From: GINSBURG Andy
To: CURTIS Andrea
Cc: THORNBERG Carol
Subject: RE: Review LRAPA rulemaking
Date: Friday, November 15, 2013 1:49:18 PM
Attachments: image001.png

Thanks, Andrea.

I have only one comment in the invitation to comment for permit streamlining. The letters to LRAPA look fine. Nice work, as usual!

Andy

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

From: CURTIS Andrea
Sent: Friday, November 15, 2013 1:22 PM
To: GINSBURG Andy
Cc: THORNBERG Carol
Subject: Review LRAPA rulemaking

Andy, Please review and approve the public notice packets for the LRAPA rulemakings. Thanks for including this in your last days here.

- Your review includes approval of all documents in the category **Preview** on SharePoint.
  - Your review includes approval to publish the required newspaper ads, on Dec. 16, 2013 in the Oregonian, Register Guard, Beacon, and Cottage Grove Sentinel (Qtime 43005).
  - Your review includes a letter. I'll give Carol a hard-copy for your signature.
- Please email the below message to EMT.
- After your review, please respond to this email with your approval.

To… (All DEQ) Executive Management Team;
Cc… Margaret Oliphant, Andrea Curtis, vandehey.maggie@deq.state.or.us
Subject: RM-LRAPA: Draft Public Notice Preview
Closes Nov. 22, 2013

— 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,

Andrea Curtis
Air Quality Division - Rules Coordinator
Oregon Department of Environmental Quality
503-229-5946
curtis.andrea@deq.state.or.us