From:	GINSBURG Andy
To:	(All DEQ) Executive Management Team
Cc:	VANDEHEY Maggie; OLIPHANT Margaret; CURTIS Andrea
Subject:	RM-LRAPA: Draft Public Notice Preview, Closes Nov. 22, 2013
Date:	Friday, November 15, 2013 1:29:17 PM
Attachments:	image001.png

— Chapter 340, Division 200 Rulemaking Preview - Delete if not interested —

The public notice to incorporate Lane Regional Air Protection Agency rules into the State Implementation Plan is ready for preview before we open the public comment period on Dec. 16, 2013. Though no action is required on your part, we will consider your input on the packet if we receive it by close of business on Nov. 22, 2013. To offer input, contact Andrea Curtis by email or 503-229-5946.

The rulemaking packets were created in consultation with DOJ and EPA.

Title – DEQ is performing three rulemakings corresponding to LRAPA's rulemakings:

1. Incorporate Lane Regional Air Protection Agency rules for **open burning** into State Implementation Plan
2. Incorporate Lane Regional Air Protection Agency rules for **permit streamlining** into State Implementation Plan
3. Incorporate Lane Regional Air Protection Agency Rules for **New Source Review, Prevention of Significant Deterioration and national emission standards** into State Implementation Plan

Notice Packet — Click here for the Notice documents, which are in the category Preview

- There are three "Invitation to Comment" – 2-page fact sheets
- There is one "Proposed Rules" – redline/strikethrough
- There are three "Notice" – information and analysis required by APA; Model Rules; DEQ statutes, rules and best practices; and federal regulations.

Proposal — In order for LRAPA and the state to maintain compliance with the Clean Air Act, EQC reviews LRAPA's rules and, if the EQC concludes that the rules comply with state law and the Clean Air Act, approve the rules and submit them to the EPA for approval and incorporation, as appropriate, into the federally-approved State Implementation Plan.

Need — The LRAPA rules have been in effect in Lane County since their adoption by the LRAPA Board of Directors several years ago. EQC adoption of DEQ's rulemaking would allow DEQ to submit the LRAPA rules to the Environmental Protection Agency for incorporation into the state's federally-approved implementation plan to protect air quality. Typically, DEQ submits LRAPA rules to EQC for incorporation into the State Implementation Plan upon adoption by the LRAPA Board. However, in this case, DEQ determined that the public notice process held jointly by DEQ and LRAPA several years ago did not meet requirements for State Implementation Plan rules, which are above and beyond requirements for normal rulemaking. Performing rulemaking is resource intensive and we were unable to perform the additional public notice requirements until now.

Affected parties	Parties were affected when LRAPA adopted its rules, including residential open burning and stationary emission sources (ACDP and Title V Permit holders) in Lane County.	
Staff engagement	DEQ staff worked with EPA and LRAPA staff	
Public comment	Starts Dec. 16, 2013	Ends Jan. 27, 2014
EQC meeting	March 2014	

The rulemaking public notice packet is a major external deliverable in DEQ's rulemaking process. On behalf of the rule design team, I thank all DEQ contributors to the notice packet.

Emails about this rulemaking are part of the required rulemaking record. The rule writer on the **Cc...** line is the custodian of this email chain. This means, you are not responsible for maintaining this email or any responses that include the rule writer on the **To…** or **Cc...** line.

Thanks,

Andy

Andy Ginsburg
Air Quality Administrator
Oregon Department of Environmental Quality
(503) 229-5397 - Office
(503) 572-7195 - Mobile