

NOTICES OF PROPOSED RULEMAKING

Mental Health Special Housing is separate and apart from the general inmate population. These rules establish policy and procedures for assignment of an inmate to mental health special housing who, because of mental health issues, is unable to adjust in the general inmate population.

Rules Coordinator: Janet R. Worley

Address: Department of Corrections, 2575 Center St. NE, Salem, OR 97301-4667

Telephone: (503) 945-0933

Department of Energy Chapter 330

Rule Caption: Expands the renewable Portfolio Standard and address programmatic implementation issues.

Date:	Time:	Location:
1-25-11	9:30 a.m.	Oregon Dept. of Energy 625 Marion St. NE Salem, OR

Hearing Officer: Michael Schopf

Stat. Auth.: ORS 469A.005-469A.210

Other Auth.: ORS 469.040(1)(d)

Stats. Implemented: ORS 469A.005-469A.210

Proposed Adoptions: 330-160-0040, 330-160-0050

Proposed Amendments: 330-160-0015, 330-160-0020, 330-160-0025, 330-160-0030

Last Date for Comment: 2-1-11

Summary: Pursuant to ORS 469A130, the Oregon Department of Energy (Department) is responsible for determining whether electricity generating units (GU's) are entitled to receive Oregon-eligible Renewable Energy Certificates (REC's). Oregon utilities are REC's to comply with their obligations under Oregon's Renewable Portfolio Standard (RPS). Previously, in OAR 330-160-0020, the Department selected the Western renewable Energy generation Information System (WREGIS) as the electronic tracking system for Oregon RECs. These rules carry out the amendments to ORS 469A in Or Laws 2010, Ch. 71 (HB 3649) (Special Session) and Or Laws 2010, Ch. 17 (HB 3674) (Special Session) that increased the number of GU's that may acquire Oregon REC's. The rules also recognize a national organization to certify low-impact hydroelectric facilities as mandated in ORS 469A.020 and address other issues related to administering Oregon's RPS, including the potential failure of WREGIS's to create and track RECs associated with certain electricity.

Rules Coordinator: Kathy Stuttaford

Address: Department of Energy, 625 Marion St. NE, Salem, OR 97301

Telephone: (503) 373-2127

Department of Environmental Quality Chapter 340

Rule Caption: Revised Water Quality Standards for Human Health Toxic Pollutants and Revised Water Quality Standards Implementation Policies.

Date:	Time:	Location:
2-1-11	1 p.m.	Oregon Dept. of Transportation 63055 N. Hwy. 97 Bend, OR 97701
2-2-11	9 a.m.	DEQ Eugene Office 165 East 7th Ave., Suite 100 Eugene, OR 97401
2-2-11	6 p.m.	DEQ Medford Office 221 Stewart Ave., Suite 201 Medford, OR 97501
2-3-11	1:30 p.m.	City Hall, Council Chambers 500 Central Ave. Coos Bay, OR 97420
2-7-11	3:30 p.m.	Ontario City Hall 444 SW 4th St. Ontario, OR 97914

2-8-11	2 p.m.	St. Anthony's Hospital 1601 SE Court Ave. Pendleton, OR 97801
2-10-11	6 p.m.	DEQ Headquarters, Rm. EQC A 811 SW 6th Ave. Portland, OR 97204

Hearing Officer: Eric Nigg, Bobbie Lindberg, Bill Meyer/Jon Gasik, Pam Blake, Debra Sturdevant, Joanie Stevens-Schwenger
Stat. Auth.: ORS 468B.010, 468B.020, 468B.035, 468B.110, & 468.020

Stats. Implemented: ORS 468B.048

Proposed Adoptions: 340-041-0059, 340-045-0105

Proposed Amendments: 340-041-0007, 340-041-0033, 340-041-0061, 340-042-0040, 340-042-0080

Last Date for Comment: 2-18-11, 5 p.m. PST

Summary: DEQ uses Oregon's water quality standards to implement Clean Water Act programs, which includes assessing Oregon's water quality and developing and enforcing wastewater discharge permits, Total Maximum Daily loads and water quality certifications. The proposed rules amend Oregon's water quality standards for toxic pollutants and other water quality standards and policies related to the application and implementation of the water quality standards in Clean Water Act and state nonpoint source control programs.

Proposed rule amendments:

Human health toxics criteria (OAR 340-041-0033): Revised numeric criteria based on an increased fish consumption rate of 175 grams per day. Criteria that are not based on a fish ingestion method are not revised. Additional criteria revisions incorporate EPA's 2002 criteria recommendations, which include added pollutants and revisions to other variables (such as toxicity factors) used to derive some criteria. The rule also specifies that the new criteria become effective upon approval by the Environmental Protection Agency.

Variance provision (OAR 340-041-0061(2) being moved to OAR 340-041-0059): Revised rule specifies procedures and requirements, including a pollutant reduction plan, to obtain a variance from water quality standards. A variance establishes alternate requirements for a discharger when it demonstrates that permit limits based on water quality standards cannot be met based on one of six justification factors. Variances require EPA approval.

Nonpoint source pollution (OAR 340-041-0007 and 340-041-0061): Revised water quality standards implementation rules pertaining to agriculture and forestry are proposed to make DEQ's rules consistent with state statutes affecting nonpoint sources of pollution.

Total maximum daily loads (TMDLs) (OAR 340-042-0040 and 340-042-0080): Makes DEQ's rules consistent with state statutes to allocate load limits to air and land sources of pollutants in establishing TMDLs.

Proposed new rules:

Intake credits (OAR 340-045-0105): New permitting provision that allows DEQ to account for background pollutants that are present in a discharger's intake water and pass through the facility as long as the discharge does not increase the mass or concentration of the pollutant.

Background pollutant allowance (OAR 340-041-0033): New provision in the toxic substances water quality standards that allows a limited increase in the concentration of pollutants present in a discharger's intake water as long as the facility does not discharge added mass load of the pollutant and the ambient water body concentration does not exceed a 10⁻⁴ (1 in 10,000) risk level value.

In October, 2008, the Environmental Quality Commission directed DEQ to pursue rulemaking to set new water quality standards for toxic pollutants in Oregon based upon an increased fish consumption rate of 175 grams per day. The commission also directed DEQ to propose rule language or develop other implementation strategies to: 1) reduce the adverse impacts of toxic substances in Oregon's waters that are the result of nonpoint source discharges or other sources not subject to permitting, and 2) allow DEQ to implement the standards in an environmentally meaningful and cost-

NOTICES OF PROPOSED RULEMAKING

effective manner. The proposed rules respond to these EQC directives. The proposed human health toxics criteria revisions correct deficiencies identified by the Environmental Protection Agency in their June 2010 disapproval of the human health criteria adopted by the EQC in June, 2004.

For additional information regarding this rulemaking, please contact: Andrea Matzke at the Department of Environmental Quality, call toll free in Oregon 800-452-4011 or 503-229-5384, or visit DEQ's public notices webpage http://www.deq.state.or.us/news/public_notices/PN.asp

To comment on this rulemaking, submit your comments to: Andrea Matzke, Oregon Department of Environmental Quality, 811 SW 6th Ave, Portland, Oregon, 97204, or by fax to 503-229-6037, or by email to ToxicsRuleMaking@deq.state.or.us (if you do not receive an auto response to your emailed comments, contact staff listed above).

Rules Coordinator: Maggie Vandehey

Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204-1390

Telephone: (503) 229-6878

.....

Rule Caption: New Source Review, Particulate Matter and Greenhouse Gas Permitting Requirements and Other Permitting Rule Updates.

Date:	Time:	Location:
1-24-11	12:30 p.m.	LRAPA, Conference Rm. 1010 Main St. Springfield, OR 97477
2-28-11	12:30 p.m.	LRAPA, Conference Rm. 1010 Main St. Springfield, OR 97477

Hearing Officer: Max Hueftle

Stat. Auth.: ORS 468.020 & 468A.025

Other Auth.: LRAPA Title 14

Stats. Implemented: ORS 468.065, 468A.040, 468A.055 & 468A.310

Proposed Amendments: 340-200-0040

Last Date for Comment: 2-28-11, 3 p.m.

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 23, 2010. The unexpired temporary rule will be repealed upon adoption of the final rule. The proposed rule amendments align LRAPA's rules with federal requirements to allow LRAPA to continue to implement the NSR/PSD program in Lane County.

Greenhouse Gas (GHG) New Source Review/Prevention of Significant Deterioration: LRAPA is proposing rules that would update the PSD program to include greenhouse gases in response to regulations promulgated by EPA. Additional proposed changes clarify requirements based on past implementation of LRAPA's NSR/PSD rules. Adoption of the rules will allow LRAPA to continue implementing the Prevention of Significant Deterioration program in Lane County.

Small Scale Renewable Energy Sources: EPA requires state and local air agencies to have minor source construction approval programs, but gives flexibility in how to do this. LRAPA's minor source construction approval program basically applies major source NSR/PSD requirements to any source with emissions over the Significant Emission Rate (SER). HB 2952 revised how the minor source construction approval program works for small scale local energy projects.

Permitting Rule Updates: The permitting rule updates would align rules with federal standards, correct typographical errors and create permitting and/or registration requirements for many sources subject to new Area Source National Emission Standards for Hazardous Air Pollutants (Area Source NESHAPs).

These amendments, if adopted, will be submitted to the DEQ and 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 Max Hueftle, Lane Regional Air Protection Agency (LRAPA), 1010 Main St., Springfield, OR 97477, toll free at 877-285-7272 or (541) 736-1056, or at max@lrapa.org or fax at (541) 726-1205, or visit LRAPA's website www.lrapa.org

Rules Coordinator: Maggie Vandehey

Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204-1390

Telephone: (503) 229-6878

.....

Rule Caption: Oregon Low Emission Vehicles – 2011 Update.

Date:	Time:	Location:
1-24-11	7 p.m.	DEQ Headquarters 811 SW Sixth Ave. Portland, OR

Hearing Officer: Staff

Stat. Auth.: ORS 468.020, 468.065, 468A.010, 468A.015, 468A.025, 468A.040 & 468A.360

Stats. Implemented: ORS 468.020

Proposed Amendments: 340-257-0030, 340-257-0050, 340-257-0060, 340-257-0070, 340-257-0090, 340-257-0110, 340-257-0120, 340-257-0140

Last Date for Comment: 1-27-11, 5 p.m.

Summary: Oregon adopted California's motor vehicle emissions standards as allowed by the federal Clean Air Act and is obligated to have the same rule requirements as California. This proposed rulemaking will update Oregon's Low Emission Vehicle program by incorporating California's current regulations. The most prominent changes will allow auto manufacturers the option to use streamlined methods to demonstrate they meet greenhouse gas emission limits. The proposed amendments will also adjust Zero Emission Vehicle goals to allow the use of Plug-in Hybrid Electric Vehicles and will incorporate numerous additional revisions.

To request additional information regarding this rulemaking, please contact: Dave Nordberg at the Department of Environmental Quality, call toll free in Oregon 800-452-4011 or (503) 229-5519, or visit DEQ's public notices webpage: www.deq.state.or.us/regulations/rulesandlaws.htm

To comment on this rulemaking, submit your comments to: Dave Nordberg, Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, OR 97204 or by fax to (503) 229-5675, or by email to Oregon.LEV2011@deq.state.or.us (if you do not receive an auto response to your emailed comments, contact staff listed above).

Rules Coordinator: Maggie Vandehey

Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204-1390

Telephone: (503) 229-6878

.....

Department of Fish and Wildlife Chapter 635

Rule Caption: Columbia River Sturgeon, Salmon, Smelt and Miscellaneous Fishing Regulations for 2011.

Date:	Time:	Location:
2-4-11	8 a.m.	Dept. of Fish & Wildlife 3406 Cherry Ave., Commission Rm. Salem, OR 97103

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 183.325, 496.138, 496.146, 506.109 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.119

Proposed Adoptions: Rules in 635-017, 635-023, 635-041, 635-042

Proposed Amendments: Rules in 635-017, 635-023, 635-041, 635-042

Proposed Repeals: Rules in 635-017, 635-023, 635-041, 635-042

Last Date for Comment: 2-4-11