## Start Rulemaking Proposal (SRP)

**Date: DAM meeting date?**

**Contact Person/phone: Jill Inahara/229-5001**

***Submit this form and a completed Opt In/Out form to Bobbi Demauro (ODAM support person) by the Friday, 10 days prior to ODAM.***

#### Rulemaking Proposal

|  |  |
| --- | --- |
| Rule Number and Title | Amend:OAR 340-200, General Air Pollution Procedures and Definitions[OAR 340-202](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_202.html) Ambient Air Quality Standards and PSD Increments[OAR 340-204](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_204.html) Designation of Air Quality Areas[OAR 340-206](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_206.html) Air Pollution Emergencies[OAR 340-208](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_208.html) Visible Emissions and Nuisance Requirements [OAR 340-209](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_209.html) Public Participation[OAR 340-210](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_210.html) Stationary Source Notification Requirements[OAR 340-212](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_212.html) Stationary Source Testing and Monitoring[OAR 340-214](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_214.html) Stationary Source Reporting Requirements[OAR 340-216](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_216.html) Air Contaminant Discharge Permits[OAR 340-218](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_218.html) Oregon Title V Operating Permits[OAR 340-222](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_222.html) Stationary Source Plant Site Emission Limits [OAR 340-224](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_224.html) Major New Source Review[OAR 340-225](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_225.html) Air Quality Analysis Requirements[OAR 340-226](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_226.html) General Emission Standards[OAR 340-228](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_228.html) Requirements For Fuel Burning Equipment and Fuel Sulfur Content[OAR 340-230](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_230.html) Incinerator Regulations[OAR 340-232](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_232.html) Emission Standards For VOC Point Sources[OAR 340-234](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_234.html) Emission Standards For Wood Products Industries[OAR 340-236](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_236.html) Emission Standards For Specific Industries[OAR 340-238](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_238.html) New Source Performance Standards[OAR 340-240](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_240.html) Rules For Areas With Unique Air Quality Needs[OAR 340-242](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_242.html) Rules Applicable to the Portland Area |
| Objective of rulemaking | The objective of this rulemaking is to  |
| Changes Proposed  |  |
| Need for this Rulemaking  | **What is the need for the proposed rules or amendments? Address each of the following that applies:** * **Do the rule changes address a known environmental problem or a problem we speculate will occur? If the latter, how likely or serious is the problem? What are the consequences of not addressing it?**
* **Will the changes make it easier for the regulated community to do business? Have we consulted w/affected groups to confirm this?**
* **Will the changes make it easier for DEQ to do business? What resource savings will be achieved?**
 |
|  | * **Will the changes further one or more of our strategic directions?**

The proposed rule changes further DEQ’s Strategic Direction of ensuring delivery of excellence through quality service and equitable compliance and enforcement. This will be done by allowing DEQ to issue timely and protective permits and not creating a large backlog of NSR/PDS permit modification applications. * **Do the rules achieve or maintain consistency with federal requirements or delegation of federal programs? If so, explain why that is necessary or important.**

DEQ has been delegated authority to implement the NSR/PSD program. The proposed rules will maintain consistency with federal requirements and enable DEQ to retain program delegation. **Is there another compelling reason?** No* **Can the need be met through policy, guidance, or another alternative to rulemaking? If not, briefly explain.**

The need cannot be met through policy, guidance, or another alternative to rulemaking because current rules require NSR/PSD analyses for increases in regulated pollutants above SERs. If there is no SER, analyses would be required for any increase of PM2.5 emissions.  |
| Relevant History |  |
| Deadlines |  |
| Technical or Environmental Issues | See above in “Need for this Rulemaking” |
| **Cross Media Issues** | There are no cross media issues identified with this rulemaking. |
| Policy or Political Issues | There are no specific policy or potential political issues associated with this rulemaking.  |
| **Potential Impacts to MSD**  | There are no potential impacts to MSD related to this rulemaking.  |
| **Potential Impacts to OCE** | **Does this rulemaking develop new or expand existing compliance requirements?** **Does this rulemaking subject previously unregulated persons to regulations?** **Does this rulemaking develop a new or expand an existing permit/regulatory program?** This rulemaking does not: * develop new or expand existing compliance requirements (areas violating NAAQS, not quite expansion),
* subject previously unregulated persons to regulations, or
* develop a new or expand an existing permit/regulatory program.
 |
| Implementation Issues | **Will we be able to implement the rules? Can we effectively enforce the rules? If not, have we considered another approach to compliance?If the rules will not be accompanied by new resources, what other work will not get done? Are we prepared to drop that work?** DEQ currently implements and effectively enforces the air quality permitting rules. The proposed rule changes will improve implementation by:* reorganizing procedural requirements in the appropriate division, instead of being scattered throughout the definitions
* .

**Have we communicated internally and externally with stakeholders?Is there an internal and external communication strategy to ensure that both DEQ staff and the regulated community are prepared for the effects of the rules? Is this strategy for both rulemaking and rule implementation?**Internal communication on the proposed rule changes has been through the lead permit writers subgroup. Stakeholders will be consulted on the proposed rule changes through the Air Quality Business and Environmental Roundtables. Ongoing communication with these groups will ensure preparedness for the effects of these rules.  |
| 5 year Review | ORS 183.405(5)(b) exempts rules that adopt federal laws or rules by reference from the 5 year review. |
| Stakeholders | The entities interested or potentially affected by these rules include proposed new and modified major stationary sources in all industry groups. The majority of sources potentially affected are expected to be in the following groups:electronics; chemical manufacturing; miscellaneous chemical products; natural gas transport; power generation; pulp and paper mills; steel mills; wood products facilities.Stakeholders will be consulted on these proposed rule changes through the Air Quality Business and Environmental Roundtables and should generally be in favor of the rule.  |
| Effects on Small Business, Individuals | **Do the rules affect individuals, small businesses or small communities? If so, what alternatives have been or will be explored to minimize costs, including different requirements for these entities? Have we evaluated the cumulative effect of DEQ requirements and considered existing requirements that could be repealed or modified as these new requirements are adopted?** The proposed rules will not affect individuals, small businesses or small communities.  |
| Rulemaking Process |
| Rulemaking Team  |  |
| Rulemaking Team  | Member Name | Time estimate | Duration |
| Sponsoring DA | Andy Ginsburg | 30 hours | 4 months |
| Lead Manager | Tom Roick | 50 hours | 4 months |
| Rule writer | Jill Inahara | 1000 hours | 12 months |
| Regional Manager |  |  |  |
| Regional staff | Mark Fisher | 300 hours | 6 months |
|  | George Davis | 200 hours | 6 months |
|  | Gary Andes | 100 hours | 6 months |
| Other programs/divisions |  |  |  |
| Other agencies |  |  |  |
| Advisory Process | DEQ will meet with stakeholders through the Air Quality Business and Environmental Roundtables or may meet separately with stakeholders to describe the proposed action and discuss the effects of the rule changes. The proposal will be presented to stakeholders for comment during the public participation period of the rulemaking.  |
| Public Involvement | Permitted sources and other interested parties will receive the permanent rulemaking proposal either in hard copy or via e-mail during the public notice process. The proposed rules will be available on the DEQ website during this period. |
| EQC Involvement | The EQC will be involved in tracking the progress of the Department’s proposals during the legislative session. |
| **Rulemaking Target Dates** |  |
|  |  Milestone | Target Dates |
| Advisory Process (e.g., committees; workgroups) | March – June, 2012 |
| Publication in SOS Bulletin | 07/01/12 |
| EQC rule adoption | December,, 2012 |

**Attachment: Opt In/Out Form**