

From: [GARTENBAUM, Andrea](#)
To: ["Spenillo, Justin"](#)
Cc: [INAHARA, Jill](#)
Subject: RE: Oregon DEQ proposes revisions to air quality permitting, Heat Smart, and gasoline dispensing facility rules
Date: Wednesday, July 30, 2014 10:27:01 AM

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

Rules Group Lead
Operations Division
Oregon Department of Environmental Quality
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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

Rules Group Lead

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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

Rules Group Lead

Operations Division

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