Clarifying and updating Oregon’s air quality permitting and other rules

# Invitation to Comment

DEQ invites input on proposed permanent rule amendments and adoptions to chapter 340 of the Oregon Administrative Rules.

DEQ proposal

DEQ proposes the following rule amendments and adoptions to implement federal air quality regulations. The proposal would affect OAR 340 division numbers 200, 202, 204, 206, 208, 209, 210, 212, 214, 216, 218, 220, 222, 224, 225, 226, 228, 232, 234, 236, 240, 242, 244, 259, 262, 264, and 268. The rulemaking proposal would adopt new and amended air quality regulations and repeal no longer needed air quality regulations.

Specifically, the amendments would:

* Clarify and update air quality regulations
* Update particulate matter emission standards
* Change permitting requirements for emergency generators and small natural gas or oil fired fuel buring equipment
* Establish two new state air quality area designations – “sustainment” and “reattainment” - to help areas avoid and more quickly end a federal nonattainment designation.
* Identify Lakeview as a state sustainment area while retaining its federal attainment designation.
* Change the pre-construction permitting program (also called the “New Source Review” program)
* Provide more flexibility for public hearings and meetings
* Reestablish Heat Smart exemption for small commercial solid fuel boilers that are regulated by the permitting program.
* Remove annual reporting requirements for small gas stations

DEQ’s objective

The need to maintain Oregon rules is ongoing to ensure DEQ’s air quality permitting program is efficient and effective. This rulemaking will modify DEQ rules to ensure Oregon regulations are up to date and that they address air quality problems.

Who does this affect?

This rulemaking regulates:

* All businesses currently holding air quality permits;
* Businesses required to submit construction approval notices
* Businesses that sell small solid fuel boilers
* Businesses that dispense less than 10,000 gallons of gasoline a month

Attend a hearing

DEQ invites you to attend the public hearing listed below. The presiding officer will provide a brief overview of the proposal before inviting your spoken or written comment.

Portland, 6 p.m., Apr. 24, 2014, DEQ Headquarters Building, Room EQC A on the 10th Floor, 811 SW Sixth Ave., Portland, OR, 97204.

Presiding Officer: George Davis

If unable to attend the hearing in person, you can also participate by conference line at the following locations:

DEQ - Bend Regional Office

Conference Room

475 NE Bellevue Dr., Suite 110

Bend, OR 97701

DEQ - Medford Regional Office

Conference Room

221 Stewart Ave., Suite 201

Medford, OR 97501

DEQ- Salem Regional Office

Conference Room

750 Front St., Suite 120

Salem, OR 97301-1039

Comment deadline

To consider comments on the proposed rule, DEQ must receive the comment by

5 p.m. on Wednesday, Apr. 30, 2014.

**What has happened so far?**

Documents used to develop proposal

DEQ relied on the following documents when considering the need for the proposed rule and to prepare the rulemaking documents.

* [Oregon Administrative Rules](http://www.deq.state.or.us/regulations/rules.htm)
* [Oregon Revised Statutes](https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx)
* [06/06/90 EPA guidance titled "Performance Test Calculation Guidelines"](http://www.epa.gov/ttn/emc/rounding.pdf)

Stakeholder meetings

DEQ held stakeholder meetings around the state in August to receive comments and expertise on preliminary rules. A fiscal advisory committee meeting was Jan. 23, 2014 to gather recommendations on the adequacy of the draft fiscal impact statement. Information DEQ staff obtained from industry experts and other stakeholders is incorporated into the proposed rules.

What will happen next?

We will review all comments

DEQ will prepare a written response to each comment or summary of similar comments received by the comment deadline. DEQ may modify the rule proposal based on the comments. Comments and responses will become part of the staff report that will go to the Oregon [Environmental Quality Commission](http://www.oregon.gov/DEQ/EQC/index.shtml) for final decision.

Present proposal to the EQC

The Governor selected the 5 members of the EQC to review all proposed changes to division 340 of the Oregon Administrative Rules. It is up to the EQC whether to approve the proposed changes or not.

DEQ plans to take this proposal, including any modifications made in response to public comment, to the EQC for final decision at its October 2014 meeting.

Upon EQC adoption, DEQ would submit the rules to EPA to update our State Implementation Plan.

Accessibility information

You may review copies of all websites and documents referenced in this announcement at:

Oregon DEQ Headquarters

811 SW Sixth Ave.

Portland, OR 97204

To schedule a review, call Jill Inahara at 503-229-5001.

Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications and Outreach at 503-229-5696 or call toll-free in Oregon at 1-800-452-4011; fax to 503-229-6762; or email to

[deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us). Hearing impaired persons may call 711.