

## NOTICES OF PROPOSED RULEMAKING

**Date:** 1-16-14  
**Time:** 5 p.m.  
**Location:** 811 SW 6th Ave.  
Portland, OR

**Hearing Officer:** DEQ staff

**Stat. Auth.:** ORS 468.020 & 468A.80

**Stats. Implemented:** ORS 468A.803

**Proposed Amendments:** 340-259-0010

**Last Date for Comment:** 1-21-14, 5 p.m.

**Summary:** Short summary

DEQ proposes minor changes to the clean diesel grant and loan program rules.

Brief history

The 2013 Oregon Legislature unanimously adopted Senate Bill 249. The bill authorized DEQ to administer federal grants for clean diesel projects and to complete the projects according to federal grant guidelines rather than the more limited state guidelines. Authority to administer clean diesel grants was first provided to DEQ in 2007. Projects that qualified for grants were limited to retrofitting diesel exhaust controls, non-road engine repowers and scrapping pre-1994 trucks. The federal program guidelines provide for many other eligible activities including idle reduction, aerodynamic enhancements and vehicle replacement.

Although the legislation included an emergency clause making it effective upon filing, DEQ must adopt implementing rules. Failure to adopt the proposed rule would prevent DEQ from offering the broader range projects that are now more attractive to Oregon's potential applicants interested in reducing harmful emissions from diesel engines.

Regulated parties

Participation in the grant program is voluntary. The proposed rules would affect owners of diesel powered vehicles and equipment as sub-recipients of DEQ-secured grant funds. The successful implementation of projects supported by grants authorized under this proposal would affect Oregonians by reducing harmful emissions.

**Rules Coordinator:** Maggie Vandehey

**Address:** Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204-1390

**Telephone:** (503) 229-6878

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**Rule Caption:** Incorporate Lane Regional Air Protection Agency Rules for open burning into State Implementation Plan

**Date:** 1-22-14  
**Time:** 5:30 p.m.  
**Location:** LRAPA  
1010 Main St.  
Springfield, OR 97477

**Hearing Officer:** Merlyn Hough

**Stat. Auth.:** ORS 468.020, 468A.035 & 468A.135

**Other Auth.:** LRAPA Title 13 General Duties & Powers of Board & Director LRAPA Title 14 Rules of Practice & Procedure

**Stats. Implemented:** ORS 468 & 468A

**Proposed Amendments:** 340-200-0040

**Last Date for Comment:** 1-27-14, 5 p.m.

**Summary:** Short summary

DEQ proposes to incorporate Lane Regional Air Protection Agency revised regulations for open burning into Oregon's State Implementation Plan in Oregon Administrative Rule 340-200-0040. The LRAPA Board of Directors adopted open burning rules revisions in an effort to meet federal air quality standards for fine particulate matter, to bring LRAPA in line with state rules and to better coordinate with state and federal requirements. The LRAPA rules were revised to:

- Clarify when and where small recreational fires such as patio fireplace could occur and identify acceptable fuels for these fires,
- Include Hazeldell and Siuslaw Rural Fire Protection Districts in the special open-burning control area at the districts' request,
- Allow daily end time on burn days to be set earlier than sunset,
- Restrict the open burning season in the outlying areas of Lane County, and

- Correct the meaning of the LRAPA acronym to Lane Regional Air Protection Agency.

Brief history

LRAPA, in consultation with DEQ and the U.S. Environmental Protection Agency, is responsible for ensuring that Lane County communities comply with federal air quality health standards, including enacting plans to restore healthy air quality in any area violating standards. LRAPA conducts air monitoring, permitting and compliance, inspection and enforcement, and regulates open burning and asbestos abatement throughout Lane County. It also has a woodstove advisory program, an open burning advisory program and conducts special projects focused on air quality. The agency is funded by local dues from Lane County and the cities of Lane County, industrial and other permitting fees, and LRAPA coordinates with DEQ to obtain EPA funding and state general funds.

On March 14, 2008, the LRAPA Board of Directors adopted the Title 47 open burning rules, provided at the end of this document, and the rules have been in effect in Lane County since their adoption. The Environmental Quality Commission and DEQ have oversight authority to ensure LRAPA meets Clean Air Act requirements. The State Implementation Plan is the State of Oregon Clean Air Act Implementation Plan as adopted by EQC under OAR 340-200-0040 and approved by EPA. EQC's role is to review LRAPA rules to determine if they comply with state law and the Clean Air Act, approve those rules if they comply, and direct DEQ to submit the approved rules to EPA for federal approval as State Implementation Plan amendments.

Typically, DEQ submits LRAPA rules to EQC for incorporation into the State Implementation Plan immediately 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 DEQ was unable to perform the additional public notice requirements until now.

Regulated parties

This proposal does not change the regulated parties or requirements for regulated parties from the rules that LRAPA's board adopted in 2008. The 2008 rules affect residential open burning in Lane County.

**Rules Coordinator:** Maggie Vandehey

**Address:** Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204-1390

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**Rule Caption:** Incorporate Lane Regional Air Protection Agency Rules for permit streamlining into State Implementation Plan

**Date:** 1-22-14  
**Time:** 5:30 p.m.  
**Location:** LRAPA  
1010 Main St.  
Springfield, OR

**Hearing Officer:** Merlyn Hough

**Stat. Auth.:** ORS 468.020, 468A.035 & 468A.135

**Other Auth.:** LRAPA Title 13 General Duties & Powers of Board & Director LRAPA Title 14 Rules of Practice & Procedure

**Stats. Implemented:** ORS 468 & 468A

**Proposed Amendments:** 340-200-0040

**Last Date for Comment:** 1-27-14, 5 p.m.

**Summary:** Short summary

DEQ proposes to incorporate Lane Regional Air Protection Agency revised regulations for permit streamlining into Oregon's State Implementation Plan in Oregon Administrative Rule 340-200-0040. The LRAPA Board of Directors adopted permit streamlining rules revisions in an effort to maximize efficiencies in LRAPA's permitting program while maintaining the existing level of environmental protection, bring LRAPA in line with state rules, and better coordinate with state and federal requirements.

The LRAPA rules contain:

## NOTICES OF PROPOSED RULEMAKING

- State and federal National Emission Standards for Hazardous Air Pollutants and New Source Performance Standards that were in effect at the time of LRAPA's rule adoption.

- Streamlined and improved permitting processes comparable to DEQ rules adopted in 2001 and 2007.

- Narrowing of an agriculture exemption comparable to DEQ rules adopted in 2008.

- Minor corrections and adjustments adopted by LRAPA's Board in January 2010 to the regulations previously adopted by LRAPA's Board in October 2008.

### Brief history

LRAPA, in consultation with DEQ and the U.S. Environmental Protection Agency, is responsible for ensuring that Lane County communities comply with federal air quality health standards, including enacting plans to restore healthy air quality in any area violating standards. LRAPA conducts air monitoring, permitting and compliance, inspection and enforcement, and regulates open burning and asbestos abatement throughout Lane County. It also has a woodstove advisory program, an open burning advisory program and conducts special projects focused on air quality. The agency is funded by local dues from Lane County and the cities of Lane County, industrial and other permitting fees, and LRAPA coordinates with DEQ to obtain EPA funding and state general funds.

On October 14, 2008 and January 12, 2010, the LRAPA Board of Directors adopted the permit streamlining rules, provided at the end of this document, and the rules have been in effect in Lane County since their adoption. The Environmental Quality Commission and DEQ have oversight authority to ensure LRAPA meets Clean Air Act requirements. The State Implementation Plan is the State of Oregon Clean Air Act Implementation Plan as adopted by EQC under OAR 340-200-0040 and approved by EPA. EQC's role is to review LRAPA rules to determine if they comply with state law and the Clean Air Act, approve those rules if they comply, and direct DEQ to submit the approved rules to EPA for federal approval as State Implementation Plan amendments.

Typically, DEQ submits LRAPA rules to EQC for incorporation into the State Implementation Plan immediately 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 DEQ was unable to perform the additional public notice requirements until now.

### Regulated parties

This proposal does not change the regulated parties or requirements for regulated parties from the rules that LRAPA's board adopted in 2008 and 2010. The regulated parties include businesses in LRAPA's jurisdiction subject to Air Contaminant Discharge Permits and Title V Operating Permits.

**Rules Coordinator:** Maggie Vandehey

**Address:** Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204-1390

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**Rule Caption:** Incorporate Lane Regional Air Protection Agency Rules for permitting requirements into State Implementation Plan

| Date:   | Time:     | Location:                                 |
|---------|-----------|-------------------------------------------|
| 1-22-14 | 5:30 p.m. | LRAPA<br>1010 Main St.<br>Springfield, OR |

**Hearing Officer:** Merlyn Hough

**Stat. Auth.:** ORS 468.020, 468.065 & 468A.135

**Other Auth.:** LRAPA Title 13 General Duties & Powers of Board & Director LRAPA Title 14 Rules of Practice & Procedure

**Stats. Implemented:** ORS 468 & 468A

**Proposed Amendments:** 340-200-0040

**Last Date for Comment:** 1-27-14, 5 p.m.

**Summary:** Short summary

DEQ proposes to incorporate Lane Regional Air Protection Agency revised regulations for air quality permits into Oregon's State Implementation Plan in Oregon Administrative Rule 340-200-0040. The LRAPA Board of Directors adopted the rules revisions in an effort to bring LRAPA in line with state rules and better coordinate with state and federal requirements.

The LRAPA rules contain:

- U.S. Environmental Protection Agency's thresholds for New Source Review and Prevention of Significant Deterioration for fine particulate matter (PM<sub>2.5</sub>) and greenhouse gases

- New and amended federal New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants applicable to non-major or area sources including aluminum, copper, and other nonferrous foundries; chemical manufacturing; ferroalloy production; metal fabrication and finishing; paint stripping and miscellaneous surface coating operations; and plating and polishing operations

- Permitting requirements necessary to implement the federal standards

- Registration options as an alternative to permitting

- Exemptions to permitting for emergency-use and small electrical power generating units

- Statutory requirements for small scale local energy projects

- Corrections to rule citations and definitions of terms

### Brief history

LRAPA, in consultation with DEQ and the U.S. Environmental Protection Agency, is responsible for ensuring that Lane County communities comply with federal air quality health standards, including enacting plans to restore healthy air quality in any area violating standards. LRAPA conducts air monitoring, permitting and compliance, inspection and enforcement, and regulates open burning and asbestos abatement throughout Lane County. It also has a woodstove advisory program, an open burning advisory program and conducts special projects focused on air quality. The agency is funded by local dues from Lane County and the cities of Lane County, industrial and other permitting fees, and LRAPA coordinates with DEQ to obtain EPA funding and state general funds.

On April 25, 2011, the LRAPA Board of Directors adopted the permitting rules, provided at the end of this document, and the rules have been in effect in Lane County since their adoption. The Environmental Quality Commission and DEQ have oversight authority to ensure LRAPA meets Clean Air Act requirements. The State Implementation Plan is the State of Oregon Clean Air Act Implementation Plan as adopted by EQC under OAR 340-200-0040 and approved by EPA. EQC's role is to review LRAPA rules to determine if they comply with state law and the Clean Air Act, approve those rules if they comply, and direct DEQ to submit the approved rules to EPA for federal approval as State Implementation Plan amendments.

Typically, DEQ submits LRAPA rules to EQC for incorporation into the State Implementation Plan immediately 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 DEQ was unable to perform the additional public notice requirements until now.

### Regulated parties

This proposal does not change the regulated parties or requirements for regulated parties from the rules that LRAPA's board adopted in 2011. The regulated parties are subject to LRAPA's Air Contaminant Discharge Permit and Title V Operating Permit requirements. The 2011 LRAPA rules:

- Affect facilities in Lane County.

- Regulate emissions of PM<sub>2.5</sub> and greenhouse gases at all stationary sources emitting more than the 'de minimis' level of these pollutants.