

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

Telephone: (503) 229-6878

.....

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 1010 Main St. 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_{2.5}) 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_{2.5} and greenhouse gases at all stationary sources emitting more than the 'de minimis' level of these pollutants.

NOTICES OF PROPOSED RULEMAKING

• Regulate motor vehicle and mobile equipment surface coating and metal fabrication facilities subject to new and modified National Emission Standards for Hazardous Air Pollutants.

Rules Coordinator: Maggie Vandehey

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

Telephone: (503) 229-6878

.....

Department of Fish and Wildlife

Chapter 635

Rule Caption: Amend rules relating to capture of Peregrine and other species allowed for falconry

Date:	Time:	Location:
2-7-14	8 a.m.	Oregon Dept. of Fish & Wildlife 4034 Fairview Industrial Dr. SE Salem, OR 97302

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Proposed Amendments: Rules in 635-055

Last Date for Comment: 2-7-14, 8 a.m.

Summary: Amend rules related to the capture of Peregrine Falcons for use in falconry and consider changes to species allowed to be taken from the wild for falconry.

Rules Coordinator: Therese Kucera

Address: Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302

Telephone: (503) 947-6033

.....

Rule Caption: Regulations to Establish a Recreational Control Zone at Youngs Bay in the Lower Columbia River

Date:	Time:	Location:
2-7-14	8 a.m.	Oregon Dept. of Fish & Wildlife 4034 Fairview Industrial Dr. SE Salem, OR 97302

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Proposed Adoptions: Rules in 635-014, 635-023

Proposed Amendments: Rules in 635-014, 635-023

Proposed Repeals: Rules in 635-014, 635-023

Last Date for Comment: 2-7-14, 8 a.m.

Summary: Proposed rule amendments are related to establishing a recreational control zone prohibiting angling adjacent to the mouth of Youngs Bay in the lower Columbia River as described in Senate Bill 830 (2013).

Rules Coordinator: Therese Kucera

Address: Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302

Telephone: (503) 947-6033

.....

Department of Human Services, Aging and People with Disabilities and Developmental Disabilities

Chapter 411

Rule Caption: Nursing Facility Policy for Treatment or Referral of Acute Sexual Assault Victims

Date:	Time:	Location:
1-21-14	2 p.m.	Human Services Bldg. 500 Summer St. NE, Rm. 160 Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 410.070, 441.055 & 441.615

Other Auth.: SB 557 (2011 Regular Session) & 2011 OL Ch. 511

Stats. Implemented: ORS 147.403, 441.055 & 441.615

Proposed Amendments: 411-085-0005, 411-085-0210

Last Date for Comment: 1-23-14, 5 p.m.

Summary: The Department of Human Services (Department) is proposing to amend OAR 411-085-0005 and 411-085-0210 for nursing facilities to implement Senate Bill 557 (2011 Regular Session) by requiring nursing facilities to develop and adopt a policy for the referral and treatment of residents who may be victims of acute sexual assault. Proposed rule changes also reflect current practice and Department terminology and correct formatting and punctuation.

Rules Coordinator: Christina Hartman

Address: Department of Human Services, Aging and People with Disabilities and Developmental Disabilities, 500 Summer St. NE, E-10, Salem, OR 97301-1074

Telephone: (503) 945-6398

.....

Rule Caption: Disability Determination Services Rates of Payment — Medical

Date:	Time:	Location:
1-21-14	3 p.m.	Human Services Bldg. 500 Summer St. NE, Rm. 160 Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.511–344.690

Proposed Amendments: 411-200-0010, 411-200-0020, 411-200-0030, 411-200-0035, 411-200-0040

Last Date for Comment: 1-23-14, 5 p.m.

Summary: The Department of Human Services (Department) is proposing to amend the rules for Disability Determination Services (DDS) rates of payment in OAR chapter 411, division 200 to comply with the Code of Federal Regulations.

The proposed rules:

- Remove DDS from the Workers' Compensation fee schedule;
- Link DDS to the United States Department of Health and Human Services (HHS) fee schedule for consultative examinations;
- Remove entities that no longer fit the intent of the rule;
- Reflect current practice and Department terminology; and
- Correct formatting and punctuation.

Rules Coordinator: Christina Hartman

Address: Department of Human Services, Aging and People with Disabilities and Developmental Disabilities, 500 Summer St. NE, E-10, Salem, OR 97301-1074

Telephone: (503) 945-6398

.....

Rule Caption: Nursing Facility Staffing

Date:	Time:	Location:
2-18-14	2:30 p.m.	Human Services Bldg. 500 Summer St. NE, Rm. 160 Salem, Oregon 97301

Hearing Officer: Staff

Stat. Auth.: ORS 410.070, 410.090, 441.055, 441.073 & 441.615

Stats. Implemented: ORS 410.070, 410.090, 441.055, 441.073 & 441.615

Proposed Amendments: 411-086-0100

Proposed Repeals: 411-086-0100(T)

Last Date for Comment: 2-21-14, 5 p.m.

Summary: The Department of Human Services (Department) is proposing to amend OAR 411-086-0100 to:

- Make permanent temporary rule language that became effective on October 1, 2013 to implement the operational application of the increased nursing assistant staffing to resident ratio for nursing facilities;
- Implement the minimum standard of the increased nursing assistant staffing to residential ratio for nursing facility evening and night shifts to become effective on March 31, 2014;
- Ensure that appropriate forms for public information about the staffing responsibilities of the nursing facility are displayed;
- Reflect current practice and Department terminology; and
- Correct formatting and punctuation.

Rules Coordinator: Christina Hartman