

**From:** [ROOT Jenny](#)  
**To:** [PAPISH Uri](#); [INAHARA Jill](#)  
**Cc:** [FINNERAN Brian](#)  
**Subject:** RE: Division 12 and Western Backstop SO2 program  
**Date:** Wednesday, February 13, 2013 1:28:52 PM

---

Yep ☺

Okay, we'll remove reference to Western Backstop in Division 12. Thanks everyone!

---

**From:** PAPISH Uri  
**Sent:** Wednesday, February 13, 2013 1:14 PM  
**To:** INAHARA Jill  
**Cc:** FINNERAN Brian; ROOT Jenny  
**Subject:** RE: Division 12 and Western Backstop SO2 program

And your rulemaking is getting bigger and bigger ;)

Uri

---

**From:** INAHARA Jill  
**Sent:** Wednesday, February 13, 2013 1:12 PM  
**To:** PAPISH Uri  
**Cc:** FINNERAN Brian; ROOT Jenny  
**Subject:** FW: Division 12 and Western Backstop SO2 program

Uri and Jenny:

Brian is pretty sure we can repeal 340-228-0400 through 0530 along with the Appendix A. I will repeal it in my rulemaking and Brian will provide a write-up for it. Thanks for pointing it out, Jenny. Our rules are getting smaller and smaller (well maybe not all)!  
Thanks,  
Jill

---

**From:** FINNERAN Brian  
**Sent:** Friday, February 01, 2013 11:48 AM  
**To:** FISHER Mark; INAHARA Jill; DAVIS George  
**Subject:** RE: Division 12 and Western Backstop SO2 program

Mark is right – it's related to the regional haze rules. Come by and I'll bore you for a few minutes explaining it. It's something we can probably eliminate.

Brian

---

**From:** FISHER Mark  
**Sent:** Friday, February 01, 2013 7:35 AM  
**To:** INAHARA Jill; DAVIS George  
**Cc:** FINNERAN Brian  
**Subject:** RE: Division 12 and Western Backstop SO2 program

Hi Jill,

It is probably easiest to talk to Brian Finneran about it. It is a regional haze program. It was based on the Grand Canyon work, but I think the BART rules might have replaced it. For some reason, I think we still need to keep it in our rules, but talk to Brian about it.

Thanks,  
Mark

---

**From:** INAHARA Jill  
**Sent:** Thursday, January 31, 2013 8:24 PM  
**To:** FISHER Mark; DAVIS George  
**Subject:** FW: Division 12 and Western Backstop SO2 program

what the heck is the Western Backstop SO2 Trading Program????

---

**From:** PAPISH Uri  
**Sent:** Thursday, January 31, 2013 3:56 PM  
**To:** INAHARA Jill  
**Subject:** FW: Division 12 and Western Backstop SO2 program

Jill, do you know if this rule is still relevant?

Uri

---

**From:** ROOT Jenny  
**Sent:** Thursday, January 31, 2013 3:32 PM  
**To:** PAPISH Uri  
**Subject:** Division 12 and Western Backstop SO2 program

Hi Uri:

As you may recall, OCE is in the process of updating our Division 12 civil penalty rules. I have two questions for you on rules relating to the Western Backstop SO2 Trading program.

My questions are:

- (1) Are these rules still relevant?
- (2) Does the wording of these rules appear accurate?

Here are the rules:

**340-012-0054**

**Air Quality Classification of Violations**

**(1) Class I:**

(g) Exceeding an opacity or emission limit (including a grain loading standard) or violating an operational or process standard, that was established pursuant to New Source Review/Prevention of Significant Deterioration (NSR/PSD), **or the Western Backstop SO2 Trading Program;**

**340-012-0155**

**Additional or Alternate Civil Penalties**

(2) The following violations are subject to the civil penalties specified below, in lieu of civil penalties calculated pursuant to OAR 340-012-0045:

(a) The department will assess a field penalty as specified under OAR 340-150-0250 unless the department determines that an owner, operator or permittee is not eligible for the field penalty.

(d) Air emission sources operating under the Western Backstop SO<sub>2</sub> Trading Program will be assessed a civil penalty of at least \$5,000 for each ton and each day of violation in excess of the applicable allowance limitation as determined by OAR chapter 340 division 228.

Thanks for your help!

Jenny Root

Environmental Law Specialist/SEP Coordinator

Oregon Dept. of Environmental Quality

503-229-5874 or [root.jenny@deq.state.or.us](mailto:root.jenny@deq.state.or.us)