

From: [CURTIS Andrea](#)
To: [ROOT Jenny](#); [CARLOUGH Les](#)
Cc: [VANDEHEY Maggie](#)
Subject: RE: RM:Division12 - SIP notes
Date: Tuesday, July 30, 2013 10:54:16 AM

Jenny,

Thanks for your research on this. I agree it's unnecessary to include the SIP note in the Division 12 rules. What Julie explained makes sense. EPA doesn't incorporate the Division 12 rules into the Federal SIP by reference. While the rules are part of the EPA-approved State SIP, they're considered "additional material". We don't have a practice of including SIP notes in additional material.

The SIP requirements for public notice still apply. If you haven't already, please work with an admin assistant or OCO to get an ad published in the Oregonian August 15. I can re-send example language if you need. The requirement is that at least thirty days before the hearing, we run a newspaper ad, issue a letter or email announcement to stakeholders and interested parties, and open the comment period.

Andrea

From: ROOT Jenny
Sent: Monday, July 29, 2013 11:07 AM
To: CARLOUGH Les; CURTIS Andrea
Cc: VANDEHEY Maggie
Subject: RE: RM:Division12 - SIP notes

Julie Vergeront of EPA reviewed Division 12 as part of the SIP pre-approval. Upon receiving her comments, I asked Julie whether Division 12 is actually part of the SIP, noting that it is not listed among all of the other Oregon AQ SIP rules on EPA's website. Here was Julie's reply:

"The changes to Division 12 do need to be submitted as a SIP revision because they impact the state's enforcement authority, which is a requirement for SIPs (that the state have ability to implement and enforce its SIP air rules)."

"But we generally do not incorporate by reference into the SIP rules pertaining to enforcement authority because when EPA takes enforcement action, we act under EPA's authority."

So my understanding is that Division 12 is a supporting foundation to the SIP and therefore needs to be submitted to EPA as a SIP revision/update (to show how the revisions may affect DEQ's enforcement of SIP requirements), but Division 12 is not actually adopted into the SIP. So, do we need to have the SIP note throughout Division 12 for AQ enforcement? I don't think so because it is not officially part of the SIP rules. I don't know this for sure, though, and would look to the AQ program to provide guidance on A) Whether we need to incorporate the SIP statement and B) If so, to which specific rules.

Jenny

From: CARLOUGH Les
Sent: Thursday, July 25, 2013 4:43 PM
To: CURTIS Andrea
Cc: ROOT Jenny; VANDEHEY Maggie
Subject: RE: RM:Division12 - SIP notes

There has been a lot of confusion about whether any of Division 12 is really part of the SIP. I know Jenny communicated with folks in AQ quite a bit and I believe AQ told us that it was not actually part of the SIP but we needed to get EPA's approval and update OAR 340-200-0040 with the date of EQC adoption anyway. Jenny is out this week but can verify next week whether my understanding is correct. If you know what parts need that notice or if there is someone who should review this for the SIP, please let us know so we can get their input before we send to the SOS for notice on August 15. Thanks.

From: VANDEHEY Maggie
Sent: Thursday, July 25, 2013 11:40 AM
To: CARLOUGH Les
Cc: CURTIS Andrea; ROOT Jenny
Subject: FW: RM:Division12 - SIP notes

Les,

I'm not clear whether OCE has completed the review to determine the rules that need the SIP note? Please following up with Andrea to ensure the SIP information is accurate.

Thank you.

Maggie Vandehey

Department of Environmental Quality | 34000
811 SW Sixth Ave., Portland, OR 97204-1390 | vandehey.maggie@deq.state.or.us
503.229.6878 | In OR 800.452-4011 | 📠 503.229.6730

From: CURTIS Andrea
Sent: Thursday, July 25, 2013 10:07 AM
To: VANDEHEY Maggie
Subject: FW: RM:Division12 - SIP notes

FYI

From: CURTIS Andrea
Sent: Thursday, July 25, 2013 10:06 AM
To: ROOT Jenny
Subject: RM:Division12 - SIP notes

Jenny,

When are you submitting your Notice packet to SOS?

We include an informational note at the bottom of each SIP rule. I heard that some of the Division 11 and/or 12 rules are part of the SIP; however, I noticed in the RULES.REDLINE that none of those rules contain the note.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.

So, before you submit the Notice packet to SOS, we need to figure out which of the Division 11 and Division 12 rules are part of the SIP and add that note.

Thanks,

Andrea Curtis

Oregon Department of Environmental Quality

Air Quality Division

503-229-5946

curtis.andrea@deq.state.or.us