State of Oregon

Department of Environmental Quality Memorandum

**Date:** May 1, 2019

**To:** Environmental Quality Commission

**From:** Richard Whitman, Director

**Subject:** Agenda item F, Action item: State Implementation Plan updates to integrate LRAPA 2019 Cleaner Air Oregon rule adoption

May 16-17, 2019, EQC meeting

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| **Why this is important** | DEQ requests commission review and approval of an update to the Oregon Clean Air Act State Implementation Plan, or SIP, to integrate the Lane Regional Air Protection Agency Board’s March 2019 approval of Cleaner Air Oregon rules. As the only remaining regional air quality authority in the state, LRAPA must maintain rules that are as stringent as the state programs administered by DEQ. The permitting rules approved by the LRAPA Board in March 2019 align the Lane County programs with state air quality permitting regulations, including fees, of the Cleaner Air Oregon program. |
| **DEQ recommendation** | DEQ recommends that the Oregon Environmental Quality Commission:* Approve incorporating the LRAPA rule amendments as seen in Attachment A into the Oregon Clean Air Act State Implementation Plan under OAR 340-200-0040;
* Adopt the proposed SIP rule revision in Attachment B as part of Chapter 340 of the Oregon Administrative Rules; and
* Direct DEQ to submit the SIP revision to the U.S. Environmental Protection Agency for approval.
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| **Background** | On March 14, 2019, the LRAPA Board approved adopting new Cleaner Air Oregon rules, and made updates to existing LRAPA Rules and Regulations, to integrate the Cleaner Air Oregon air toxics permitting program into its work. The rules, as adopted by LRAPA, are included as Attachment A of this staff report.Prior to that adoption, DEQ reviewed the LRAPA rule proposal and determined that the LRAPA proposal, including revisions to existing rules, was as stringent as the state’s program, as approved by EQC in November 2018. A letter showing that determination is included as Attachment C of this staff report.To keep its status as a delegated local air quality agency, LRAPA must maintain conformity with the state’s rules. DEQ provides this alignment by integrating LRAPA updates into the Oregon Clean Air State Implementation Plan, or SIP, by commission action. DEQ updates the SIP when it makes changes to its air quality permitting program rules, and sends the SIP updates to EPA for final approval. DEQ may operate its programs and implement the revised rules, including the collection of new and updated fees, once EQC approves the changes, and does not have to wait for EPA approval in order for the changes to become effective. This authority extends to LRAPA, which may implement rule changes and operate its programs when approved by its Board. |
| **Next steps** | If approved by the commission, DEQ will submit the SIP revision to EPA for approval and integration into the Oregon Clean Air Act State Implementation Plan. LRAPA and DEQ will both continue to implement the Cleaner Air Oregon Program for industrial air toxics permitting in Lane County and the state, respectively. |
| **Attachments** | A. LRAPA rule revisions, shown in redline, as adopted by the LRAPA Board on March 14, 2019B. Oregon Clean Air Act State Implementation Plan rule revisionC. Letter from DEQ to LRAPA regarding rule stringency determination *Reported prepared by DEQ from LRAPA program information* |