

Addendum to DEQ recommendation to the EQC in the staff report

DEQ recommends that the Environmental Quality Commission:

Adopt the proposed TEMPORARY rule amendment in Attachment A as part of chapter 340 of the Oregon Administrative Rules to be effective upon filing with the Secretary of State for 180 days; and

Adopt the justification for temporary rules as provided in Attachment B.

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

