

MEMORANDUM

TO: Oregon Environmental Quality Commission

FROM: Max Hueftle, Hearings Officer

DATE: May 4, 2011

SUBJ: Public Hearing, October 14, 2008, Regarding Adoption of LRAPA Industrial Permitting Streamlining Rules

SUMMARY OF PROCEDURE

Pursuant to public notice, a public hearing was convened by the Board of Directors of the Lane Regional Air Protection Agency on August 26, 2008 in the Springfield Public Library Meeting Room at 225 5th Street Springfield, Oregon and on September 9, 2008 in the LRAPA meeting room at 1010 Main Street in Springfield, Oregon. The purpose of the hearing was to perform the following actions: **ADOPT:** New LRAPA Titles: 29, 31, 35, 37, 40, 41, 42, and 44; **AMEND:** Existing LRAPA Title: 12, 30, 32, 33, 34, 36, 37, 38, 46, 48, 49, 50 and OAR 340-200-0040; **REPEAL:** Existing LRAPA Title 35; **RENUMBER:** Existing LRAPA Title 37 will become Title 44. I included the following documents in the form of PDF's on the cd labeled '**Industrial Streamlining Rules Changes 2008**' provided with the memorandum.

Prior to the public hearing:

- The proposed rule amendments were presented to interested parties as a rule workshop on November 28, 2007. Comments at that workshop resulted in several changes to the original draft.
- The draft rules were reviewed by the LRAPA Advisory Committee, again resulting in several changes to the original draft.
- LRAPA submitted the original draft amendments to both ODEQ and EPA Region 10 for their review and comment. EPA's comments are attached for your reference. ODEQ determined that the rules are at least as stringent as the state's rules regarding permitting of industrial and commercial sources. ODEQ also authorized LRAPA to serve as hearings officer for the EQC, because the affected Titles are included in Oregon's SIP, and the amended rules need EQC approval before they can be submitted to EPA as a SIP amendment (See attached correspondence).
- Notice of the October 14, 2008 public hearing was published in the *Oregon Bulletin*, Volume 47, No.8. Notice was also published in the *Eugene Register-Guard*, *Springfield Beacon*, *Cottage Grove Sentinel*, and *Oakridge Dead Mountain Echo*. (See proof of publication attached).

Summary of Testimony:

Written comments received prior to close of the public comment period are included as attachments to the October 14, 2008 staff report to the LRAPA Board of Directors. No formal testimony was provided at the August 26, 2008 hearing; instead, an informational session including questions and answers about the proposed rule changes lasted for the duration of the time (approximately 2.5 hours). No formal

testimony was provided at the hearing held at the September 9, 2008 board meeting. All formal comments that have been received are attached including a summary of the comments and responses to those comments.

ACTION OF THE LRAPA BOARD OF DIRECTORS

At the October 14, 2008 meeting, the board voted to adopt the rules with the changes attached:

Based on the information presented, the board voted, five to four, to adopt the aforementioned industrial permitting rule changes.

/MKH

Change	Section Affected	Description
1	Unassigned Emissions	Change the expiration date of all unassigned emissions from July 1, 2013 to July 1, 2010.
2	"Modification" definition in Title 12	Add "on an hourly basis" to the end of the first sentence.
3	"PM2.5" definition in Title 12	Revise to be identical to the definition ODEQ recently adopted.
4	Title 38 – Applicability and General Provisions	Add a general reference to Title 42 – Stationary Source Plant Site Emission Limits in applicability section.
5	Title 50 – Ambient Air Standards and PSD Increments	Update to incorporate EPA's most recently promulgated standards for PM and Ozone PSD increments.
6	Title 44 (NESHAPS) and Title 46 (NSPS) definition of "CFR"	Revise so that the latest version of the code of federal regulations is specified, i.e. July 1, 2008.
7	Title 44 - Radionuclide NESHAP	Remove authority request for delegation of radionuclide NESHAP since it is extraordinarily difficult to implement without properly trained staff.
8	Title 44 - Benzene	Revise so that LRAPA receives delegation to implement the standards in 40 CFR 61 Subpart BB for Benzene Emissions from Benzene Transfer Stations.
9	Title 44 – Standards affected by vacatures	Add clarifying language that notes vacature of Subparts J, JJJJ and KKKK.
10	Title 46 - NSPS	Request EPA delegation of the following New Source Performance Standards (NSPS) Subparts: AAA, BBBB, DDDD, EEEE, FFFF, HHHH, IIII, and KKKK.
11	"Opacity" definition in Title 12	Revise to read identical to ODEQ's definition of "Opacity" in their administrative rules. The difference in the two versions of the definitions is not significant and does not represent any change in the way LRAPA would enforce the opacity requirements. The difference was noted by a board member the day the board voted to authorize a public hearing on the rules and hence is not part of Attachment 1.