

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

OAD Chapter 340

Administrative Rules Chapter Number

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**New Source Review, Particulate Matter and Greenhouse Gas Permitting
Requirements and Other Permitting Rule Updates**

The Oregon Department of Environmental Quality (DEQ) is proposing rules that would update New Source Review/Prevention of Significant Deterioration (NSR/PSD) for fine particles and greenhouse gases and make other permitting rule updates.

HEARINGS

November 16, 2010	6:00 pm	DEQ – Medford Regional Office 221 Stewart Avenue, Suite 201 Medford, OR 97501	Tom Peterson
Hearing Date	Time	Location	Hearings Officer
November 17, 2010	6:00 pm	DEQ - Bend Regional Office 475 NE Bellevue, Suite 110 Bend, OR 97701 Conference Room	Mark Fisher
Hearing Date	Time	Location	Hearings Officer
November 18, 2010	6:00 pm	DEQ Headquarters 811 SW 6th Ave Portland, OR 97204 Room EQC-A	George Davis
Hearing Date	Time	Location	Hearings Officer
November 19, 2010	1:30 pm	DEQ Salem Office 750 Front Street, Suite 120 Salem	Gary Andes
Hearing Date	Time	Location	Hearings Officer

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

RULEMAKING ACTION

ADOPT: OAR 340-224-0005

AMEND:

OAR 340-200-0020, OAR 340-200-0025, OAR 340-200-0040, OAR 340-202-0010, OAR 340-202-0060, OAR 340-202-0210, OAR 340-215-0050, OAR 340-216-0020, OAR 340-216-0025, OAR 340-216-0040, OAR 340-216-0052, OAR 340-216-0054, OAR 340-216-0056, OAR 340-216-0060, OAR 340-216-0064, OAR 340-216-0066, OAR 340-216-0070, OAR 340-216-0090, OAR 340-222-0042, OAR 340-222-0045, OAR 340-224-0010, OAR 340-224-0050, OAR 340-224-0060, OAR 340-224-0070, OAR 340-225-0020, OAR 340-225-0030, OAR 340-225-0045, OAR 340-225-0050, OAR 340-225-0060, OAR 340-225-0090, OAR 340-228-0300, OAR 340-246-0230

REPEAL: NA

RENUMBER: NA

AMEND AND RENUMBER: NA

RULE SUMMARY

PM_{2.5} New Source Review/Prevention of Significant Deterioration: This proposed rulemaking would adopt NSR/PSD rules for fine particles (PM_{2.5} or particulate matter less than 2.5 microns in diameter) adopted by a temporary rule on August 19, 2010. The unexpired temporary rule will be repealed upon adoption of the final rule. The proposed rule amendments align Oregon's rules with federal requirements to allow DEQ to continue to implement the NSR/PSD program in Oregon.

Greenhouse Gas (GHG) Prevention of Significant Deterioration: DEQ is proposing rules that would update the PSD program to include greenhouse gases in response to regulations promulgated by EPA. Additional proposed changes clarify existing requirements in Oregon's NSR/PSD rules. Adoption of the rules will allow DEQ to continue implementing the federally approved Prevention of Significant Deterioration program in Oregon.

Small Scale Renewable Energy Sources: EPA requires states to have minor source construction approval programs, but gives states flexibility in how to do this. Oregon's minor source construction approval program basically applies major source NSR/PSD requirements to any source with emissions over the significant emission rate (including some areas where the Oregon SER is lower than the federal SER). HB 2952 revised how the minor source construction approval program works for small scale local energy projects.

Permitting Rule Updates: DEQ is proposing to update the version of the federal acid rain program rules adopted by reference.

These amendments, if adopted, will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to the State Implementation Plan, which is a requirement of the Clean Air Act.

To request additional information regarding this rulemaking or submit comments, please contact Jill Inahara, Oregon Department of Environmental Quality,), 811 SW Sixth Avenue, Portland, OR 97204, toll free in Oregon at 800-452-4011 or (503) 229-5001, or at AQFeb2011Rules@deq.state.or.us or fax at (503) 229-5675, or visit DEQ's website <http://www.deq.state.or.us/aq/permit/proposedRules.htm>. (If you do not receive an auto response to your emailed comments, contact staff listed above),

5:00 p.m. November 24, 2010
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.

Maggie Vandehey 10/13/2010
Signature and Date

Maggie Vandehey
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.

