Clarifying and Updating Oregon’s air quality permitting 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 standards
* Change permitting requirements for emergency generators and small fuel buring equipment
* Change the pre-construction permitting program (New Source Review)
* Designate Lakeview as a sustainment area
* Provide DEQ more flexibility for public hearing and meetings
* Change HeatSmart rules to allow sale of small solid fuel boilers
* Align clean diesel grant and loan rules with federal grant guidelines
* Change reporting requirements for small gas dispensing facilities

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.

This rulemaking also proposes minor changes to the HeatSmart rules, clean diesel grant and loan rules and reporting requirements for small gas dispensing facilities.

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 apply for clean diesel grants and loans
* Small gasoline dispensing facilities (PERMITTED so already included?)

Sign up for notices

Get email updates about the proposed rules by signing up at LINK.

Attend a hearing

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

Portland, 5 p.m., Nov. 15, 2013, DEQ Headquarters Building, Room EQC A on the 10th Floor, 811 SW 6th 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 Street, Suite 120

Salem, OR 97XXX

Comment deadline

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

5 p.m. on Friday, Nov. 15, 2013.

**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.

* [Code of Federal Regulations](http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR)
* [Federal Register](http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR)
* [Oregon Revised Statutes](http://www.deq.state.or.us/regulations/statutes.htm)
* [Oregon Administrative Rules](http://www.deq.state.or.us/regulations/rules.htm)

Stakeholder meetings

DEQ held stakeholder meetings around the state in August to receive input on preliminary rules. Some of the input was incorporated in 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 to the EQC for final decision at its March 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 Floor 10

811 SW 6th Avenue

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.

**Glossary**

ACDP – Air Contaminant Discharge Permit

DEQ – Department of Environmental Quality

EPA – U.S. Environmental Protection Agency

EQC – Environmental Quality Commission, a five-member panel of Oregonians appointed by the governor for four-year terms to serve as DEQ’s policy and rulemaking board

SIP – State Implementation Plan -