From: Valdez, Heather
To: GARTENBAUM Andrea
Subject: RE: Oakridge included in a NOI to sue for non-submittal of a NNSR program
Date: Friday, January 03, 2014 3:06:59 PM

Hi Andrea,

It's great to see that you are out for public comment on your proposed rules to incorporate LRAPA rules into the Oregon SIP.

I've attached the notice of intent that I referenced previously. It is from the Center for Biological Diversity and in part relates to the submittal of nonattainment NSR rules for the Oakridge PM2.5 nonattainment area. It looks like only the "finding of failure to submit" allegation applies to Oakridge. Let me know if you have any specific questions related to this.

We understand these rules will be submitted this spring. If the timing changes, please let us know.

Thanks --

Heather Valdez
Chemical Engineer
EPA Region 10
Office of Air, Waste and Toxics
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Seattle WA, 98101
(206) 553-6220
valdez.heather@epa.gov
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http://www.combustionportal.org/

From: Valdez, Heather
Sent: Wednesday, December 04, 2013 1:45 PM
To: 'GARTENBAUM Andrea'
Cc: Spenillo, Justin
Subject: RE: Oakridge included in a NOI to sue for non-submittal of a NNSR program

Hi Andrea, we will try to help you to come to a more clear understanding of what this means for you. I am fairly new to NSR so I have some coming up to speed to fully grasp the meaning myself. But Justin will be assisting me. We will try to get back to you soon so that you will be able to take this into account for the action you will take to add the LRAPA rules.

Thanks!

Heather Valdez
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R1 (New England) RICE Website, Engine Compliance Assistance
http://epa.gov/region1/rice/

Boiler Area Source Compliance Assistance
http://www.epa.gov/boilercompliance/

Department of Energy Website on Energy Assessments
http://www1.eere.energy.gov/manufacturing/tech_deployment/energy_assessment.html

Non-Hazardous Secondary Materials
http://www.epa.gov/epawaste/nonhaz/define/index.htm

Boiler TTN Page
http://www.epa.gov/ttn/atw/boiler/boilerpg.html

RICE TTN Page
http://www.epa.gov/ttn/atw/rice/ricepg.html

Combustion Portal (compliance assistance for combustion regulations)
http://www.combustionportal.org/

From: GARTENBAUM Andrea [mailto:GARTENBAUM.Andrea@deq.state.or.us]
Sent: Wednesday, December 04, 2013 10:32 AM
To: Valdez, Heather
Subject: RE: Oakridge included in a NOI to sue for non-submittal of a NNSR program
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Hi Heather, I'm the SIP coordinator for Oregon DEQ. I'd like to know more about what this means for us. In two weeks, we're opening the public comment period on DEQ's proposed rulemaking to add the LRAPA rules to the State Implementation Plan.

Thanks,

Andrea Gartenbaum
(formerly Andrea Curtis)
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Oregon Department of Environmental Quality
503-229-5946
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From: Valdez, Heather [mailto:Valdez.Heather@epa.gov]
Sent: Tuesday, December 03, 2013 11:09 AM
To: GARTENBAUM Andrea; OLIPHANT Margaret; HOUGH Merlyn; LANIER Robbye
Cc: Spenillo, Justin; Deneen, Donna
Subject: Oakridge included in a NOI to sue for non-submittal of a NNSR program

Hi Merlyn, how are you?

And Hi, Andrea, Margaret, and Robbye, I don't know if we have met, I have worked for a number of years on the Air Toxics Team doing implementation of stationary source regulations.

I recently started helping out the SIP team and I will be taking over for the LRAPPA package of three submittals (dated 2008, 2010, and 2011(?)).

We have just been notified Oakridge was included in a notice of intent (NOI) to sue for non-submittal of a NNSR program.

We are looking into the notice to see if this will affect the three SIPs currently slated for submission in Spring 2014.

The NOI is raising claims relevant to state SIP submissions.

It makes the same claims that are being made in the ongoing CBD litigation, which are:
1. An allegation that EPA is required to make a finding of failure to submit with respect to one or more attainment plan requirements against one or more 2006 PM2.5 nonattainment areas within your region (except Region 5); and
2. An allegation that EPA is required to take final action on nonattainment NSR SIP submissions with respect to various PM2.5 nonattainment areas for which the deadline for EPA to approve or disapprove the submissions has passed.

Heather Valdez
Chemical Engineer
EPA Region 10

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