From:	OLIPHANT Margaret
To:	INAHARA Jill; DOWNING Kevin
Cc:	VANDEHEY Maggie; PAPISH Uri
Subject:	ACTION: LRAPA rules
Date:	Tuesday, March 05, 2013 6:20:28 PM
Importance:	High

Jill and Kevin,

As the rule reviewers for the 4 LRAPA rules that will go out on public notice in April, I need you to determine all of the chapter 340 rules that EQC needs to amend to incorporate your respective LRAPA rules. For every SIP submittal, we amend 340-200-0040 for the date the EQC amends the SIP. We will have to do that for the LRAPA rules, but are there any other places in the our rules that need a change. For example, when we adopted the Eugene Springfield PM 10 maintenance plan, we also had to amend OAR 340-204-0010,0030,0040 because they made reference to the Eugene Nonattainment area.

Jill has done a search of the OAR's for reference to LRAPA but maybe that isn't enough? Maggie, can you give us some guidance?

I know this has to be done quickly if we have any chance of making the April bulletin. Can you please help ASAP.

Thanks,

Margaret

From: INAHARA Jill
Sent: Friday, February 22, 2013 2:34 PM
To: OLIPHANT Margaret
Subject: OAR mentions of LRAPA

Here are all the mentions of LRAPA in our rules, Margaret. I still don't understand what Maggie wants.

Jill

DIVISION 200

GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

General

340-200-0010

Purpose and Application

(1) This division provides general air pollution procedures and definitions that apply to all air quality rules in divisions 200 through 268.

(2) Divisions 200 through 268 apply in addition to all other rules adopted by the Environmental Quality Commission. In cases of apparent conflict between rules within these divisions, the most stringent rule applies unless otherwise expressly stated.

(3) The Department administers divisions 200 through 268 in all areas of the State of Oregon except in Lane County where Lane Regional Air Protection Agency administers the air pollution control regulations.

340-200-0020

General Air Quality Definitions

(34) "Department":

(a) Means Department of Environmental Quality; except

(b) As used in OAR 340 divisions 218 and 220 means Department of Environmental Quality or in the case of Lane County, Lane Regional Air Protection Agency.

(38) "Draft permit" means the version of an Oregon Title V Operating Permit for which the Department or Lane Regional Air Protection Agency offers public participation under OAR 340-218-0210 or the EPA and affected State review under 340-218-0230.

(56) "Final permit" means the version of an Oregon Title V Operating Permit issued by the Department or Lane Regional Air Protection Agency that has completed all review procedures required by OAR 340-218-0120 through 340-218-0240.

(105) "Regional Agency" means Lane Regional Air Protection Agency.

(108) "Responsible official" means one of the following:

(a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(A) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

(B) The delegation of authority to such representative is approved in advance by the Department or Lane Regional Air Protection Agency.

DIVISION 215

GREENHOUSE GAS REPORTING REQUIREMENTS

340-215-0010

Purpose and Scope

(1) The purpose of this division is to establish requirements and procedures for the annual registration and reporting of greenhouse gas emissions to the Department using DEQ-approved reporting protocols.

(2) Subject to the requirements in this division and ORS 468A.100 through 468A.180, the Lane Regional Air Protection Agency is designated by the Environmental Quality Commission as the Agency to implement this division within its area of jurisdiction. The requirements and procedures contained in this division must be used by the Regional Agency to implement this division unless the Regional Agency adopts superseding rules that are at least as restrictive as this division.

DIVISION 216

AIR CONTAMINANT DISCHARGE PERMITS

340-216-0020

Applicability

(6) Subject to the requirements in this Division, the Lane Regional Air Protection Agency is designated by the Commission as the permitting agency to implement the Air Contaminant Discharge Permit program within its area of jurisdiction. The Regional Agency's program is subject to Department oversight. The requirements and procedures contained in this Division pertaining to the Air Contaminant Discharge Permit program shall be used by the Regional Agency to implement its permitting program until the Regional Agency adopts superseding rules

which are at least as restrictive as state rules.

DIVISION 218

OREGON TITLE V OPERATING PERMITS

340-218-0010

Policy and Purpose

(4) Subject to the requirements in this Division, the Lane Regional Air Protection Agency is designated by the Commission as the permitting agency to implement the Oregon Title V Operating Permit program within its area of jurisdiction. The Regional Agency's program is subject to Department oversight. The requirements and procedures contained in this Division pertaining to the Oregon Title V Operating Permit program shall be used by the Regional Agency to implement its permitting program until the Regional Agency adopts superseding rules which are at least as restrictive as state rules.

340-218-0120

Permit Issuance

(1) Action on application:

(d) The Department or Lane Regional Air Pollution Agency is the permitting authority for purposes of the 18 month requirement contained in 42 USC ¦ 7661b(c) and this subsection. Except as provided under the initial transition plan or under regulations promulgated under Title IV of the FCAA or under this division for the permitting of affected sources under the national acid rain program, the Department will take final action on each permit application (including a request for permit modification or renewal) within 18 months after receiving a complete application. In the case of any complete permit application containing an early reductions demonstration pursuant to OAR 340-244-0100, the Department will take final action within 9 months of receipt;

DIVISION 224

MAJOR NEW SOURCE REVIEW

340-224-0010

Applicability and General Prohibitions

7) Subject to the requirements in this division, the Lane Regional Air Protection Agency is designated by the Commission as the permitting agency to implement the Oregon Major New Source Review program within its area of jurisdiction. The Regional Agency's program is subject to Department oversight. The requirements and procedures contained in this division pertaining to the Major New Source Review program shall be used by the Regional Agency to implement its permitting program until the Regional Agency adopts superseding rules which are at least as restrictive as state rules.

DIVISION 238

NEW SOURCE PERFORMANCE STANDARDS

340-238-0090

Delegation

(1) The Lane Regional Air Protection Agency (LRAPA) is authorized to implement and enforce, within its boundaries, the provisions of this division.

(2) The Commission may authorize LRAPA to implement and enforce its own provisions upon a finding that such provisions are at least as stringent as a corresponding provision in this division. LRAPA may implement and enforce provisions authorized by the Commission in place of any or all of this division upon receipt of delegation from EPA. Delegation may be withdrawn for cause by the Commission.

DIVISION 244

OREGON FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM

General Provisions for Stationary Sources

340-244-0020

Delegation of Authority

(1) The Lane Regional Air Protection Agency (LRAPA) is authorized to implement and enforce, within its boundaries, this Division.

(2) The Commission may authorize LRAPA to implement and enforce its own provisions upon a finding that such provisions are at least as stringent as a corresponding provision in this Division. LRAPA may implement and enforce provisions authorized by the Commission in place of any or all of this Division upon receipt of delegation from EPA or approval of such provisions under Section 112(1) of the Federal Clean Air Act. Authorization provided under this section may be withdrawn for cause by the Commission.

DIVISION 246

OREGON STATE AIR TOXICS PROGRAM

340-246-0070

Air Toxics Science Advisory Committee

(1) Purpose. The Commission recognizes the many scientific uncertainties associated with the effects of air toxics, and the continuing development of new information in this field. An Air Toxics Science Advisory Committee (ATSAC), will advise the Department, and in its jurisdiction, the Lane Regional Air Pollution Authority, on technical issues and evaluation of the state air toxics program. The ATSAC will provide advice on the technical aspects of risk assessment. It will not provide risk management or policy recommendations. The ATSAC will perform the following functions:

340-246-0090

Ambient Benchmarks for Air Toxics

(1) Purpose. Ambient benchmarks are concentrations of air toxics that serve as goals in the Oregon Air Toxics Program. They are based on human health risk and hazard levels considering sensitive populations. Ambient benchmarks are not regulatory standards, but reference values by which air toxics problems can be identified, addressed and evaluated. The Department will use ambient benchmarks as indicated in these rules, to implement the Geographic, Source Category, and Safety Net Programs. Ambient benchmarks set by the procedures described in this rule apply throughout Oregon, including that area within the jurisdiction of the Lane Regional Air Protection Agency. Ambient benchmarks are subject to public notice and comment before adoption by the Commission as administrative rules.

340-246-0110

Source Category Rules and Strategies

(1) The Department may identify the need for source category rules and strategies through the following methods:

(a) The emissions inventory, modeling or monitoring, shows air toxics emissions from point, area, or mobile sources associated with public health risk at public receptors;

(b) Development of a local air toxics reduction plan provides source category controls that could be effectively applied to sources existing in other parts of the state; or

(c) When implementing the Safety Net Program, the Department establishes air toxics emissions reductions for a source and determines that there are other similar sources in the state to which the reductions should apply.

(2) Subject to the requirements in this rule, the Lane Regional Air Pollution Authority is designated by the Commission as the agency responsible for implementing Source Category Rules and Strategies within its area of jurisdiction. The requirements and procedures contained in this rule must be used by the Regional Authority to implement Source Category Rules and Strategies unless the Regional Authority adopts superseding rules that are at least as restrictive as the rules adopted by the Commission.

340-246-0130

Geographic Program (0130 through 0170)

(1) Purpose. The Geographic Program addresses emissions from multiple sources of air toxics. It requires

prioritizing and selecting geographic areas of concern, forming a local advisory committee, developing a specific local plan to control air toxics, a public participation and comment process, EQC adoption or approval, implementing reduction strategies, and periodically evaluating the effectiveness by the Department.

(2) Subject to the requirements in OAR 340-246-0130 through 0170, the Lane Regional Air Pollution Authority is designated by the Commission as the agency to implement the Geographic Program within its area of jurisdiction. The requirements and procedures contained in this rule shall be used by the Regional Authority to implement the Geographic Program unless the Regional Authority adopts superseding rules which are at least as restrictive as state rules. The Regional Authority will address geographic areas as resources allow, considering the prioritization criteria in 340-246-0150.

340-246-0190

Air Toxics Safety Net Program (0190 through 0230)

(1) The purpose of the Air Toxics Safety Net Program is to address human exposures at public receptors to air toxics emissions from stationary sources that are not addressed by other regulatory programs or the Geographic Program. It is the Commission's expectation that the Safety Net Program in OAR 340-246-0190 through 340-246-0230 will apply only rarely.

(2) Subject to the requirements contained in OAR 340-246-0190 through 340-246-0230, the Lane Regional Air Pollution Authority is designated by the Commission as the agency responsible for implementing the Air Toxics Safety Net Program within its area of jurisdiction. The requirements and procedures contained in this rule must be used by the Regional Authority to implement the Air Toxics Safety Net Program unless the Regional Authority adopts superseding rules, which are at least as restrictive as the rules adopted by the Commission.

DIVISION 252

TRANSPORTATION CONFORMITY

340-252-0060

Consultation

(1) General:

(a) This section provides procedures for interagency consultation (Federal, State, and local) and resolution of conflicts. Consultation shall be undertaken by MPOs, the Oregon Department of Transportation, affected local jurisdictions, and United States Department of Transportation before making conformity determinations and in developing regional transportation plans and transportation improvement programs. Consultation shall be undertaken by a lead planning agency, the Department of Environmental Quality, the Lane Regional Air Protection Agency (for actions in Lane County which are subject to this division), or any other regional air authority, and United States Environmental Protection Agency in developing applicable implementation plans.

(b) The lead planning agency, the Department of Environmental Quality, the Lane Regional Air Protection Agency for Lane County, or any other regional air authority, shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process with respect to the development, amendment or revision (except administrative amendments or revisions) of an applicable implementation plan including, the motor vehicle emissions budget. The MPO, Oregon Department of Transportation, or any other party responsible for making conformity determinations pursuant to this rule, shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process with respect to the development of the transportation plan, the TIP, and any determinations of conformity under this rule. The project sponsor shall be responsible for assuring the conformity of FHWA/FTA projects and regionally significant projects approved or adopted by a recipient of funds under title 23.

(c) In addition to the lead agencies identified in subsection (b), other agencies entitled to participate in any interagency consultation process under OAR 340-252-0060 include the Oregon Department of Transportation, both headquarters and each affected regional or district office, each affected MPO, the Federal Highway Administration regional office in Portland and State division office in Salem, the Federal Transit Administration regional office, the Department of Environmental Quality, both headquarters and each affected regional office, any affected regional air authority, the United States Environmental Protection Agency, both headquarters and each affected regional or district office, and any other organization within the State responsible under State law for developing, submitting or implementing transportation-related provisions of an implementation plan, any local transit agency, and any city or county transportation or air quality agency.

(d) Specific roles and responsibilities of various participants in the interagency consultation process shall be as

follows:

(A) The lead planning agency, the Department of Environmental Quality, the Lane Regional Air Protection Agency, or any other regional air authority, shall be responsible for developing:

(C) The Lane Regional Air Protection Agency shall be responsible for developing transportation control measures for PM10 in Lane County.

(2) Interagency consultation: specific processes.

(a) State Implementation Plan development.

(A) It shall be the affirmative responsibility of the Department of Environmental Quality, the Lane Regional Air Protection Agency, or any other regional air authority with the responsibility for preparing or revising a State Implementation Plan, except for administrative amendments or revisions, to initiate the consultation process by notifying other participants and convening a working group made up of representatives of each affected agency in the consultation process including representatives of the public, as appropriate. Such working group shall be chaired by a representative of the convening agency, unless the group by consensus selects another chair. The working group shall make decisions by majority vote. Such working group shall begin consultation meetings early in the process of decision on the final SIP, and shall review drafts of the final SIP, the emissions budget, and major supporting documents, or appoint the representatives or agencies that will review such drafts. Such working group shall be made up of policy level officials, and shall be assisted by such technical committees or technical engineering, planning, public works, air quality, and administrative staff from the member agencies as the working group deems appropriate. The chair, or his/her designee, shall set the agenda for meetings and assure that all relevant documents and information are supplied to all participants in the consultation process in a timely manner.

(e) An MPO or Oregon Department of Transportation shall facilitate an annual statewide meeting, unless otherwise agreed upon by Oregon Department of Transportation, Oregon Department of Environmental Quality and the MPOs, of the affected agencies listed in subsection (1)(c) to review procedures for regional emissions and hot-spot modeling.

(A) The members of each agency shall annually jointly review the procedures used by affected MPOs and agencies to determine that the requirements of 40 CFR § 93.122 are being met by the appropriate agency.

(B) An MPO or Oregon Department of Transportation shall facilitate a statewide meeting of parties listed in subsection (1)(c) of this rule to receive comment on the United States Environmental Protection Agency guidelines on hot-spot modeling, to determine the adequacy of the guidelines, and to make recommendations for improved hot-spot modeling to the United States Environmental Protection Agency Regional Administrator. Oregon Department of Environmental Quality, Lane Regional Air Protection Agency, or any other regional air authority, may make recommendations for improved hot-spot modeling guidelines to the United States Environmental Protection Agency Regional Administrator with the concurrence of Oregon Department of Transportation. Oregon Department of Transportation may make recommendations for improved hot-spot modeling guidelines to the United States Environmental Protection Agency Regional Administrator with the concurrence of the affected air quality agency (e.g., Oregon Department of Environmental Quality, Lane Regional Air Protection Agency or any other regional air authority).

(C) The MPO or Oregon Department of Transportation shall determine whether the transportation modeling procedures are in compliance with the modeling requirements of40 CFR § 93.122. The Oregon Department of Environmental Quality or Lane Regional Air Protection Agency (in Lane County), or any other regional air authority, shall determine whether the modeling procedures are in compliance with the air quality emissions modeling requirements of 40 CFR § 93.122.

340-252-0070

Timeframe of Conformity Determinations

Any election by an MPO to shorten the timeframe of a conformity determination under 40 CFR 93.106(d) requires approval of the Department of Environmental Quality or the Lane Regional Air Protection Agency, as applicable. A shortened timeframe may be appropriate, for example, when projected future emissions fail to meet a Motor Vehicle Emissions Budget (MVEB) due to calculation methods that are inconsistent with the methods used to determine the MVEB. Such circumstances may exist for example, when emissions estimation methods have changed from those used to establish the MVEB.

DIVISION 262

HEAT SMART PROGRAM FOR RESIDENTIAL WOODSTOVES

AND OTHER SOLID FUEL HEATING DEVICES

340-262-0400

Purpose and Applicability of Rules

(3) Subject to the requirements in this Division and ORS 468A.100 through 468A.180, the Lane Regional Air Protection Agency is designated by the Environmental Quality Commission as the agency responsible for implementing this Division within its area of jurisdiction. The Regional Agency must implement the requirements and procedures contained in this Division unless the Regional Agency adopts superseding rules at least as restrictive as this Division.

DIVISION 264

RULES FOR OPEN BURNING

340-264-0160

Lane County

Open burning requirements for Lane County. That portion of Lane County east of Range 7 West, Willamette Meridian, forms a part of the Willamette Valley Open Burning Control Area as generally described in OAR 340-264-0078(5) and depicted in Figure 2:

(1) The rules and regulations of the Lane Regional Air Pollution authority apply to all open burning in Lane County, provided such rules are no less stringent than the provisions of this Division. The Lane Regional Air Pollution Authority may not regulate agricultural open burning.

(6) Domestic open burning:

(c) Refer to Lane Regional Air Pollution Authority open burning rules for specific seasons and hours for domestic open burning.