#### State of Oregon

Department of Environmental Quality Memorandum

**Date:** November 1, 2011

**To:** Environmental Quality Commission

**From:** Merlyn Hough, Director

**Subject:** Agenda item xx, Rulemaking: Eugene-Springfield Air Quality Limited Maintenance Plan for PM10

December 15-16, 2011, EQC Meeting

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| **Why this is important** | The proposed rulemaking action will redesignate the Eugene-Springfield UGB from nonattainment to attainment for PM10. A plan to maintain that status is also proposed for adoption. |
| **DEQ recommendation and EQC motion** | It is recommended that EQC adopt the proposed rule amendments and maintenance plan as presented. |
| **Background and need for rulemaking** | The Eugene-Springfield PM10 Nonattainment Area has not exceeded the federal public health standards for particulate matter ten microns and less (PM10) since 1987. The proposed rulemaking would officially change the status of this area from a PM10 nonattainment area to a PM10 maintenance area, and adopt a PM10 maintenance plan that will ensure continued attainment with the standard. In addition, this rulemaking action will include a request by DEQ to the U.S. Environmental Protection Agency for the Eugene-Springfield area to be redesignated as in attainment with the standard.  A mandatory residential wood combustion curtailment program implemented by the Lane Regional Air Protection Agency (LRAPA) has been the primary mechanism for the Eugene-Springfield area being able to attain the PM10 health standard. This program will continue to be implemented without changes under the PM10 maintenance plan to ensure continued attainment with the standard. Under this plan, industrial emissions growth will be controlled through existing New Source Review regulations, which for maintenance areas reduces the stringency and costs of emission control requirements for new sources, from the Lowest Achievable Emission Rate (LAER) to the Best Available Control Technology (BACT). All other requirements on sources will remain the same.  LRAPA held a public hearing on this proposed rulemaking, and it was approved by the LRAPA Board of Directors. The Clean Air Act requires DEQ to submit all rule and plan changes to the U.S. Environmental Protection Agency as a revision to the State Implementation Plan under OAR 340-200-0040. |
| **Effect of rule** | If adopted, the rule would redesignate the area to be in attainment of the standard and provide a plan for maintaining that status. |
| **Commission authority** | The commission has authority to take this action under ORS 468.020, 468A.025. |
| **Key issues** | Since ambient PM10 levels in this area are well below the health standards, and since existing control measures on the primary source of PM10 emissions will be maintained, there are no significant issues with this action. |
| **Public outreach** | Public Hearing: September 26, 2011, at the LRAPA office in Springfield with public comments accepted until that day. |
| **Next steps** | If the proposed rules are adopted, DEQ will file the rule record with the Oregon Secretary of State. |
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| **Attachments** | Proposed rules (redline)  Adopted Rules - Final  Eugene-Springfield LMP PM10 Attainment and Maintenance Plan Document  Public Comment and LRAPA Response  Relationship to Federal Requirements questions  Statement of Need and Fiscal and Economic Impact  Land Use Evaluation Statement  Board Minutes from September 26, 2011 Hearing |

Approved:

Division: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Section: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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