

Secretary of State  
**STATEMENT OF NEED AND FISCAL IMPACT**  
A Notice of Proposed Rulemaking Hearing accompanies this form.

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ARCHIVES DIVISION  
SECRETARY OF STATE

Department of Environmental Quality  
Agency and Division

340  
Administrative Rules Chapter Number

Grants Pass Carbon Monoxide and Particulate Matter (PM10) Limited Maintenance Plans

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Grants Pass Carbon Monoxide and Particulate Matter (PM10) Limited Maintenance Plans

**Statutory Authority:**

ORS 468.020 and 468A.025

**Other Authority:**

**Statutes Implemented:**

ORS 468A.025 and 468A.035

**Need for the Rule(s):**

What need would the proposed rule address?

The current CO and PM10 maintenance plans for Grants Pass expire in 2015. EPA requires Oregon to establish a second set of maintenance plans to ensure Grants Pass continues to comply with the CO and PM10 federal health standards through 2025.

Grants Pass's CO and PM10 levels have steadily declined and the area is unlikely to exceed these standards again. EPA guidance allows states the option to adopt a simplified or "limited" maintenance plan if air quality levels are below a certain threshold and there is little risk of a future health standard violation. Grants Pass's CO and PM10 levels are well below this threshold. Under the limited maintenance plan option, no new control measures are required, or the need for costly computer modeling for transportation conformity analysis.

How would the proposed rule address the need?

The proposed rules update the existing maintenance plans for Grants Pass to maintain good air quality for the next 10 years. If adopted, this second set of maintenance plans would be the final maintenance plans required for Grants Pass under the Clean Air Act.

Under the limited maintenance plan option, the second maintenance plan must continue existing control measures from the first maintenance plan. The exception to this is the transportation conformity requirements, which apply to new transportation projects. On-road motor vehicles are a major source of CO emissions in Grants Pass and a smaller but significant source of PM10. However, there have been few new transportation projects in Grants Pass and DEQ expects limited growth in these emissions. Under the limited maintenance plan option, Grants Pass can meet the transportation conformity requirements without the need for a motor vehicle emissions budget (or cap) on emissions and without the need to conduct a regional emissions analysis, which avoids the cost of conducting computer modeling.

The CO limited maintenance plan would continue CO control strategies including federal emission standards for new motor vehicles; Best Available Control Technology requirements for large, new or expanding industrial CO sources; and the residential woodstove curtailment program, which also reduces CO in addition to PM10. Since the majority of CO emissions in Grants Pass are from motor vehicles, federal standards for new motor vehicles have been the most effective measure in reducing CO levels.

The PM10 limited maintenance plan would continue PM10 control strategies, including a residential woodstove curtailment program; a ban on use of uncertified woodstoves; Best Available Control Technology requirements for large new or expanding industrial sources; outdoor open burning restrictions; and prescribed forestry burning smoke management protection.

Both plans would continue to comply with federal health standards. With EPA's approval, DEQ discontinued direct monitoring of CO and PM10 in Grants Pass in 2008 and 2005 respectively, due to very low pollution levels and budget considerations. Under the proposed PM10 limited maintenance plan, DEQ could use an existing PM2.5 monitor in Grants Pass to calculate PM10 levels and verify continued attainment with the standard. For CO, no other direct monitoring exists in Grants Pass, so DEQ would determine continued attainment by tracking CO

emission trends (mostly from on-road mobile sources) and confirming that these emissions are continuing to decline.

Both plans must have contingency measures that DEQ would implement in the unlikely event that current trends do not continue to show improved air quality. The first part of the contingency plans addresses the need to prevent a violation of the health standard. To prevent a violation, both plans identify a process by which direct CO and PM10 monitoring would be re-established. The second part addresses action needed if a violation occurs. Should a violation of the federal health standard occur while conducting monitoring, both plans identify a range of corrective actions DEQ would take.

How will DEQ know the rule addressed the need?

If EQC approves the proposed rules, DEQ would submit the rules including the maintenance plans to EPA to be incorporated into the State Implementation Plan required under the Clean Air Act. DEQ would know the need was addressed if EPA approves the rules and if CO and PM10 levels in Grants Pass continue to meet federal health standards.

#### **Documents Relied Upon, and where they are available:**

EPA guidance document: 2001 Wegman Memo: Limited Maintenance Plan Option for Moderate PM10 Nonattainment Areas  
[www.epa.gov/ttn/caaa/t1/memoranda/lmp\\_final.pdf](http://www.epa.gov/ttn/caaa/t1/memoranda/lmp_final.pdf)

EPA guidance document: 1995 Paisie Memo: Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas  
[http://www.epa.gov/ttn/naaqs/aqmguide/collection/cp2/bakup/19951006\\_paisie\\_lmp\\_nonclassifiable\\_co\\_naa.pdf](http://www.epa.gov/ttn/naaqs/aqmguide/collection/cp2/bakup/19951006_paisie_lmp_nonclassifiable_co_naa.pdf)

Grants Pass PM10 Maintenance Plan, October 4, 2002

Available by contacting DEQ Headquarters, 811 SW 6th Ave., Portland, OR 97204

Grants Pass CO Maintenance Plan, September 13, 1999

Available by contacting DEQ Headquarters, 811 SW 6th Ave., Portland, OR 97204

#### **Fiscal and Economic Impact:**

The proposed rules, including the proposed limited maintenance plans, have slight positive fiscal and economic impacts. The limited maintenance plans would streamline existing requirements, require no new control measures and eliminate the need for costly computer modeling for the transportation conformity analysis. For Grants Pass to qualify for these limited plans, DEQ's proposal would carry-over control measures from existing plans that expire in 2015 to the proposed plans.

##### **Statement of Cost of Compliance:**

##### **1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

Statement of Cost of Compliance

##### **1. State and federal agencies**

The proposed rules would not affect state or federal agencies directly. Because the proposed rules would greatly simplify transportation conformity requirements, the rules would have a slight positive fiscal and economic effect on DEQ indirectly in the form of reduced staff time spent evaluating Grants Pass's compliance with the limited maintenance plans.

##### **2. Local governments**

The proposed rules would have some positive effect on local government in the form of cost savings.

Under the federal Clean Air Act and federal transportation act, metropolitan planning organizations in maintenance areas are subject to transportation conformity rules. The organization for the Grants Pass area is the Middle Rogue Metropolitan Planning Organization.

Each time a new Regional Transportation Plan or Transportation Improvement Program is adopted, the conformity rules require the organization to demonstrate that emissions won't exceed the transportation emissions budgets in the maintenance plans. The organization demonstrates this by preparing a regional emissions analysis which combines computer modeling of the highway system and computer modeling of emission characteristics of the area's cars and trucks. One benefit of the proposed limited maintenance plans is that an emissions budget is no longer needed and the organization can demonstrate conformity without a regional analysis. DEQ estimates that not having to conduct this analysis would save the organization approximately \$30,000.

##### **3. Public**

The proposed rules would not affect the public directly. Air pollution creates public health problems that can have negative economic impacts. The proposed rules could create positive economic benefits and improvements in public health and welfare by ensuring Grants Pass

continues to comply with the CO and PM10 federal health standards.

#### 4. Large businesses - businesses with more than 50 employees

The proposed rules would not affect large businesses directly because the rules would not create new requirements for businesses.

DEQ anticipates CO or PM10 pollution levels would continue to decline under the proposed limited maintenance plans. However, the proposed rules could have some negative fiscal or economic effect on large businesses indirectly if CO or PM10 pollution levels were to increase and the Grants Pass area were to violate the federal health standards.

Both limited maintenance plans contain contingency plans in the unlikely event of a violation, which would trigger more stringent requirements for new and expanding industry. A violation would trigger DEQ having to reinstate the New Source Review requirement for Lowest Achievable Emission Rate and emission offsets for new and expanding industrial sources pursuant to Oregon Administrative Rule Chapter 340 Division 224. Based on recent trends, DEQ anticipates very little industrial growth in the Grants Pass area, and any new or expanding emission sources that are large businesses may not be large enough trigger the New Source Review requirements. At this time, DEQ cannot accurately

#### **2. Cost of compliance effect on small business (ORS 183.336):**

##### **a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:**

None.

##### **b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:**

None.

##### **c. Equipment, supplies, labor and increased administration required for compliance:**

None.

#### **How were small businesses involved in the development of this rule?**

DEQ did not involve small businesses in developing the proposed rules because the rules would likely not affect small businesses.

#### **Administrative Rule Advisory Committee consulted?: No**

##### **If not, why?:**

DEQ did not convene an advisory committee because the proposed rules would not create new control measures, they will only extend the applicability of current control measures for another ten years as required under the federal Clean Air Act.

DEQ consulted with the Middle Rogue Metropolitan Planning Organization Technical Advisory Committee during development of the limited maintenance plans to confirm that regional emissions analyses and modeling would no longer be needed to demonstrate conformity and to discuss the schedule for this rulemaking.

01-26-2015 5:00 p.m.	Meyer Goldstein	meyer.goldstein@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address