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PERMANENT ADMINISTRATIVE RULES

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I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on Upon filing, by the

Department of Environmental Quality

340

Agency and Division

Administrative Rules Chapter Number

Meyer Goldstein

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Rules Coordinator

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Address

To become effective Upon filing, Rulemaking Notice was published in the July 2014 Oregon Bulletin.

RULE CAPTION

Air quality permitting, Heat Smart and gasoline dispensing facility updates

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

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

340-200-0035, 340-202-0225, 340-204-0300, 340-204-0310, 340-204-0320, 340-206-8010, 340-206-8020, 340-206-8030, 340-206-8040, 340-208-0005, 340-212-0005, 340-214-0005, 340-222-0046, 340-222-0048, 340-222-0051, 340-224-0025, 340-224-0045, 340-224-0055, 340-224-0245, 340-224-0250, 340-224-0255, 340-224-0260, 340-224-0270, 340-224-0500, 340-224-0510, 340-224-0520, 340-224-0530, 340-224-0540, 340-226-0005, 340-226-8010, 340-234-0005, 340-234-0540, 340-236-0005, 340-236-8010, 340-240-0050

AMEND:

340-200-0010, 340-200-0020, 340-200-0025, 340-200-0030, 340-200-0040, 340-200-0050, 340-200-0100, 340-200-0110, 340-200-0120, 340-202-0010, 340-202-0020, 340-202-0050, 340-202-0070, 340-202-0100, 340-202-0110, 340-202-0130, 340-202-0200, 340-202-0210, 340-202-0220, 340-204-0010, 340-204-0020, 340-204-0030, 340-204-0040, 340-204-0050, 340-204-0060, 340-204-0070, 340-204-0080, 340-204-0090, 340-206-0010, 340-206-0020, 340-206-0030, 340-206-0040, 340-206-0050, 340-206-0060, 340-206-0070, 340-208-0010, 340-208-0110, 340-208-0210, 340-208-0300, 340-208-0310, 340-208-0320, 340-208-0450, 340-209-0010, 340-209-0020, 340-209-0030, 340-209-0040, 340-209-0050, 340-209-0060, 340-209-0070, 340-209-0080, 340-210-0010, 340-210-0020, 340-210-0100, 340-210-0110, 340-210-0120, 340-210-0205, 340-210-0215, 340-210-0225, 340-210-0230, 340-210-0240, 340-210-0250, 340-212-0010, 340-212-0110, 340-212-0120, 340-212-0130, 340-212-0140, 340-212-0150, 340-212-0200, 340-212-0210, 340-212-0220, 340-212-0230, 340-212-0240, 340-212-0250, 340-212-0260, 340-212-0270, 340-212-0280, 340-214-0010, 340-214-0100, 340-214-0110, 340-214-0114, 340-214-0130, 340-214-0200, 340-214-0210, 340-214-0220, 340-214-0300, 340-214-0310, 340-214-0320, 340-214-0330, 340-214-0340, 340-214-0350, 340-214-0360, 340-216-0010, 340-216-0020, 340-216-0025, 340-216-0030, 340-216-0040, 340-216-0052, 340-216-0054, 340-216-0056, 340-216-0060, 340-216-0062, 340-216-0064, 340-216-0066, 340-216-0068, 340-216-0070, 340-216-0084, 340-216-0090, 340-216-0094, 340-216-8010, 340-216-8020, 340-218-0010, 340-218-0020, 340-218-0030, 340-218-0040, 340-218-0050, 340-218-0060, 340-218-0070, 340-218-0080, 340-218-0090, 340-218-0100, 340-218-0110, 340-218-0120, 340-218-0140, 340-218-0150, 340-218-0160, 340-218-0180, 340-218-0190, 340-218-0200, 340-218-0210, 340-218-0220, 340-218-0230, 340-218-0240, 340-220-0010, 340-220-0020, 340-220-0060, 340-220-0070, 340-220-0080, 340-220-0090, 340-220-0100, 340-220-0110, 340-220-0120, 340-220-0130, 340-220-0140, 340-220-0150, 340-220-0160, 340-220-0170, 340-220-0180, 340-220-0190, 340-222-0010, 340-222-0020, 340-222-0030, 340-222-0040, 340-222-0041, 340-222-0042, 340-222-0060, 340-222-0080, 340-222-0090, 340-224-0010, 340-224-0020, 340-224-0030, 340-224-0040, 340-224-0050, 340-224-0060, 340-224-0070, 340-225-0010, 340-225-0020, 340-225-0030, 340-225-0040, 340-225-0045, 340-225-0050, 340-225-0060, 340-225-0070, 340-226-0010, 340-226-0100, 340-226-0110, 340-226-0120, 340-226-0130, 340-226-0140, 340-226-0210, 340-226-0310, 340-226-0320, 340-226-0400, 340-228-0010, 340-228-0020, 340-228-0100, 340-228-0110, 340-228-0120, 340-228-0130, 340-228-0200, 340-228-0210, 340-228-0300, 340-232-0010, 340-232-0020, 340-232-0030, 340-232-0040, 340-232-0050, 340-232-0060, 340-232-0080, 340-232-0085, 340-232-0090, 340-232-0100, 340-232-0110, 340-232-0120, 340-232-0130, 340-232-0140, 340-232-0150, 340-232-0160, 340-232-0170, 340-232-0180, 340-232-0190, 340-232-0200, 340-232-0210, 340-232-0220, 340-232-0230, 340-234-0010, 340-234-0100, 340-234-0140, 340-234-0200, 340-234-0210, 340-234-0220, 340-234-0240, 340-234-0250, 340-234-0270, 340-234-0500, 340-234-0510, 340-234-0520, 340-234-0530, 340-236-0010, 340-236-0310, 340-236-0320, 340-236-0330, 340-236-0400, 340-236-0410, 340-236-0420, 340-236-0440, 340-236-0500, 340-240-0010, 340-240-0020, 340-240-0030, 340-240-0100, 340-240-0110, 340-240-0120, 340-240-0130, 340-240-0140, 340-240-0150, 340-240-0160, 340-240-0180, 340-240-0190, 340-240-0210, 340-240-0220, 340-240-0250, 340-240-0300, 340-240-0320, 340-240-0330, 340-240-0340, 340-240-0350, 340-240-0360, 340-240-0400, 340-240-0410, 340-240-0420, 340-240-0430, 340-240-0440, 340-240-0510, 340-240-0550, 340-240-0560, 340-240-0610, 340-242-0400, 340-242-0410, 340-242-0420, 340-242-0430, 340-242-0440, 340-242-0500, 340-242-0510, 340-242-0520, 340-242-0600, 340-242-0610, 340-242-0620, 340-242-0630, 340-244-0040, 340-244-0232, 340-244-0234, 340-244-0236, 340-244-0238, 340-244-0239, 340-244-0240, 340-244-0242, 340-244-0244, 340-244-0246, 340-244-0248, 340-244-0250, 340-246-0230, 340-262-0450, 340-264-0010, 340-264-0020, 340-264-0030, 340-264-0040, 340-264-0050, 340

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REPEAL:

340-208-0100, 340-208-0200, 340-208-0600, 340-214-0400, 340-214-0410, 340-214-0420, 340-214-0430, 340-218-0250, 340-222-0070, 340-225-0090, 340-226-0200, 340-228-0400, 340-228-0410, 340-228-0420, 340-228-0430, 340-228-0440, 340-228-0450, 340-228-0460, 340-228-0470, 340-228-0480, 340-228-0490, 340-228-0500, 340-228-0510, 340-228-0520, 340-228-0530, 340-234-0300, 340-234-0310, 340-234-0320, 340-234-0330, 340-234-0340, 340-234-0350, 340-234-0360, 340-234-0400, 340-234-0410, 340-234-0420, 340-234-0430, 340-236-0100, 340-236-0110, 340-236-0120, 340-236-0130, 340-236-0140, 340-236-0150, 340-236-0200, 340-236-0210, 340-236-0220, 340-236-0230, 340-236-0430, 340-240-0170, 340-240-0230, 340-240-0310, 340-242-0700, 340-242-0710, 340-242-0720, 340-242-0730, 340-242-0740, 340-242-0750, 340-242-0760, 340-242-0770, 340-242-0780, 340-242-0790, 340-264-0190

RENUMBER:

AMEND AND RENUMBER:

340-222-0043 to 340-222-0035, 340-222-0045 to 340-222-0055, 340-224-0080 to 340-224-0034

Statutory Authority:

ORS 192, 468 and 468A

Other Authority:

Statutes Implemented:

ORS 183, 192, 468, 468A, 477, Or. Laws 2009, chapter 754

RULE SUMMARY

Short summary

The Environmental Quality Commission adopted changes to streamline, reorganize and update Oregon's air quality permit rules. The Source Sampling Manual Volumes I and II and Continuous Monitoring Manual are part of the adopted rules.

EQC also made changes to statewide particulate matter emission standards and the preconstruction permitting program. These changes will help Oregon comply with the U.S. Environmental Protection Agency's ambient air quality standard for fine particulates, commonly called PM2.5 and protect air quality through Oregon's permitting programs.

In addition, EQC adopted rules to:

- Remove certain greenhouse gas permitting requirements to align with the June 23, 2014 Supreme Court decision;
- Expand preconstruction permitting flexibility for small facilities;
- Allow DEQ to use technology such as teleconferencing for public meetings to improve community outreach, and
- Improve program implementation by amending:
 - o The woodstove replacement program called Heat Smart, and
 - o The gasoline dispensing facility rules.

The first bullet above is substantially similar to the temporary rules that the Oregon Environmental Quality Commission adopted in Nov. 2014. The temporary rules, effective Nov. 12, 2014 through May 10, 2015, removed the greenhouse gas permitting requirements to align with a recent United States Supreme Court decision.

The changes made by the adopted rules include:

1. Clarifying and updating air quality rules
2. Updating particulate matter emission standards
3. Changing permitting requirements for emergency generators and small natural gas or oil-fired equipment
4. Establishing two new state air quality area designations, "sustainment" and "re attainment," to help areas avoid and more quickly end a federal nonattainment designation
5. Designating Lakeview as a state sustainment area while retaining its federal attainment designation
6. Changing the New Source Review preconstruction permitting program
7. Modernizing methods allowed for holding public hearings and meetings
8. Re-establishing the Heat Smart woodstove replacement program exemption for small commercial solid fuel boilers regulated under the permitting program

9. Removing annual reporting requirements for small gasoline dispensing facilities

EQC approved the rules for incorporation into Oregon's State Implementation Plan. DEQ will submit the proposed rules to the U. S. Environmental Protection Agency to be included in revisions to the State Implementation Plan required under the Clean Air Act. See DEQ's crosswalk of rules changes at <http://www.oregon.gov/deq/RulesandRegulations/Documents/AQpermCrosswalk.pdf>, and the rules in the State Implementation Plan, for details.

Regulated parties

These rules affect:

- All businesses, agencies, local governments and other entities holding air quality permits;
- Businesses and other entities required to submit construction approval notices;
- Businesses and other entities that sell small solid fuel boilers; and
- Businesses and other entities that dispense less than 10,000 gallons of gasoline a month.

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