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PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on June 19, 2009 by the
Date prior to or same as filing date.

Environmental Quality Commission to be administered by DEQ

Agency and Division

OAR Chapter 340

Administrative Rules Chapter Number

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to become effective upon filing. Rulemaking Notice was published in the December 1, 2008 *Oregon Bulletin*.**
Date upon filing or later Month and Year

RULE CAPTION

Adoption of Oregon 2008 Regional Haze Plan and New Controls for PGE Boardman Power Plant

RULEMAKING ACTION

ADOPT: 340-223-0010, 340-223-0020, 340-223-0030, 340-223-0040, 340-223-0050

AMEND: 340-200-0040, 340-228-0606

REPEAL: None

RENUMBER: None

AMEND AND RENUMBER: None

ORS 468.020 and ORS 468A.310

Stat. Auth.: ORS

NA

Other Authority

ORS 468A.025

Stats. Implemented: ORS

RULE SUMMARY

Over the next several decades, DEQ must develop a series of regional haze plans to meet the federal Regional Haze Rule. This rule requires States to make incremental progress in reducing air pollution in federal "Class I" wilderness areas and national parks by the year 2064. The 2008 Oregon Regional Haze Plan is the first step in haze reduction, and will be updated every five years. This plan and the associated rulemaking (except for Mercury rule amendments) are a revision to the Oregon State Implementation Plan (SIP).

The most significant action associated with the 2008 Oregon Regional Haze plan are DEQ rules requiring emission controls at the PGE Boardman coal-fired power plant. These rules are in response to the federal requirement for Best Available Retrofit Technology (BART), which is a mandatory requirement under the Regional Haze Rule. The 2008 Oregon Regional Haze plan also contains the following:

1. An analysis of current visibility conditions in Oregon Class I areas, a forecast of expected haze levels in 2018, and an analysis of how well Oregon Class I areas are making Reasonable Progress by the 2018 Milestone;
2. In addition to the new rules for PGE Boardman, it describes actions to reduce emissions of visibility impairing pollutants from four other industrial facilities in Oregon that were shown to have a significant impact on visibility in one or more Class I areas. These sources have taken federally enforceable permit limits related to the BART requirements mentioned above;

3. Identifies a list of emission source categories (such as other large industrial facilities, and forestry burning) that will be evaluated for visibility impacts by the next regional haze plan update in 2013;
4. It adopts revisions made to the Oregon Smoke Management Plan (OSMP) by the Oregon Department of Forestry in 2007. These revisions include measures to protect visibility in Class I areas.

This rulemaking also aligns the installation of mercury controls (adopted in 2006) for PGE Boardman with the required Phase 1 SO₂ controls. This rulemaking retains the July 1, 2012 compliance date for mercury controls, but changes the compliance extension contingency from 1 year to 2 years, and adds fly ash contamination as a contingency for granting an extension.

Larry McAllister
Authorized Signer

June 29 2009
Date

Larry McAllister
Printed name

*Copies include a photocopy of this certificate with paper and electronic copies of each rule listed in the Rulemaking Action.

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