#### Secretary of State Certificate and Order for Filing

# TEMPORARY ADMINISTRATIVE RULES A Statement of Need and Justification accompanies this form.

ARCHIVES DIVISION SECRETARY OF STATE

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 <u>10/29/2013</u> through <u>04/27/2014</u> .	
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 ac	ction.
RULEMAKING ACTION Secure approval of new rule numbers with the Administrative	ve Rules Unit prior to filing.
ADOPT:	
<b>AMEND:</b> 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 Apri grants received for clean diesel projects in accordance with federal grant guidelines ra was approved, DEQ did not have statutory authority to accept and administer federal c 249 was effective upon signing, it is nevertheless necessary for DEQ to adopt a new ruadminister federal grants. Since DEQ was not able to propose permanent rules in time temporary to enable DEQ to administer federal clean diesel grants.	ther than more limited state guidelines. Before the bill clean diesel grants for some projects. While Senate Bill cle because current rules limit DEQ's ability to
	FILED
	10-28-13 0:36 AM

maggie.vandehey@state.or.us

**Email Address** 

Maggie Vandehey

Rules Coordinator Name

#### Secretary of State

#### STATEMENT OF NEED AND JUSTIFICATION

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

Department of Environmental Quality	340
Agency and Division	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 in the Matter of:	ntended action.)
Clean Diesel Grant Program - Alignment with Federal Guidelines	
Statutory Authority: ORS 468.020, 468A.803	
Other Authority:	

#### **Need for the Temporary Rule(s):**

Statutes Implemented:

ORS 468A.803

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.

		FILED
Maggie Vandehey	maggie.vandehey@state.or.us	10-28-13 9:36 AM
Printed Name	Email Address	ARCHIVES DIVISION SECRETARY OF STATE

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

ARC 925-2007

EII ED

Action Item F: Clean Diesel Grant Program — Alignment with Federal Guidelines October 16-17, 2013, EQC meeting Page 1 of 1

#### 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
 OAR 340-259

 Agency and Division
 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
11001011224 018141	t intea traine	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

Department of Environmental Quality	340
Agency and Division	Administrative Rules Chapter Number
Maggie Vandehey	maggie.vandehey@state.or.u
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 ACTI	ION
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

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.

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

Maggie Vandekeig

Maggie Vandekey 10/28/13

#### 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

Department of Environmental Quality Portland 811 SW 6th Ave

Portland, OR 97204

To:

900 Court St NE S 101 Legislative Counsel

Salem, OR 97301 142000

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Delivery Time

Special Instructions:

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#### Secretary of State Certificate and Order for Filing

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Address		
To become effective 10/29/2013 through 04/	<u>27/2014</u> .	
	RULE CAPTION	
Clean Diesel Grant Program - Alignment with		
	the subject matter of the agency's intended action.	
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Other Authority:		
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Statutes Implemented:		
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Maggie Vandehey	maggie.vandehey@state.or.us	ARCHIVES DIVISION
Rules Coordinator Name	Email Address	SECRETARY OF STATE
Concer and Control of the Control of	mirror regulator	

### Secretary of State

## STATEMENT OF NEED AND JUSTIFICATION and Order for Filling Temporary Administrative Rules accompanies this for

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Department of Environmental Quality			340
Agency and Division		Admi	nistrative Rules Chapter Number
Clean Diesel Grant Program - Alignment with	Federal Guidelines		
Rule Caption (Not more than 15 words that re In the Matter of:	easonably identifies the subject matter of the agency	's intende	ed action.)
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Other Authority:			
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Documents Relied Upon, and where they a SB 249 www.leg.state.or.us/13reg/measpdf/sb0200.cd			
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			FILED
Maggie Vandehey	maggie.vandehey@state.or.us		10-28-13 9:36 AM
Printed Name	Email Address		

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

ARC 925-2007

ARCHIVES DIVISION SECRETARY OF STATE

### Secretary of State

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Department of Environmental Quality			340	
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Maggie Vandehey Printed Name	maggie.vandehey@state.or.us		10-28-13 9:36 AM	
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