

Attachment B
DEQ analysis and recommendations regarding which of the proposed rules
that the Environmental Quality Commission (EQC) should require
Lane Regional Air Protection Agency (LRAPA) to implement directly

Key to “DEQ Analysis” Column:

- “More stringent” means that DEQ has determined that the proposed EQC rule is more strict than the current, corresponding LRAPA rule, and DEQ recommends that the EQC require LRAPA to implement the EQC rule upon adoption by the EQC. Such order would not preclude LRAPA from asserting in the future that it has a rule that is at least as strict as the EQC rule.
- “New” means that the proposed EQC rule does not have a corollary LRAPA rule and DEQ proposes that the EQC require LRAPA to implement the EQC rule upon adoption by the EQC. Such order would not preclude LRAPA from asserting in the future that it has a rule that is at least as strict as the EQC rule.
- “Different/Equivalent” means that DEQ has determined that the proposed rule is different than, but not more strict than, a current, corresponding LRAPA rule, and that the EQC therefore should *not* require LRAPA to implement the EQC rule upon adoption by the EQC.

DEQ division/ rule (OAR)	Description	Replaces/supersedes existing LRAPA rule	Issues	DEQ Analysis
340-200-0020	Definitions	Title 12 , General Provisions and Definitions	<p>Definition of “categorically insignificant activity”</p> <ul style="list-style-type: none"> • The fuel and gas burning equipment activity components of the definition are proposed to include the aggregate of all devices for determination of emissions. • Emergency generator and pump activity components of the definition are proposed to include the aggregate of all devices for determination of the horsepower rating threshold(s). • Oil/water separator activity components of the definition are proposed to include the throughput for determination of emissions. <p>Currently there is no aggregation of devices required when determining if the activities are insignificant.</p> <p>Definition of “greenhouse gases”</p> <ul style="list-style-type: none"> • Include carbon dioxide emissions from the combustion or decomposition of biomass 	More stringent
340-202-0050	Purpose and Scope of Ambient Air Quality Standards	NA	DEQ has added the requirement that the new or modified source must not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the SIL. This safeguard ensures that a new or modified source will not significantly impact the area.	More stringent

DEQ division/ rule (OAR)	Description	Replaces/supersedes existing LRAPA rule	Issues	DEQ Analysis
340-204-0300 340-204-0310 340-204-0320	Designation of Sustainment Areas Designation of Reattainment Areas Priority Sources	Not Applicable	DEQ proposes establishing two new designations for the air quality in a localized area - “ <i>Sustainment</i> ” and “ <i>Reattainment</i> ” areas. DEQ proposed the new area designations to at least partially eliminate a permitting roadblock that exists when air quality exceeds an ambient air quality standard but the area is still designated as attainment or unclassified. The sustainment area designation, along with other revisions to the new source review permitting program, is also intended to help address the primary source or sources of air quality problems by encouraging new or expanding sources to obtain offsets from the primary source or sources of the air quality problem. The reattainment area designation will provide permitting flexibility in areas where air quality has improved.	New
340-208-0110	Visible Air Contaminant Limitations	32-010	The opacity limitations for non-wood-fired and wood-fired boilers that existed prior to June 1, 1970 that have not been modified since May 31, 1970 in the proposed rules are more stringent than the same limitations in LRAPA’s existing rule (40% vs. 20%).	More stringent
340-208-0210	Requirements for Fugitive Emissions	48-015	The proposed rule defines fugitive emissions and includes additional requirements for visible emission monitoring. LRAPA’s existing rule does not require specific visible emissions monitoring for fugitive emissions.	More stringent
340-208-0450	Particle Fallout Limitation	32-055	The phrase “when notified by the department that the deposition exists and must be controlled” was added in 2001. This phrase results in an unusual rule that is interpreted as follows: a source can only be in violation of this rule after DEQ staff inform the source that the deposition exists and must be controlled. In other words, any occurrences of the deposition that occur before DEQ staff have informed the source that the deposition exists and must be controlled cannot be cited as violations of this rule. There are few, if any other rules in divisions 200 through 268 that operate in this unusual manner. Normally, a rule itself serves as the notification that a certain activity or emission is not allowed, and DEQ does not have to provide a second notification before it can cite a facility for a violation of a rule. DEQ can see no reason why OAR 340-208-0450 should not operate in the same manner.	More stringent
340-214- 0114(5)	Records; Maintaining and Reporting	35-0160	The proposed rule adds a requirement to existing recordkeeping rules specifying that records must be kept for at least five years. Some permits require a two year period.	More stringent
340-216-0040	Application Requirements	37-0040	The proposed rules specify dates when permit applications for new and renewed permits are due.	More stringent

DEQ division/ rule (OAR)	Description	Replaces/supersedes existing LRAPA rule	Issues	DEQ Analysis
340-216-8010	Table 1 Activities and Sources	37-0020 Table 1	The proposed Table 1 specifies permitting requirements for stationary internal combustion engines, recreational vehicle manufacturing, and portable sources and separates pathological waste incinerators from crematories.	More stringent
340-222-0041	Source Specific Annual PSEL	42-0041	The proposed rules direct facilities to division 224 for increases in PSELs greater than the significant emission rate for Major and State New Source Review.	Different/Equivalent
340-222-0046	Netting Basis	Not Applicable	The proposed rules have been moved from the definitions in OAR 340-200-0020.	Different/Equivalent
340-222-0048	Baseline Period and Baseline Emission Rate			
340-222-0051	Actual Emissions			
340-222-0090	Combining and Splitting Sources and Changing Primary SIC Code	42-0090	The proposed rule is more stringent than the existing LRAPA rule because it limits the scope of changes to a facility where the netting basis is allotted between two combining and/or splitting sources by the inclusion of a primary SIC code criteria.	More stringent
Division 224	New Source Review	Title 38	<p>The New Source Review program consists of two distinct components, referred to as major New Source Review and minor New Source Review. Under the 2001 through early 2015 rules, major New Source Review was covered by OAR 340 division 224 and in Oregon was referred to simply as New Source Review. Minor New Source Review was covered by OAR 340-222-0041, and was commonly called the “Plant Site Emission Limit rule.”</p> <p>Under the new rules, both major and minor New Source Review are covered primarily under OAR 340 division 224. The major New Source Review program is referred to as Major New Source Review, while the minor New Source Review program has been labeled “State New Source Review”. In addition, State New Source Review is subdivided into Type A State New Source Review and Type B State New Source Review. This was done to maintain program continuity.</p> <p>In addition, DEQ is proposing two new area designations, “sustainment” and “reattainment” areas, as discussed above.</p>	Different/Equivalent
340-224-0025	Major Modification	NA	The proposed rules have been moved from the definitions in OAR 340-200-0020.	Different/Equivalent

DEQ division/ rule (OAR)	Description	Replaces/supersedes existing LRAPA rule	Issues	DEQ Analysis
340-224-0030	New Source Review Procedural Requirements	Not Applicable	The proposed rules have been modified to include procedures on permit extensions in alignment with EPA guidance. The proposed rules are more stringent than LRAPA's existing rule.	More stringent
340-224-0245	Requirements for Sources in Sustainment Areas	Not Applicable	The proposed rules have been modified to include procedures for State New Source Review.	Different/Equivalent
340-224-0245	Requirements for Sources in Nonattainment Areas			
340-224-0255	Requirements for Sources in Reattainment Areas			
340-224-0260	Requirements for Sources in Maintenance Areas			
340-224-0270	Requirement for Sources in Attainment and Unclassified Areas			
340-224-0520	Requirements for Demonstrating Net Air Quality Benefit for Ozone Areas	Not Applicable	The proposed rules have been moved from OAR 340 division 225.	Different/Equivalent
340-224-0530	Requirements for Demonstrating Net Air Quality Benefit for Non-Ozone Areas	Not Applicable	The proposed rules have been modified to increase the offset ratio in nonattainment areas.	More stringent
Division 225	Air quality analysis requirements	Title 40	Clarification. See discussion above regarding OAR 340-202-0050 and significant impact levels.	More stringent

DEQ division/ rule (OAR)	Description	Replaces/supersedes existing LRAPA rule	Issues	DEQ Analysis
			EPA revised the existing concentration for the PM2.5 significant monitoring concentration to zero micrograms per cubic meter (0 ug/m3) and did not entirely remove PM2.5 as a listed pollutant. Were EPA to completely remove PM2.5 from the list of pollutants the PSD regulations, the provision could be interpreted as giving reviewing authorities the discretion to exempt permit applicants from the requirement to conduct monitoring for PM2.5, in contravention of the Court's decision and the CAA. This means that there is no air quality impact level below which a reviewing authority has the discretion to exempt a source from the PM2.5 monitoring requirements.	
340-226-0210	Particulate Emission Limitations for Sources Other Than Fuel Burning, and Refuse Burning Equipment and Fugitive Emissions	32-015	The particulate concentration limitation(s) in the proposed rules are more stringent than the same limitations in LRAPA's existing rule (0.2 grains/dry standard cubic foot versus 0.15 and/or 0.10 grains/dry standard cubic foot).	More stringent
340-228-0210	Grain loading standards (for fuel burning equipment)	32-020 , 32-030	The particulate concentration limitation(s) in the proposed rules are more stringent than the same limitations in LRAPA's existing rule (0.2 grains/dry standard cubic foot versus 0.15 or 0.14 and/or 0.10 grains/dry standard cubic foot).	More stringent