need to be adopted by the EQC in future rulemakings.

This rulemaking will also amend Oregon's State Implementation Plan.

To submit comments or request additional information, please contact Jeffrey Stocum at the Department of Environmental Quality (DEQ), 811 SW 6th Ave Portland, Oregon, toll free in Oregon at 800-452-4011 or 503-229-5506, or at Stocum.jeffrey@deq.state.or.us, or by fax 503-229-5675, or visit DEQ's website <http://www.deq.state.or.us/news/publicnotices/PN.asp>

May 23, 2008, 5 p.m.

Last day to receive public comments

ORS 183.335(2)(b)(G), The Department of Environmental Quality requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

Signature and Date

Printed name

The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday.