

Invitation to Comment

Updates to Oregon's State Implementation Plan for Air Quality

DEQ invites comments on proposed permanent rule amendments to chapter 340 of the Oregon Administrative Rules and an update to the Oregon Clean Air Act State Implementation Plan for ambient air quality standards for nitrogen dioxide, sulfur dioxide and lead.

DEQ proposal

DEQ proposes to incorporate the current federal National Ambient Air Quality Standards or for nitrogen dioxide, sulfur dioxide and lead into the Oregon Administrative Rules as a revision of the Oregon Clean Air Act State Implementation Plan.

DEQ recommends the following changes to OAR 340, division numbers 200 and 202:

- Amend OAR 340-200-0040 to update the Oregon Clean Air Act State Implementation Plan
- Amend OAR 340-200-0020 Table 1 to adopt 1-hour Significant Air Quality Impact Levels for nitrogen dioxide and sulfur dioxide.
- Amend OAR 340-202-0100 to reflect federal changes to the National Ambient Air Quality Standard for nitrogen dioxide, adopted by the U.S. Environmental Protection Agency Feb. 9, 2010 and effective on April 12, 2010.
- Amend OAR 340-202-0070 to reflect federal changes to the National Ambient Air Quality Standards for sulfur dioxide, adopted by EPA June 22, 2010 and effective on Aug. 12, 2010.
- Amend OAR 340-202-0130 to reflect federal changes to the National Ambient Air Quality Standards for lead, adopted by EPA Nov. 12, 2008 and effective on Jan. 12, 2009.

Section 110 of the Clean Air Act, 42 U.S.C. §7410, requires state and local air pollution control agencies to adopt federally approved control strategies to minimize air pollution. The resulting body of regulations is known as a State Implementation Plan.

When EPA adopts new or revised National Ambient Air Quality Standards each state must revise its implementation plan and submit it to EPA for approval to demonstrate that the state has the capacity to implement the standards in their current form. Revisions to the plan must address a number of elements required by the Clean Air Act, including ambient air quality monitoring and data systems, programs for enforcement of control measures, and adequate authority and resources to implement the air quality program. These elements are commonly referred to as "infrastructure" requirements of a state's implementation plan

The proposed rule amendments update infrastructure elements of Oregon's state implementation plan by incorporating the current National Ambient Air Quality Standards for nitrogen dioxide, sulfur dioxide and lead into Oregon's administrative rules, and by adopting new, 1-hour Significant Air Quality Impact Levels for nitrogen dioxide and sulfur dioxide. These rule changes are a revision to the infrastructure elements of Oregon's plan and must be submitted to and approved by the EPA as meeting the requirements of the Clean Air Act.

To determine if the rulemaking met this objective, DEQ will submit the revised infrastructure elements of the state implementation plan to EPA for approval upon adoption of the proposed rule amendments by the Oregon Environmental Quality Commission.

Who does this affect?

Parties affected by this proposal include new or existing modified industrial sources that emit nitrogen dioxide, sulfur dioxide or lead. DEQ's adoption of new significant impact levels for nitrogen dioxide and sulfur dioxide will affect these sources if they become subject to Prevention of Significant Deterioration



State of Oregon
Department of
Environmental
Quality

Submit written comments

By email

[Comment-
SIP.SO2.NO2.Lead@deq.state.
or.us](mailto:SIP.SO2.NO2.Lead@deq.state.or.us)

By mail

Oregon DEQ
Attn: Carrie Capp
811 SW 6th Ave.
Portland, OR 97204

By fax 503-229-5575

Attn: Carrie Capp

At hearing

See Attend a hearing

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Carrie Capp
503-229-5868

requirements. Permitted sources of nitrogen dioxide and sulfur dioxide emissions will also be subject to shorter averaging times when demonstrating compliance with the primary 1-hour standards for these pollutants.

If, in the future, DEQ and EPA determine that areas of Oregon violate the revised nitrogen dioxide or sulfur dioxide standards, DEQ will need to adopt clean air plans for those communities. DEQ will identify any affects on local pollution sources if and when clean air plans are needed.

Sign up for notices

You can request updates about this proposed rule by emailing [Comment-SIP.SO2.NO2.Lead@deq.state.or.us](mailto:SIP.SO2.NO2.Lead@deq.state.or.us).

Attend a hearing

DEQ invites you to attend the public hearing listed below. The presiding officer will provide a brief overview of the proposal before inviting your spoken or written comment.

Portland
DEQ Headquarters
811 SW 6th Ave. Executive Building
Conference Room EQC B
Time: 6 p.m.
Date: Thursday, Aug. 15, 2013
Presiding Officer: DEQ staff

Comment deadline

To consider comments on the proposed rules, DEQ must receive the comment by
5 p.m. Monday, Aug. 19, 2013.

More information

The rule proposal and notice for this rulemaking are on DEQ's website at:
www.deq.state.or.us/regulations/proposedrules.htm

What has happened so far?

Oregon DEQ has developed this invitation to comment along with a public notice to describe the need for and purpose of the proposed rule amendments listed above.

Documents used to develop proposal

DEQ relied on the following types of documents to consider the need for the proposed rule and to prepare the rulemaking documents:

- Federal Register notices
- Code of Federal Regulations

- EPA guidance documents for state implementation plan submittals
- EPA guidance documents for nitrogen dioxide, sulfur dioxide and lead National Ambient Air Quality Standards

Documents are available upon request to DEQ. For a full listing of all documents relied on for this rulemaking proposal, please see the public notice document.

What will happen next?

DEQ will prepare a written response to each comment or summary of similar comments received by the comment deadline. DEQ may modify the rule proposal based on the comments.

Comments and responses will become part of the DEQ staff report that will go to the Oregon [Environmental Quality Commission](#) for final decision.

Present proposal to the EQC

The Governor selected the five members of the EQC to review all proposed changes to Division 340 of the Oregon Administrative Rules. It is up to the commission whether to approve the proposed changes or not.

DEQ plans to take this proposal to the commission for final decision at its October 2013 meeting in Portland.

Accessibility information

You may review copies of all websites and documents referenced in this announcement at:

DEQ Headquarters, Executive Building
Air Quality Division, 11th Floor
811 SW 6th Ave.
Portland, OR 97204

To schedule a review, call Carrie Capp at 503-229-5868.

Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications and Outreach, Portland, at 503-229-5696 or call toll-free in Oregon at 1-800-452-4011; fax to 503-229-6762; or email to deqinfo@deq.state.or.us. Hearing impaired persons may call 711.