## **Final Review Checklist**

## **Greenhouse Gas Permitting – Temporary Rules**

| Completed | Task | Notes |
| --- | --- | --- |
| **Rule verification and edits** | | |
| ⌧ | 1. New rule numbers are available | Not applicable |
| ⌧ | 1. Redline/Strikethrough based on latest compilation | 9/5/14 Discrepancies found. Asked technical lead to re-enter amendments to 340-200-0020 and 340-216-8010 in redline.  9/9/14 Corrected by technical lead |
| ⌧ | 1. Compared history in proposed rules to compilation | Complete |
| ⌧ | 1. Rule units comply with Procedural Rules – Administrative Rules Unit | Complete |
| ⌧ | 1. References to rule units meet DEQ guidelines | Complete. Note: Maggie V. made a suggestion on definition 61 concerning past/future tense. |
| ⌧ | 1. Citations and document references in rule text are accurate and current | Complete |
| ⌧ | 1. Tables and table references meet DEQ guidelines | Complete |
| ⌧ | 1. Statutory authorities citations in rule are accurate and align with staff report and SOS online filing | Complete. |
| ⌧ | 1. Statutes implemented citations in rule are accurate and align with staff report and SOS filing | Complete. |
| ⌧ | 1. Accuracy and sufficiency of SIP Notes | Not applicable |
| ⌧ | 1. Appropriate use and accuracy of rule NOTES and ED.NOTES | Complete |
| ⌧ | 1. Other edits | Changed font color from red to black.  Note: AQ Ops did not accept all of Maggie Vandehey’s recommended edits to the temporary rules because this is a temporary rulemaking and AQ Ops does not want the proposed temporary rules to differ from the draft proposed permanent rules that were on pubic notice. |
| **Public document edits** | | |
| ⌧ | Meets DEQ and Associated Press style guides, spelling, grammar, active voice | The staff report is primarily in active voice. In a couple places, change passive voice to active voice, such as “EPA’s rule was challenged.”  Do not use a comma before the last item in a *simple series* (which constitutes a list of one-word items).  Remove acronyms and parenthesese  (completed) |
| ⌧ | Balanced, professional tone, documents are clear and meet plain English requirements | Clarify or define meanings of: attainment area, ambient air quality standards, Prevention of Significant Deterioration, radically expand, render them un-administratable, biogenic, bioenergy, over the last three years. Where the document is a little heavy on technical words, I ask for clarifications or swapped in simpler words.  Consider word choice describing EPA’s authority: “may not” vs. “must not” vs. “is not authorized” treat greenhouse gases as a regulated pollutant.  Clarify whether Oregon rules are independent from EPA rules.  Clarify whether we are asking EQC to take the U.S. Supreme Court decision into consideration vs. address the decision.  Explain what will happen if the rules expire or EQC does not remove the requirements in the temporary rulemaking.  Use “remove” in place of “suspend” and “repeal” because our proposed action does not suspend and repeal rules.  Either remove the paragraph about biogenic CO2 from the Background action or demonstrate its relevance to the proposed rules.  Summarize EPA’s role in Background section.  It’s not always clear whether the permitting requirements and consequences apply to Title V permit holders only, Prevention of Significant Deterioration permit holders only, or both.  Explain the environmental consequences of adopting the proposed rules. The EQC and the public might fear that removing the permitting requirements will cause environmental harm.  Begin paragraphs with pointed, direct statements. In a few places, the point of the paragraph was buried.  Concerning consequences of not adopting the proposed rules:  Estimate the number of facilities that will pay the permitting and control costs.  Provide an approximate range of fees facilities will likely pay.  Update the fee amounts to reflect Gregg Dahmen’s Title V fee increase rule adoption in Aug. 2014.  In the documents relied upon section, did we use specific rules and statutes to prepare this rulemaking, other than the statutory authority and statutes implemented? If yes, list them. If not, delete the general references to rules and statutes.  (completed) |
| ⌧ | Consistent use of terms | Two areas need attention:   1. amend vs. revise 2. source vs stationary source vs. major source vs. major emitting facility vs. facility vs. business   (completed) |
| ⌧ | Format standard met, format supports information conveyed | Complete |
| ⌧ | Includes recent document enhancements | Added back authorizing statute.  Aligned EQC recommendation with staff report. |
| ⌧ | Rules listed in Staff Report match Proposed Rules | Complete |
| **Other** | | |
| 🞎 |  |  |
| 🞎 |  |  |
| 🞎 |  |  |

Redline/Strikethrough based on latest compilation

1. Save copy of final Proposed Rules as

3a. BaseForProposedRules.dd.mm.yy

1. Reject all changes in document
2. Save document again
3. Go to [SOS Web page](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_tofc.html)
4. Capture compilation rules identical to Proposed Rules
5. Save as 3b. Compilation.dd.mm.yy
6. Compare two documents
7. Identify and list discrepancies

Validate discrepancies

**IDENTIFY HOW WE PROPOSE CHANGES TO RULES**

**Identifying a rule:** The following format identifies a rule where 0010 is the rule, 200 is the division and 340 is the chapter under the Oregon Revised Statutes.

**340-200-0010**

**Purpose and Application**

**Identifying an amended rule:** A rule is amended when it includes some text that is unchanged shown in black text in the example below.

**340-200-0010**

**Purpose and Application**

(1) This division provides general air pollution procedures and definitions that apply to all air quality rules in OAR 340 divisions 200 through 268.

(2) Divisions 200 through 268 apply in addition to all other rules adopted by the EQC. In cases of apparent conflict between rules within these divisions, the most stringent rule applies unless otherwise expressly stated.

**Identifying an adopted rule:** A rule is adopted when ALL sections of the rule are underlined. In the example below, the rule writer listed this rule as adopted, but there is some redline/strikethrough text. It is important to note these descrepancies.

**340-202-0225**

**Ambient Air Quality Limits for Maintenance Areas**

The following ambient air quality limits apply to the areas specified for the purpose of the air quality analysis in OAR 340-224-0060 and 340-224-0260, if required.

(1) In a carbon monoxide maintenance area, an air quality impact equal to or greater than 0.5 mg/m3 (8 hour average) and 2 mg/m3 (1-hour average).

(2) In a PM10 maintenance area, an air quality impact less than or equal to:

(a) 120 ug/m3 (24-hour average) in the Grants Pass PM10 maintenance area;

(b) 140 ug/m3 (24-hour average) in the Klamath Falls PM10 maintenance area; or

(c) 140 ug/m3 (24-hour average) in the Lakeview PM10 maintenance area. In addition, a single source impact is limited to an increase of 5 ug/m3 (24-hour average) in the Lakeview PM10 maintenance area.

**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.

Stat. Auth.: ORS 468.020  
Stats. Implemented: ORS 468A.025  
Hist.: DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1935; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

**Identifying an amended and renumber rule:** A rule is amended and renumbered when the rule number changes. In the example below, the rule number changes from 0043 to 0035. The remainder of the text would include some blank unchanged text, some new (underlined) text and some deleted text (redline/strikethrough.).

**340-222-0035**

**General Requirements for Establishing All PSELs**

(1) PSELs may not exceed limits established by any applicable federal or state regulation or by any specific permit conditions unless the source meets the specific provisions of OAR 340-226-0400 (Alternative Emission Controls).

**Identifying a repealed rule:** ALL text is in redline/strike through as shown in the example below.