

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

I certify that the attached copies are true, full and correct copies of the TEMPORARY Rule(s) adopted on 10/16/2013 by the
Department of Environmental Quality 340

Agency and Division

Administrative Rules Chapter Number

Maggie Vandehey

(503) 229-6878

Rules Coordinator

Telephone

811 SW Sixth Ave., Portland, OR 97204-1390

Address

To become effective 10/29/2013 through 04/27/2014.

RULE CAPTION

Clean Diesel Grant Program - Alignment with Federal Guidelines

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

340-259-0010

SUSPEND:

Statutory Authority:

ORS 468.020, 468A.803

Other Authority:

Statutes Implemented:

ORS 468A.803

RULE SUMMARY

The 2013 Legislature unanimously adopted Senate Bill 249 that became effective April 18, 2013. The bill authorized DEQ to administer federal grants received for clean diesel projects in accordance with federal grant guidelines rather than more limited state guidelines. Before the bill was approved, DEQ did not have statutory authority to accept and administer federal clean diesel grants for some projects. While Senate Bill 249 was effective upon signing, it is nevertheless necessary for DEQ to adopt a new rule because current rules limit DEQ's ability to administer federal grants. Since DEQ was not able to propose permanent rules in time for the current federal grant cycle, the EQC adopted a temporary to enable DEQ to administer federal clean diesel grants.

FILED

10-28-13 9:36 AM

ARCHIVES DIVISION
SECRETARY OF STATE

Maggie Vandehey

maggie.vandehey@state.or.us

Rules Coordinator Name

Email Address

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION
A Certificate and Order for Filing Temporary Administrative Rules accompanies this form

Department of Environmental Quality
Agency and Division

340
Administrative Rules Chapter Number

Clean Diesel Grant Program - Alignment with Federal Guidelines

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Clean Diesel Grant Program - Alignment with Federal Guidelines

Statutory Authority:

ORS 468.020, 468A.803

Other Authority:

Statutes Implemented:

ORS 468A.803

Need for the Temporary Rule(s):

The 2013 Legislature unanimously adopted Senate Bill 249 that became effective April 18, 2013. The bill authorized DEQ to administer federal grants received for clean diesel projects in accordance with federal grant guidelines rather than more limited state guidelines. Before the bill was approved, DEQ did not have statutory authority to accept and administer federal clean diesel grants for some projects. While Senate Bill 249 was effective upon signing, it is nevertheless necessary for DEQ to adopt a new rule because current rules limit DEQ's ability to administer federal grants. DEQ was unable to propose permanent rules in time for the current federal grant cycle.

Documents Relied Upon, and where they are available:

SB 249

www.leg.state.or.us/13reg/measpdf/sb0200.dir/sb0249.en.pdf

Justification of Temporary Rule(s):

The Commission finds that further delay in implementing clean diesel grant funded projects will seriously prejudice the public's interest, and other parties' interests, from harm to public health and the environment from exposure to diesel exhaust as outlined below.

Failure to amend the rule would delay implementation of projects to reduce harmful emissions from diesel engines through vehicle and equipment replacement. Older diesel engine exhaust emits particulate matter and other pollutants that are harmful to human health and the environment. Federal clean diesel grants provide funding to improve and retrofit diesel engines to decrease the amount of such harmful emissions. Adopting the temporary rule enables DEQ to administer grants that meet federal funding criteria authorized by Senate Bill 249, which includes replacing vehicles and retrofitting highway maintenance vehicles to reduce emissions that contribute to air toxics and climate change. Delaying project implementation would also damage DEQ's ability to secure future grant awards from EPA, which will undermine the Oregon Clean Diesel Initiative's effort to reduce the adverse impacts from toxic air pollutants and mitigate climate change in a timely manner.

Maggie Vandehey

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maggie.vandehey@state.or.us

Email Address

FILED

10-28-13 9:36 AM

ARCHIVES DIVISION
SECRETARY OF STATE

Statement of Need and Justification for Temporary Rules

Secretary of State

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Department of Environmental Quality Air Quality Division
Agency and Division

OAR 340-259
Administrative Rules Chapter Number

In the Matter of: Clean Diesel Grant Program – Alignment with Federal Guidelines

Rule Caption: The proposed rule amendment would implement statutory authority to administer and expend federal grants for the purpose of reducing diesel emissions in alignment with federal program rules.

Statutory Authority: ORS 468.020, 468A.803

Other Authority: NA

Stats. Implemented: ORS 468A.803

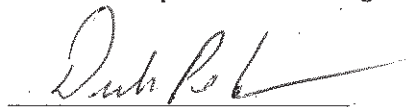
Need for the Temporary Rule(s): The 2013 Legislature unanimously adopted Senate Bill 249 that became effective April 18, 2013. The bill authorized DEQ to administer federal grants received for clean diesel projects in accordance with federal grant guidelines rather than more limited state guidelines. Before the bill was approved, DEQ did not have statutory authority to accept and administer federal clean diesel grants for some projects. While Senate Bill 249 was effective upon signing, it is nevertheless necessary for DEQ to adopt a new rule because current rules limit DEQ's ability to administer federal grants. Since DEQ was not able to propose permanent rules in time for the current federal grant cycle, DEQ is proposing a temporary rule at this time to enable DEQ to administer federal clean diesel grants.

Documents Relied Upon: Document relied upon is available by contacting DEQ or online as follows:

- Senate Bill 249 (2013) enrolled (2013 Or. Laws Ch. 44)
<https://olis.leg.state.or.us/liz/2013R1/Measures/Text/SB249/Enrolled>

Justification of Temporary Rule(s): The Commission finds that further delay in implementing clean diesel grant funded projects will seriously prejudice the public's interest, and other parties' interests, from harm to public health and the environment from exposure to diesel exhaust as outlined below.

Failure to amend the proposed rule would delay implementation of projects to reduce harmful emissions from diesel engines through vehicle and equipment replacement. Older diesel engine exhaust emits particulate matter and other pollutants that are harmful to human health and the environment. Federal clean diesel grants provide funding to improve and retrofit diesel engines to decrease the amount of such harmful emissions. Adopting the temporary rule would enable DEQ to administer grants that meet federal funding criteria authorized by Senate Bill 249, which includes replacing vehicles and retrofitting highway maintenance vehicles to reduce emissions that contribute to air toxics and climate change. Delaying project implementation would also damage DEQ's ability to secure future grant awards from EPA, which will undermine the Oregon Clean Diesel Initiative's effort to reduce the adverse impacts from toxic air pollutants and mitigate climate change in a timely manner.


Authorized Signer

Dick Pedersen
Printed Name

Oct. 9, 2013
Date

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 259

CLEAN DIESEL GRANT AND LOAN RULES

340-259-0010

Purpose and Scope

(1) The purpose of the clean diesel grant and loan rules is to make grants and loans available to the owners or operators of diesel engines for the retrofit of an Oregon diesel engine, for the repower of a non-road Oregon diesel engine, or for the scrapping of an Oregon truck engine.

(2) The rules in this division do not apply to grants or loans made by the Department using moneys received from the federal government for initiatives to reduce emissions from diesel engines. The Department may exercise its discretion to issue such grants and awards as it deems appropriate, consistent with and subject to federal law.

Stat. Auth.: OL 2007, Ch. 855 (HB 2172 (2007)). ORS 468.020; 468A.803

Stats. Implemented: OL 2007, Ch. 855 (HB 2172 (2007)), 468A.803

Oregon Department of Environmental Quality

House Costs

Clean Diesel Grant Program – Alignment with Federal Guidelines

DEQ determined the proposed rules would have no effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel. The proposed rule only affects administration of grants to reduce emissions from diesel engines.

Authorization Page
Generated on October 28, 2013 9:27AM
TEMPORARY ADMINISTRATIVE RULES

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Agency and Division	Administrative Rules Chapter Number
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Rules Coordinator	Email Address
811 SW Sixth Ave., Portland, OR 97204-1390	503-229-6878
Address	Telephone
10/16/2013	
Adopted on	
10/29/2013 thru 04/27/2014	
Effective dates	

RULE CAPTION

Clean Diesel Grant Program - Alignment with Federal Guidelines

Not more than 15 words

RULEMAKING ACTION

ADOPT:

AMEND: 340-259-0010

SUSPEND:

Stat. Auth.: ORS 468.020, 468A.803

Other Auth.:

Stats. Implemented: ORS 468A.803

RULE SUMMARY

The 2013 Legislature unanimously adopted Senate Bill 249 that became effective April 18, 2013. The bill authorized DEQ to administer federal grants received for clean diesel projects in accordance with federal grant guidelines rather than more limited state guidelines. Before the bill was approved, DEQ did not have statutory authority to accept and administer federal clean diesel grants for some projects. While Senate Bill 249 was effective upon signing, it is nevertheless necessary for DEQ to adopt a new rule because current rules limit DEQ's ability to administer federal grants. Since DEQ was not able to propose permanent rules in time for the current federal grant cycle, the EQC adopted a temporary to enable DEQ to administer federal clean diesel grants.

STATEMENT OF NEED AND JUSTIFICATION

Clean Diesel Grant Program - Alignment with Federal Guidelines

In the Matter of

SB 249

www.leg.state.or.us/13reg/measpdf/sb0200.dir/sb0249.en.pdf

Documents Relied Upon, and where they are available

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Need for the Temporary Rule(s)

The Commission finds that further delay in implementing clean diesel grant funded projects will seriously prejudice the public's interest, and other parties' interests, from harm to public health and the environment from exposure to diesel exhaust as outlined below.

Failure to amend the rule would delay implementation of projects to reduce harmful emissions from diesel engines through vehicle and equipment replacement. Older diesel engine exhaust emits particulate matter and other pollutants that are harmful to human health and the environment. Federal clean diesel grants provide funding to improve and retrofit diesel engines to decrease the amount of such harmful emissions. Adopting the temporary rule enables DEQ to administer grants that meet federal funding criteria authorized by Senate Bill 249, which includes replacing vehicles and retrofitting highway maintenance vehicles to reduce emissions that contribute to air toxics and climate change. Delaying project implementation would also damage DEQ's ability to secure future grant awards from EPA, which will undermine the Oregon Clean Diesel Initiative's effort to reduce the adverse impacts from toxic air pollutants and mitigate climate change in a timely manner.

Justification of Temporary Rules


Authorized Signer

Maggie Van dehey
Printed Name

10/28/13
Date

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 259

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Stats. Implemented: OL 2007, Ch. 855 (HB 2172 (2007)), 468A.803

SHUTTLE

From:

1 of 1

Department of Environmental Quality Portland
811 SW 6th Ave
Portland, OR 97204
340000

To:

Legislative Counsel
900 Court St NE S 101
Salem, OR 97301
142000

Security Level:	4
Misc.:	
# of Pkgs:	1
Delivery Time :	8:25 AM

PICK4132884373433-1



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AQ Diesel grant rulemaking
shuttle date 10/28/213

SHUTTLE

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