

From: [GARTENBAUM Andrea](#)
To: ["Spenillo, Justin"; LANIER Robbye](#)
Cc: [INAHARA Jill](#)
Subject: RE: Oregon DEQ proposes revisions to air quality permitting, Heat Smart, and gasoline dispensing facility rules
Date: Tuesday, September 02, 2014 4:49:48 PM

Justin and Robbye,

For your information:

DEQ received a request from the U.S. Forest Service and Friends of the Columbia Gorge to extend the public comment period for the proposed air quality permitting, Heat Smart, and gasoline dispensing facility updates, which closed Aug. 28, 2014. DEQ reopened the public comment period for this rulemaking until Monday, Sept. 15, 2014 at 5:00 p.m. to provide additional time for comment. This is DEQ's fourth update to its initial proposal issued June 16, 2014.

[Click here](#) to view the rulemaking documents and learn how to submit comments.

Andrea Gartenbaum

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From: GARTENBAUM Andrea
Sent: Tuesday, August 26, 2014 1:36 PM
To: 'Spenillo, Justin'
Cc: INAHARA Jill
Subject: RE: Oregon DEQ proposes revisions to air quality permitting, Heat Smart, and gasoline dispensing facility rules

Justin,

For your information:

DEQ is extending the public comment period for the air quality permitting, Heat Smart, and gasoline dispensing facility updates with regard to certain Oregon greenhouse gas permitting rules. Specifically, DEQ is extending the public comment period for OAR 340-200-0020, 340-216-0020, 340-216-8010, 340-216-8020 and 340-224-0010 of Chapter 340 of the Oregon Administrative Rules from Aug. 28, 2014 to Sept. 15, 2014.

DEQ is extending the public comment period in anticipation that people will want more time to comment on the greenhouse gas permitting rules in light of recent action by the U.S. Supreme Court. On June 23, 2014, the U.S. Supreme Court invalidated portions of the U.S. Environmental Protection Agency's greenhouse gas regulations known as the Tailoring Rule.

In a separate temporary rulemaking, DEQ is proposing temporary rule revisions to address the U.S. Supreme Court ruling. [Click here](#) to learn about the temporary rulemaking.

While DEQ is not accepting comment on the temporary rulemaking, DEQ requests comment on whether Oregon's proposed rules in the air quality permitting, Heat Smart, and gasoline dispensing

facility updates should be retained as they are revised as proposed in the temporary rulemaking. [Click here](#) to view the rulemaking documents and learn how to submit comments.

This deadline extension is an update to DEQ's initial rulemaking proposal issued June 16, 2014. The close of the public comment period for all of the rules in DEQ's initial proposal remains 5:00 p.m., Aug. 28, 2014, except OAR 340-200-0020, 340-216-0020, 340-216-8010, 340-216-8020 and 340-224-0010. To consider comments on OAR 340-200-0020, 340-216-0020, 340-216-8010, 340-216-8020 and 340-224-0010, DEQ must receive the comment by **5:00 p.m., Sept. 15, 2014.**

DEQ plans to take the final proposal including any modifications made in response to public comments to the Environmental Quality Commission for decision at the commission's January 2015 meeting. If adopted, DEQ will submit the rules to the U.S. Environmental Protection Agency as a revision to the State Implementation Plan as required by the Clean Air Act.

Questions? Please contact me or Jill Inahara at 503-229-5001 or inahara.jill@deq.state.or.us.

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From: GARTENBAUM Andrea
Sent: Wednesday, July 30, 2014 10:27 AM
To: 'Spenillo, Justin'
Cc: INAHARA Jill
Subject: RE: Oregon DEQ proposes revisions to air quality permitting, Heat Smart, and gasoline dispensing facility rules

Justin,

For your information, DEQ extended the comment deadline to its proposed air quality permitting, Heat Smart, and gasoline dispensing facility rulemaking [[LINK](#)].

DEQ received a request from Oregon Associated Industries to extend the public comment period, which had been scheduled to close on Aug. 14, 2014. DEQ is extending the public comment period for this rulemaking until Thursday, Aug. 28, 2014 at 5:00 p.m. to provide additional time for comment.

This is DEQ's second update to its initial proposal issued June 16, 2014. In DEQ's first update issued July 9, 2014, DEQ extended the comment deadline from July 31, 2014 to Aug. 14, 2014, added public hearings which occurred July 16, 2014, and provided information about recent action by the U.S. Supreme Court.

Let Jill or me know if you have questions.

Andrea Gartenbaum

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From: GARTENBAUM Andrea
Sent: Wednesday, July 09, 2014 7:54 PM
To: 'Spenillo, Justin'
Cc: INAHARA Jill
Subject: RE: Oregon DEQ proposes revisions to air quality permitting, Heat Smart, and gasoline dispensing facility rules

Justin,

For your information, DEQ extended the comment deadline and added hearings to its proposed air quality permitting, Heat Smart, and gasoline dispensing facility rulemaking [[LINK](#)]

DEQ received a request from Neighbors for Clean Air to extend the public comment period for the proposed air quality permitting, Heat Smart, and gasoline dispensing facility updates, which had been scheduled to close on July 31, 2014. DEQ extended the public comment period for this rulemaking until Thursday, Aug. 14, 2014 at 5:00 p.m. to provide additional time for comment.

In addition, DEQ received a request from Associated Oregon Industries to increase opportunities for people to attend public hearings. DEQ added Springfield and Pendleton to the July 16, 2014 public hearings.

Considering recent action by the U.S. Supreme Court, DEQ requests public comment on the applicability of Oregon's Prevention of Significant Deterioration requirements and Title V operating permit program requirements for greenhouse gases. DEQ requests public comment on whether Oregon's rules should be retained as they are, revised to agree with the court's ruling, or revised in other ways.

In 2011, the Oregon Environmental Quality Commission adopted Oregon rules equivalent to the U.S. Environmental Protection Agency's greenhouse gas regulations known as the Tailoring Rule. On June 23, 2014, the U.S. Supreme Court invalidated portions of the federal Tailoring Rule. As a result of the court's ruling, industrial sources of air pollution are no longer subject to federal air quality requirements known as Prevention of Significant Deterioration for greenhouse gases alone. In addition, as a result of the court's ruling, industrial sources are no longer subject to federal Title V permitting requirements for greenhouse gases alone. The ruling retains the requirement that industrial sources triggering Prevention of Significant Deterioration for other pollutants and which also emit greenhouse gases are required to perform Best Available Control Technology analysis for greenhouse gases under specific conditions. The court's action does not invalidate any part of Oregon's rules and those rules remain in effect in Oregon.

Thanks,

Andrea Gartenbaum

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From: GARTENBAUM Andrea
Sent: Monday, June 16, 2014 1:09 PM
To: 'Spenillo, Justin'
Cc: INAHARA Jill
Subject: Oregon DEQ proposes revisions to air quality permitting, Heat Smart, and gasoline dispensing facility rules

Dear Justin,

The Oregon Department of Environmental Quality has opened public comment for proposed changes to chapter 340 of the Oregon Administrative Rules including revisions to air quality permitting, Heat Smart, and gasoline dispensing facility rules.

The proposed rules would:

- Clarify and update air quality rules
- Update particulate matter emission standards
- Change permitting requirements for emergency generators and small natural gas or oil-fired equipment
- Establish two new state air quality area designations, “sustainment” and “reattainment,” to help areas avoid and more quickly end a federal nonattainment designation
- Designate Lakeview as a state sustainment area while retaining its federal attainment designation
- Change the New Source Review preconstruction permitting program
- Modernize methods allowed for holding public hearings and meetings
- Re-establish the Heat Smart woodstove replacement program exemption for small commercial solid fuel boilers regulated under the permitting program
- Remove annual reporting requirements for small gasoline dispensing facilities

The proposal is online at www.oregon.gov/deq/RulesandRegulations/Pages/2014/aqperm.aspx. The proposal includes:

Invitation to Comment – 2-page fact sheet that outlines the proposal and opportunities to comment

Proposed Rules – redline/strikethrough of the affected Oregon Administrative Rules

Notice – information and analysis required by APA; Model Rules; DEQ statutes, rules and best practices; and federal regulations

The comment period closes on Thursday, July 31, 2014 at 5 p.m. DEQ plans to take the final proposal including any modifications made in response to public comments to the Environmental Quality Commission for decision at the commission’s Jan. 2015 meeting.

If you have questions or comments, please contact Jill Inahara at inahara.jill@deq.state.or.us or 503-229-5001.

Sincerely,

Andrea Gartenbaum

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