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I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on 10/15/2015 by the
Department of Environmental Quality 340

Agency and Division

Administrative Rules Chapter Number

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To become effective Upon filing. Rulemaking Notice was published in the August 2015 Oregon Bulletin.

RULE CAPTION

Infrastructure SIP PM2.5 Standard Update

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

340-200-0040, 340-202-0060, 340-250-0030

REPEAL:

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:

ORS 468, 468.020, 468A, 468A.035

Other Authority:

Statutes Implemented:

ORS 468A, 468A.025, 468A.035

RULE SUMMARY

DEQ proposes the Oregon Environmental Quality Commission approve the proposed rules for incorporation into the Oregon Clean Air Act State Implementation Plan and submittal to the U.S. Environmental Protection Agency for its approval under the federal Clean Air Act. After the public notice period, DEQ will submit the proposed rules to EQC for approval. Following the commission's approval, DEQ will submit the proposed rules to EPA for its approval.

The proposed rule amendments incorporate a revised annual National Ambient Air Quality Standard for PM 2.5 and amend the definition of NAAQS to include PM 2.5 in Oregon's administrative rule. These changes will allow Oregon to meet Clean Air Act requirements and request that EPA approve Oregon's revised State Implementation Plan.

The proposal includes the following actions:

- Amend Oregon Administrative Rule 340-200-0040 to update the Oregon Clean Air Act State Implementation plan. If EQC adopts the amendments, the actions proposed in this rulemaking will be incorporated into and made part of the Oregon SIP.
- Amend OAR 340-202-0060(3) to incorporate the annual national primary ambient air quality standard for PM 2.5, adopted by the EPA, Dec.14, 2012, and effective on March 18, 2013.
- Amend OAR 340-250-0030(22) to include PM 2.5 as part of the definition of NAAQS.

In addition to the rule amendments outlined above, a "crosswalk" titled "Infrastructure SIP Submittal for Purposes of Clean Air Act Sections 110(a)(1) and (2) for the 2012 PM 2.5 NAAQS" is included with this proposal. The crosswalk identifies existing Oregon Administrative Rules and corresponding Oregon Revised Statutes that demonstrate DEQ has the necessary authorities in place to implement requirements of Sections 110(a)(1) and (a)(2) of the CAA with respect to the current NAAQS for PM 2.5. They are included for EQC approval and submittal to EPA as documentation that the infrastructure elements of the Oregon SIP meet the requirements of the CAA as they relate to the PM 2.5 NAAQS.

The interstate transport provision in the CAA, section 110(a)(2)(D)(i), (also called "the good neighbor" provision) requires each state to submit a SIP that prohibits emissions that will have certain adverse air quality effects in other states. This section of the SIP is due within three years of the EPA establishing a new or revised NAAQS. DEQ's State Implementation Plan addresses the interstate transport of PM 2.5. Note: The interstate transport submittal also addresses Sulfur Dioxide (SO₂), Nitrogen Dioxide (NO₂) and Lead (Pb) SIP standards updated in 2013. (Attachment C).

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