



State of Oregon Department of Environmental Quality

Notice of Proposed Rulemaking

Sept. 15, 2023

Supplement to the 2018-2028 Regional Haze Round 2 Plan

This package contains the following documents:

- Notice of Rulemaking
- Draft Rules – Edits Highlighted
- Draft Rules – Edits Included (final clean version)

Note for Readers:

This package contains multiple documents. If you want to read more than one document at a time, you can open multiple copies of this PDF by downloading the PDF and then opening it in Adobe. You can then either:

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- Click on “New Window”
- A second copy of the PDF will open in a new window

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- Click on “File” in the top ribbon
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- Double click on the name of the PDF you want to open
- A second copy of the PDF will open in a separate tab in the same window

Table of Contents

Introduction	1
Request for Other Options	1
Overview	1
Procedural Summary.....	2
Statement of need	4
Rules affected, authorities, supporting documents.....	5
Documents relied on for rulemaking.....	5
Rules Summary.....	6
Fee Analysis.....	7
Statement of fiscal and economic impact.....	8
Housing cost	10
Racial Equity	11
Environmental Justice Considerations	12
Federal relationship.....	13
Land use	14
EQC Prior Involvement.....	15
Advisory Committee	16
Public Engagement	17
Public Hearing.....	18
Accessibility Information.....	19
Supporting documents	20
Draft Rules – Edits Highlighted	21
Draft Rules – Edits Included.....	26

Introduction

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

Request for Other Options

During the public comment period, DEQ asks for public comment on whether there are other options for achieving the rules' substantive goals while reducing the rules' negative economic impact on business.

Overview

Oregon's Regional Haze Rules implement the federal 1999 Regional Haze Rule as amended in 2017. The purpose of the Regional Haze Program is to improve visibility in wilderness areas and national parks with the goal to attain natural visibility conditions by 2064. DEQ also implements the 2017 Regional Haze Rule to protect and improve visibility in the Columbia River Gorge National Scenic Area. The federal Regional Haze rule requires states to periodically update Regional Haze Plans.

DEQ submitted a Round 2 Regional Haze Plan to EPA in February 2022. EPA determined that additional information was necessary to ensure approvability of the Plan. Air Quality Planners developed this Supplement in response to that communication.

The only rule change being proposed is the date listed for the State Implementation Plan, which must be updated every time DEQ submits a document to EPA for inclusion in the overall State Implementation Plan (SIP).

The supplement contains additional information requested by EPA to support their review of the Round 2 Regional Haze SIP submitted to EPA in 2022, including specific monitoring, recordkeeping and reporting requirements that are already contained in specific permits included in the Round 2 SIP, additional description on DEQ's reasoning for selecting controls in Round 2, and additional permit conditions for facilities where DEQ determined no cost effective controls existed for Round 2. DEQ is also submitting amended agreements that were made with facilities as part of Round 2.

During the development of this Supplement, DEQ initiated the 60-day Federal Land Manager Review consultation process with the United States National Park Service and the United States Forest Service.

The National Park Service provided comments on the Supplement during the consultation period. In summary, NPS recommended that DEQ base reasonable progress determinations on the four factors identified in the Clean Air Act, address the time necessary for compliance under the alternative compliance options, and include a requirement to comply with BACT in the alternative compliance options. NPS' specific conclusions and recommendations and DEQ

responses to those recommendations are provided below in Section 6 of the Supplement to the Round 2 Regional Haze Plan. The Forest Service did not provide comments on the Supplement.

Procedural Summary

More information

Information about this rulemaking is on this rulemaking's web page: [Regional Haze Supplement 2023](#)

Public Hearings

DEQ plans to hold one virtual public hearing.

Date: Oct. 16, 2023

Start time: 5:30 p.m.

[Join via Zoom](#)

Meeting ID: 815 5423 1873

One tap mobile

+12532158782,,81554231873# US (Tacoma)

+13462487799,,81554231873# US (Houston)

How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. DEQ will accept comments by email, postal mail or verbally at the public hearing.

- **Email:** Send comments by email to: RHSIP2023@deq.oregon.gov
- **Postal mail:** Oregon DEQ, Attn: Tori Heroux, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232-4100
- **At public hearing:** 5:30 p.m., Monday, Oct. 16, 2023

Comment deadline

DEQ will consider comments on the proposed rules that DEQ receives by: 4 p.m., on Oct. 21, 2023.

Note for public university students

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student, notify DEQ that you wish to keep your email address confidential.

Sign up for rulemaking notices

Get email or text updates about this rulemaking by either:

- Signing up through this link: [Regional Haze Program GovDelivery](#);
- Signing up on the rulemaking web site: [Regional Haze Supplement 2023](#).

What will happen next?

DEQ will include a written response to comments in a staff report DEQ will submit to the Environmental Quality Commission. DEQ may modify the rule proposal based on the comments.

Proposed rules only become effective if the Environmental Quality Commission adopts them. DEQ's intended action is to present the proposed rule changes to the EQC as soon as possible after the earliest date on which the rule changes could take effect. DEQ intends to submit the proposed rule changes to the EQC on or after Nov. 16, 2023.

Statement of need

What need would the proposed rule address?

The proposed rule would amend Oregon's State Implementation Plan to document submittal of supplemental information amending the 2018 – 2028 Regional Haze Plan to the EPA, upon EQC direction. By submitting the supplement to the Round 2 Regional Haze Plan, DEQ will ensure approvability of the Regional Haze Plan and fulfill requirements of the Clean Air Act and the 2017 federal Regional Haze Rule.

How would the proposed rule address the need?

The proposed rule adoption would document EQC's direction to submit the supplement to the 2018 – 2028 Regional Haze Plan to EPA.

How will DEQ know the rule addressed the need?

EPA's approval of the 2018 – 2028 Regional Haze Plan will indicate that the proposed rule addressed the need.

Rules affected, authorities, supporting documents

Lead division

Air Quality – Division 200

Program or activity

Regional haze

Chapter 340 action

Amend	
340-200-0040	

Statutory Authority - ORS				
468.020	468A			

Statutes Implemented - ORS		
468A.035		

Documents relied on for rulemaking

Document title	Document location
Protection of Visibility: Amendments to Requirements for State Plans. US EPA (January 10, 2017) 82 FR 3078	https://www.govinfo.gov/content/pkg/FR2017-01-10/pdf/2017-00268.pdf
Guidance on Regional Haze State Implementation Plans for the Second Implementation Period. US EPA (2019)	https://www.epa.gov/sites/production/files/2019-08/documents/8-20-2019_-_regional_haze_guidance_final_guidance.pdf
Clarifications Regarding Regional Haze State Implementation Plans for the Second Implementation Period. US EPA (July 8, 2021)	https://www.epa.gov/visibility/clarificationsregarding-regional-haze-state-implementationplans-second-implementation
Regional Haze Rule (2017), 40 CFR 51.308	https://www.law.cornell.edu/cfr/text/40/51.308
Regional Haze Rule (1999), 64 FR 35714	https://www.govinfo.gov/content/pkg/FR1999-07-01/pdf/99-13941.pdf

Rules Summary

As OAR 166-500-0030(1)(e) requires, the following are included to provide a brief summary of the proposed new rules and existing rules affected by this rulemaking.

OAR chapter 340, division 200

Rule Number	Rule Title	Explanation
-0040	State of Oregon Clean Air Act Implementation Plan	Amends date Plan was last revised

Fee Analysis

This rulemaking does not increase or create new fees. Although not a result of this rulemaking, DEQ acknowledges that stationary sources to which DEQ has issued orders to install pollution controls or otherwise reduce emissions of Round 2 regional haze pollutants, under existing authority as approved by the EQC in OAR Chapter 340, Division 223, may incur DEQ fees associated with construction notices, construction permits and permit revisions.

Statement of fiscal and economic impact

Fiscal and Economic Impact

The proposed rule would document DEQ's submittal of supplemental information to the Round 2 Regional Haze Plan to EPA, upon EQC direction. The proposed rule has no fiscal nor economic impacts; it simply approves submission of the orders and other plan elements DEQ has already issued to be submitted to EPA for approval as part of the State Implementation Plan. The only potential fiscal impact from this rulemaking would be in a scenario where there is federal enforcement for a violation of the State Implementation Plan; moreover, EPA has authority to issue federal penalties.

Statement of Cost of Compliance

State agencies

No state agencies are regulated facilities under the proposed rule, so this rulemaking does not impose any mandatory requirements for state agencies and, accordingly, does not impose any direct compliance costs.

DEQ and possibly LRAPA staff will implement the Round 2 Regional Haze Plan but will do so with existing resources. DEQ does not expect any other state agency to be fiscally affected by the proposed rule.

Local governments

No local governments are regulated under the proposed rule, so this rulemaking does not impose any mandatory requirements for local governments and, accordingly, does not impose any direct compliance costs. DEQ does not expect local governments to be fiscally responsible affected by the proposed rule.

Public

This rulemaking does not impose any mandatory requirements for the public at large and, accordingly, does not impose any direct compliance costs on the public.

Although not a direct result of this rulemaking, DEQ expects implementation of the Regional Haze Plan including the proposed supplement will have indirect broad and positive fiscal effects on the public, particularly people living or working near regulated facilities or near activities affected by area source reductions documented in the Regional Haze Plan long term strategy. DEQ expects those indirect, positive fiscal effects would be through community health improvement and reduced health care costs. The Regional Haze Plan long term strategies will reduce the general public's exposure to Round 2 regional haze pollutants: NO_x, PM, and SO₂.

Short-term health effects of NO_x exposure include respiratory irritation, which can exacerbate existing respiratory diseases, like asthma. NO_x also leads to secondary formation of PM and ozone, each of which can lead to short-term respiratory impairment and long-term health effects, such as greater susceptibility to respiratory disease. Adverse health effects of PM exposure include both respiratory and cardiovascular impairment and damage, up to premature death for vulnerable populations. Exposure to SO₂ causes short-term respiratory impairment and may lead to long-term respiratory damage and, as with NO_x and PM exposure, most adversely affects older people, children, and those with respiratory diseases.

Large businesses - businesses with more than 50 employees

DEQ does not expect a fiscal impact for large business from the proposed rule. DEQ acknowledges that it expects that large businesses to whom DEQ issued orders under the previously approved Division 223 rules will incur fiscal impacts from implementation of the Regional Haze Plan.

Small businesses – businesses with 50 or fewer employees

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.

None of the businesses regulated through implementation of the Regional Haze Plan are small businesses. DEQ confirmed this through a review of the US business database, Reference USA.gov.

b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.

None

c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.

None

d. Describe how DEQ involved small businesses in developing this proposed rule.

DEQ did not involve small businesses in developing the proposed rule because no small businesses are regulated by the proposed rule or through Regional Haze Plan implementation.

Advisory committee fiscal review

DEQ did not convene a fiscal advisory committee for the proposed rule due to the extremely limited scope of the rule. The rulemaking consists of a change to the date the SIP was last updated, and the changes to the SIP consist of the addition of permit conditions to aid

practical enforceability and other supplemental information. The supplement itself does not create new enforceable conditions, but incorporates amended agreements into the state implementation plan and provides additional information on DEQ's decision making process for Regional Haze Round 2.

Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel.

DEQ determined the proposed rules would not have the potential to affect housing development costs or would have any effect on the major cost components of residential construction such as cost of land, labor, or permitting or zoning regulations.

Racial Equity

ORS 183.335(2)(a)(F) requires agencies to provide a statement identifying how adoption of the rule will affect racial equity in this state. Due to the extraordinarily limited scope of this rulemaking, adoption of the rule will not have an effect on racial equity in the state. The rulemaking consists of a change to the date the SIP was last updated, and the changes to the SIP consist of the addition of permit conditions to aid practical enforceability and other supplemental information. The supplement itself does not create new enforceable conditions, but incorporates amended agreements into the state implementation plan and provides additional information on DEQ's decision making process for Regional Haze Round 2.

Environmental Justice Considerations

ORS 182.545 requires natural resource agencies to consider the effects of their actions on environmental justice issues.

182.545 Duties of natural resource agencies. In order to provide greater public participation and to ensure that all persons affected by decisions of the natural resource agencies have a voice in those decisions, each natural resource agency shall:

(1) In making a determination whether and how to act, consider the effects of the action on environmental justice issues.

(2) Hold hearings at times and in locations that are convenient for people in the communities that will be affected by the decisions stemming from the hearings.

(3) Engage in public outreach activities in the communities that will be affected by decisions of the agency.

(4) Create a citizen advocate position that is responsible for:

(a) Encouraging public participation;

(b) Ensuring that the agency considers environmental justice issues; and

(c) Informing the agency of the effect of its decisions on communities traditionally underrepresented in public processes.

Environmental Justice analysis

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, culture, education or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. DEQ is committed to incorporating environmental justice best practices into its programs and decision-making, to ensure all people in Oregon have equitable environmental and public health protections.

During Regional Haze Round 2, DEQ completed an environmental justice analysis which presented preliminary vulnerability indices of populations living near subject facilities and analyzed co-benefits of emissions reductions of communities adjacent to those facilities. DEQ conducted this analysis of each facility location using EPA's EJSCREEN, a web-based mapping tool that incorporates environmental and demographic data standardized nationally. The results of this analysis were incorporated into the Q/d source screening process during Round 2 of Regional Haze. The supplement builds on the information in the Round 2 Regional Haze plan, including past environmental justice analysis and provides additional context to decision making completed in the original SIP submittal.

Federal relationship

The proposed rule would allow DEQ, upon EQC direction, to fulfill a federal requirement to submit to EPA a supplement to the Round 2 Regional Haze Plan. The proposed rule is exclusively applicable to Oregon's implementation of the federal Regional Haze Rule and implements Oregon statutes that authorize DEQ to regulate air pollutant emission sources.

What alternatives did DEQ consider if any?

DEQ did not consider alternatives to the proposed rule since submitting a Regional Haze Plan is a federal requirement.

Land use

Considerations

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rules significantly affect land use. If so, DEQ must explain how the proposed rules comply with statewide land-use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, rules affect land use if:

- The statewide land use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
 - Resources, objects, or areas identified in the statewide planning goals, or
 - Present or future land uses identified in acknowledge comprehensive plans

DEQ determined whether the proposed rule involves programs or actions that affect land use by reviewing its Statewide Agency Coordination plan. The plan describes the programs that DEQ determined significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

Goal	Title
5	Natural Resources, Scenic and Historic Areas, and Open Spaces
6	Air, Water and Land Resources Quality
11	Public Facilities and Services
16	Estuarine Resources
19	Ocean Resources

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

Determination

DEQ determined that the proposed rule does not significantly affect land use under OAR 340-018-0030 or DEQ's State Agency Coordination Program.

EQC Prior Involvement

DEQ did not present additional information specific to this proposed rule revision.

Advisory Committee

Background

DEQ did not convene an advisory committee because of the extremely limited scope of the proposed rule. The rulemaking consists of a change to the date the SIP was last updated, and the changes to the SIP consist of the addition of permit conditions to aid practical enforceability and other supplemental information. The supplement itself does not create new enforceable conditions, but incorporates amended agreements into the state implementation plan and provides additional information on DEQ's decision making process for Regional Haze Round 2.

Public Engagement

Public notice

DEQ provided notice of the proposed rulemaking and rulemaking hearing by:

- On Sept. 15, 2023 filing notice with the Oregon Secretary of State for publication in the October 2023 Oregon Bulletin;
- Posting the Notice, Invitation to Comment and Draft Rules on the web page for this rulemaking, located at: [Regional Haze Supplement 2023](#);
- Emailing approximately 25, 136 interested parties on the following DEQ lists through GovDelivery:
 - Rulemaking
 - DEQ Public Notices
 - Regional Haze Program
- Emailing the following key legislators required under [ORS 183.335](#):
 - Senator Rob Wagner, President of the Senate
 - Representative Dan Rayfield, Speaker of the House
 - Senator Jan Sollman, Chair of Senate Energy and Environment
 - Representative Pam Marsh, Chair of House Climate, Energy and Environment
- Posting on the DEQ event calendar: [DEQ Calendar](#)

How to comment on this rulemaking proposal

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- **At public hearing:** 5:30 p.m., Monday, Oct. 16, 2023

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Public Hearing

ORS 183.335(1); 468.020(2) [Public Hearings](#)

DEQ plans to hold one public hearing.

The public hearing is online and by teleconference only.

Anyone can attend a hearing by webinar or teleconference.

Date: October 16, 2023

Start time: 5:30 pm

[Join via Zoom](#)

Meeting ID: 815 5423 1873

One tap mobile

+12532158782,,81554231873# US (Tacoma)

+13462487799,,81554231873# US (Houston)

DEQ will consider all comments and testimony received before the closing date. DEQ will summarize all comments and respond to comments in the Environmental Quality Commission staff report.

Accessibility Information

[Español](#) | [한국어](#) | [繁體中文](#) | [Русский](#) | [Tiếng Việt](#) | [العربية](#)

Contact: 800-452-4011 | TTY: 711 | deqinfo@deq.state.or.us

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities.

Visit DEQ's [Civil Rights and Environmental Justice page](#).

Supporting documents

Attachment 1.1, JELD-WEN Permit
Attachment 1.2, Gilchrist Forest Products Permit
Attachment 1.3, International Paper – Springfield Mill Permit
Attachment 1.4.1, Klamath Energy 2017 Permit
Attachment 1.4.2, Klamath Energy 2020 Permit
Attachment 1.5.1, Compressor Station #13 SAFO
Attachment 1.5.2, Compressor Station #13 Permit
Attachment 1.6.1, Oregon City Compressor Station SAFO
Attachment 1.6.2, Oregon City Compressor Station Permit
Attachment 1.7.1, Baker Compressor Station SAFO
Attachment 1.7.2, Baker Compressor Station Permit
Attachment 1.8, Georgia Pacific Wauna Mill Permit
Attachment 1.9, Georgia Pacific Toledo Permit
Attachment 2.1, Kingsford Manufacturing Permit
Attachment 2.2, Timber Products Permit
Attachment 2.3, Roseburg Forest Products - Riddle Permit
Attachment 2.4, Roseburg Forest Products - Medford Permit
Attachment 2.5, Cascades Tissue Group Permit
Attachment 2.6, PGE Beaver Permit
Attachment 3.1, Pacific Wood Laminates Permit
Attachment 3.2, Swanson Group Manufacturing Permit
Attachment 3.3, Ochoco Lumber Permit
Attachment 3.4, Columbia Forest Products Permit
Attachment 3.5, Collins Products Permit
Attachment 3.6, Woodgrain Millwork Permit
Attachment 4, Ash Grove Cement Company Permit
Attachment 5.1, Oregon Regional Haze Emissions Trends
Attachment 5.2.1, Boise Cascade – Elgin SAFO
Attachment 5.2.3, Boise Cascade – Elgin Permit
Attachment 5.3.1, Boise Cascade – Medford SAFO
Attachment 5.3.2, Boise Cascade – Medford Permit
Attachment 5.4.1, Georgia Pacific – Wauna Mill SAFO – A1
Attachment 5.4.2, Georgia Pacific – Wauna Mill SAFO
Attachment 5.5.1, Georgia Pacific – Toledo SAFO – A1
Attachment 5.5.2, Georgia Pacific – Toledo SAFO
Attachment 5.6.1, CPP Halsey SAFO – A2
Attachment 5.6.2, CPP Halsey SAFO – A1
Attachment 5.6.3, CPP Halsey SAFO
Appendix 1, Boise Cascade - Elgin Correspondence
Appendix 2, Boise Cascade - Medford Correspondence
Appendix 3, Cascade Pacific Pulp – Halsey Correspondence
Appendix 4, Georgia Pacific – Toledo Correspondence
Appendix 5, Georgia Pacific – Wauna Mill Correspondence
Appendix 6, International Paper Springfield Mill Correspondence

Draft Rules – Edits Highlighted

Key to Identifying Changed Text:

~~Deleted Text~~

New/inserted text

Division 200

GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

340-200-0040

State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by DEQ and is adopted as the State Implementation Plan (SIP) of the State of Oregon under the FCAA, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), revisions to the SIP will be made under the EQC's rulemaking procedures in OAR chapter 340, division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the EPA for approval. The SIP was last modified by the EQC ~~on November 18, 2022.~~ [on November 16-17, 2023.](#)

(3) Notwithstanding any other requirement contained in the SIP, DEQ may:

(a) Submit to the EPA any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after DEQ has complied with the public hearings provisions of 40 C.F.R. 51.102; and

(b) Approve the standards submitted by LRAPA if LRAPA adopts verbatim, other than non-substantive differences, any standard that the EQC has adopted, and submit the standards to EPA for approval as a SIP revision.

(4) Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the EPA. If any provision of the federally approved State Implementation Plan conflicts with any provision adopted by the EQC, DEQ must enforce the more stringent provision.

Statutory/Other Authority: ORS 468A & ORS 468.020

Statutes/Other Implemented: ORS 468A.035 & 468A.135

History:

[DEQ 19-2022, amend filed 11/18/2022, effective 03/01/2023](#)

[DEQ 2-2022, amend filed 02/03/2022, effective 02/03/2022](#)

[DEQ 22-2021, amend filed 11/18/2021, effective 11/18/2021](#)

[DEQ 21-2021, amend filed 11/18/2021, effective 11/18/2021](#)

[DEQ 14-2021, amend filed 07/26/2021, effective 07/26/2021](#)
[DEQ 11-2021, amend filed 07/23/2021, effective 07/23/2021](#)
[DEQ 1-2021, amend filed 01/21/2021, effective 01/21/2021](#)
[DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020](#)
[DEQ 17-2020, amend filed 09/21/2020, effective 09/21/2020](#)
[DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019](#)
[DEQ 14-2019, amend filed 05/17/2019, effective 05/17/2019](#)
[DEQ 4-2019, amend filed 01/24/2019, effective 01/24/2019](#)
[DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018](#)
[DEQ 192-2018, amend filed 09/14/2018, effective 09/14/2018](#)
[DEQ 190-2018, amend filed 07/13/2018, effective 07/13/2018](#)
[DEQ 11-2018, amend filed 03/23/2018, effective 03/23/2018](#)
DEQ 7-2017, f. & cert. ef. 7-13-17
DEQ 2-2017, f. & cert. ef. 1-19-17
DEQ 14-2015, f. & cert. ef. 12-10-15
DEQ 10-2015, f. & cert. ef. 10-16-15
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 6-2015, f. & cert. ef. 4-16-15
DEQ 7-2014, f. & cert. ef. 6-26-14
DEQ 6-2014, f. & cert. ef. 3-31-14
DEQ 5-2014, f. & cert. ef. 3-31-14
DEQ 4-2014, f. & cert. ef. 3-31-14
DEQ 1-2014, f. & cert. ef. 1-6-14
DEQ 12-2013, f. & cert. ef. 12-19-13
DEQ 11-2013, f. & cert. ef. 11-7-13
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 10-2012, f. & cert. ef. 12-11-12
DEQ 7-2012, f. & cert. ef. 12-10-12
DEQ 1-2012, f. & cert. ef. 5-17-12
DEQ 18-2011, f. & cert. ef. 12-21-11
DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11
DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 14-2010, f. & cert. ef. 12-10-10
DEQ 5-2010, f. & cert. ef. 5-21-10
DEQ 2-2010, f. & cert. ef. 3-5-10
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 3-2009, f. & cert. ef. 6-30-09
DEQ 15-2008, f. & cert. ef. 12-31-08
DEQ 14-2008, f. & cert. ef. 11-10-08
DEQ 12-2008, f. & cert. ef. 9-17-08
DEQ 11-2008, f. & cert. ef. 8-29-08
DEQ 5-2008, f. & cert. ef. 3-20-08
DEQ 8-2007, f. & cert. ef. 11-8-07
DEQ 4-2007, f. & cert. ef. 6-28-07
DEQ 3-2007, f. & cert. ef. 4-12-07

DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 9-2005, f. & cert. ef. 9-9-05
DEQ 7-2005, f. & cert. ef. 7-12-05
DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 1-2005, f. & cert. ef. 1-4-05
DEQ 10-2004, f. & cert. ef. 12-15-04
DEQ 1-2004, f. & cert. ef. 4-14-04
DEQ 19-2003, f. & cert. ef. 12-12-03
DEQ 14-2003, f. & cert. ef. 10-24-03
DEQ 5-2003, f. & cert. ef. 2-6-03
DEQ 11-2002, f. & cert. ef. 10-8-02
DEQ 5-2002, f. & cert. ef. 5-3-02
DEQ 4-2002, f. & cert. ef. 3-14-02
DEQ 17-2001, f. & cert. ef. 12-28-01
DEQ 16-2001, f. & cert. ef. 12-26-01
DEQ 15-2001, f. & cert. ef. 12-26-01
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 4-2001, f. & cert. ef. 3-27-01
DEQ 2-2001, f. & cert. ef. 2-5-01
DEQ 21-2000, f. & cert. ef. 12-15-00
DEQ 20-2000 f. & cert. ef. 12-15-00
DEQ 17-2000, f. & cert. ef. 10-25-00
DEQ 16-2000, f. & cert. ef. 10-25-00
DEQ 13-2000, f. & cert. ef. 7-28-00
DEQ 8-2000, f. & cert. ef. 6-6-00
DEQ 6-2000, f. & cert. ef. 5-22-00
DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01
DEQ 15-1999, f. & cert. ef. 10-22-99
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047
DEQ 10-1999, f. & cert. ef. 7-1-99
DEQ 6-1999, f. & cert. ef. 5-21-99
DEQ 5-1999, f. & cert. ef. 3-25-99
DEQ 1-1999, f. & cert. ef. 1-25-99
DEQ 21-1998, f. & cert. ef. 10-12-98
DEQ 20-1998, f. & cert. ef. 10-12-98
DEQ 17-1998, f. & cert. ef. 9-23-98
DEQ 16-1998, f. & cert. ef. 9-23-98
DEQ 15-1998, f. & cert. ef. 9-23-98
DEQ 10-1998, f. & cert. ef. 6-22-98
DEQ 24-1996, f. & cert. ef. 11-26-96
DEQ 23-1996, f. & cert. ef. 11-4-96
DEQ 22-1996, f. & cert. ef. 10-22-96
DEQ 19-1996, f. & cert. ef. 9-24-96
DEQ 15-1996, f. & cert. ef. 8-14-96

DEQ 8-1996(Temp), f. & cert. ef. 6-3-96
DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95
DEQ 19-1995, f. & cert. ef. 9-1-95
DEQ 17-1995, f. & cert. ef. 7-12-95
DEQ 14-1995, f. & cert. ef. 5-25-95
DEQ 10-1995, f. & cert. ef. 5-1-95
DEQ 9-1995, f. & cert. ef. 5-1-95
DEQ 25-1994, f. & cert. ef. 11-2-94
DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94
DEQ 14-1994, f. & cert. ef. 5-31-94
DEQ 5-1994, f. & cert. ef. 3-21-94
DEQ 1-1994, f. & cert. ef. 1-3-94
DEQ 19-1993, f. & cert. ef. 11-4-93
DEQ 17-1993, f. & cert. ef. 11-4-93
DEQ 16-1993, f. & cert. ef. 11-4-93
DEQ 15-1993, f. & cert. ef. 11-4-93
DEQ 12-1993, f. & cert. ef. 9-24-93
DEQ 8-1993, f. & cert. ef. 5-11-93
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 27-1992, f. & cert. ef. 11-12-92
DEQ 26-1992, f. & cert. ef. 11-2-92
DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92
DEQ 20-1992, f. & cert. ef. 8-11-92
DEQ 19-1992, f. & cert. ef. 8-11-92
DEQ 7-1992, f. & cert. ef. 3-30-92
DEQ 3-1992, f. & cert. ef. 2-4-92
DEQ 1-1992, f. & cert. ef. 2-4-92
DEQ 25-1991, f. & cert. ef. 11-13-91
DEQ 24-1991, f. & cert. ef. 11-13-91
DEQ 23-1991, f. & cert. ef. 11-13-91
DEQ 22-1991, f. & cert. ef. 11-13-91
DEQ 21-1991, f. & cert. ef. 11-13-91
DEQ 20-1991, f. & cert. ef. 11-13-91
DEQ 19-1991, f. & cert. ef. 11-13-91
DEQ 2-1991, f. & cert. ef. 2-14-91
DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88
DEQ 21-1987, f. & cert. ef. 12-16-87
DEQ 8-1987, f. & cert. ef. 4-23-87
DEQ 5-1987, f. & cert. ef. 3-2-87
DEQ 4-1987, f. & cert. ef. 3-2-87
DEQ 21-1986, f. & cert. ef. 11-7-86
DEQ 20-1986, f. & cert. ef. 11-7-86
DEQ 10-1986, f. & cert. ef. 5-9-86
DEQ 5-1986, f. & cert. ef. 2-21-86
DEQ 12-1985, f. & cert. ef. 9-30-85
DEQ 3-1985, f. & cert. ef. 2-1-85

DEQ 25-1984, f. & cert. ef. 11-27-84
DEQ 18-1984, f. & cert. ef. 10-16-84
DEQ 6-1983, f. & cert. ef. 4-18-83
DEQ 1-1983, f. & cert. ef. 1-21-83
DEQ 21-1982, f. & cert. ef. 10-27-82
DEQ 14-1982, f. & cert. ef. 7-21-82
DEQ 11-1981, f. & cert. ef. 3-26-81
DEQ 22-1980, f. & cert. ef. 9-26-80
DEQ 21-1979, f. & cert. ef. 7-2-79
DEQ 19-1979, f. & cert. ef. 6-25-79
DEQ 54, f. 6-21-73, cert. ef. 7-1-73
DEQ 35, f. 2-3-72, cert. ef. 2-15-72

Draft Rules – Edits Included

Division 200 GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

340-200-0040

State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by DEQ and is adopted as the State Implementation Plan (SIP) of the State of Oregon under the FCAA, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), revisions to the SIP will be made under the EQC's rulemaking procedures in OAR chapter 340, division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the EPA for approval. The SIP was last modified by the EQC on November 16-17, 2023.

(3) Notwithstanding any other requirement contained in the SIP, DEQ may:

(a) Submit to the EPA any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after DEQ has complied with the public hearings provisions of 40 C.F.R. 51.102; and

(b) Approve the standards submitted by LRAPA if LRAPA adopts verbatim, other than non-substantive differences, any standard that the EQC has adopted, and submit the standards to EPA for approval as a SIP revision.

(4) Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the EPA. If any provision of the federally approved State Implementation Plan conflicts with any provision adopted by the EQC, DEQ must enforce the more stringent provision.

Statutory/Other Authority: ORS 468A & ORS 468.020

Statutes/Other Implemented: ORS 468A.035 & 468A.135

History:

DEQ 19-2022, amend filed 11/18/2022, effective 03/01/2023

DEQ 2-2022, amend filed 02/03/2022, effective 02/03/2022

DEQ 22-2021, amend filed 11/18/2021, effective 11/18/2021

DEQ 21-2021, amend filed 11/18/2021, effective 11/18/2021

DEQ 14-2021, amend filed 07/26/2021, effective 07/26/2021

DEQ 11-2021, amend filed 07/23/2021, effective 07/23/2021

DEQ 1-2021, amend filed 01/21/2021, effective 01/21/2021

DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020

DEQ 17-2020, amend filed 09/21/2020, effective 09/21/2020
DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019
DEQ 14-2019, amend filed 05/17/2019, effective 05/17/2019
DEQ 4-2019, amend filed 01/24/2019, effective 01/24/2019
DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018
DEQ 192-2018, amend filed 09/14/2018, effective 09/14/2018
DEQ 190-2018, amend filed 07/13/2018, effective 07/13/2018
DEQ 11-2018, amend filed 03/23/2018, effective 03/23/2018
DEQ 7-2017, f. & cert. ef. 7-13-17
DEQ 2-2017, f. & cert. ef. 1-19-17
DEQ 14-2015, f. & cert. ef. 12-10-15
DEQ 10-2015, f. & cert. ef. 10-16-15
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 6-2015, f. & cert. ef. 4-16-15
DEQ 7-2014, f. & cert. ef. 6-26-14
DEQ 6-2014, f. & cert. ef. 3-31-14
DEQ 5-2014, f. & cert. ef. 3-31-14
DEQ 4-2014, f. & cert. ef. 3-31-14
DEQ 1-2014, f. & cert. ef. 1-6-14
DEQ 12-2013, f. & cert. ef. 12-19-13
DEQ 11-2013, f. & cert. ef. 11-7-13
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 10-2012, f. & cert. ef. 12-11-12
DEQ 7-2012, f. & cert. ef. 12-10-12
DEQ 1-2012, f. & cert. ef. 5-17-12
DEQ 18-2011, f. & cert. ef. 12-21-11
DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11
DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 14-2010, f. & cert. ef. 12-10-10
DEQ 5-2010, f. & cert. ef. 5-21-10
DEQ 2-2010, f. & cert. ef. 3-5-10
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 3-2009, f. & cert. ef. 6-30-09
DEQ 15-2008, f. & cert. ef. 12-31-08
DEQ 14-2008, f. & cert. ef. 11-10-08
DEQ 12-2008, f. & cert. ef. 9-17-08
DEQ 11-2008, f. & cert. ef. 8-29-08
DEQ 5-2008, f. & cert. ef. 3-20-08
DEQ 8-2007, f. & cert. ef. 11-8-07
DEQ 4-2007, f. & cert. ef. 6-28-07
DEQ 3-2007, f. & cert. ef. 4-12-07
DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 9-2005, f. & cert. ef. 9-9-05
DEQ 7-2005, f. & cert. ef. 7-12-05

DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 1-2005, f. & cert. ef. 1-4-05
DEQ 10-2004, f. & cert. ef. 12-15-04
DEQ 1-2004, f. & cert. ef. 4-14-04
DEQ 19-2003, f. & cert. ef. 12-12-03
DEQ 14-2003, f. & cert. ef. 10-24-03
DEQ 5-2003, f. & cert. ef. 2-6-03
DEQ 11-2002, f. & cert. ef. 10-8-02
DEQ 5-2002, f. & cert. ef. 5-3-02
DEQ 4-2002, f. & cert. ef. 3-14-02
DEQ 17-2001, f. & cert. ef. 12-28-01
DEQ 16-2001, f. & cert. ef. 12-26-01
DEQ 15-2001, f. & cert. ef. 12-26-01
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 4-2001, f. & cert. ef. 3-27-01
DEQ 2-2001, f. & cert. ef. 2-5-01
DEQ 21-2000, f. & cert. ef. 12-15-00
DEQ 20-2000 f. & cert. ef. 12-15-00
DEQ 17-2000, f. & cert. ef. 10-25-00
DEQ 16-2000, f. & cert. ef. 10-25-00
DEQ 13-2000, f. & cert. ef. 7-28-00
DEQ 8-2000, f. & cert. ef. 6-6-00
DEQ 6-2000, f. & cert. ef. 5-22-00
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DEQ 15-1999, f. & cert. ef. 10-22-99
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047
DEQ 10-1999, f. & cert. ef. 7-1-99
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DEQ 5-1999, f. & cert. ef. 3-25-99
DEQ 1-1999, f. & cert. ef. 1-25-99
DEQ 21-1998, f. & cert. ef. 10-12-98
DEQ 20-1998, f. & cert. ef. 10-12-98
DEQ 17-1998, f. & cert. ef. 9-23-98
DEQ 16-1998, f. & cert. ef. 9-23-98
DEQ 15-1998, f. & cert. ef. 9-23-98
DEQ 10-1998, f. & cert. ef. 6-22-98
DEQ 24-1996, f. & cert. ef. 11-26-96
DEQ 23-1996, f. & cert. ef. 11-4-96
DEQ 22-1996, f. & cert. ef. 10-22-96
DEQ 19-1996, f. & cert. ef. 9-24-96
DEQ 15-1996, f. & cert. ef. 8-14-96
DEQ 8-1996(Temp), f. & cert. ef. 6-3-96
DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95
DEQ 19-1995, f. & cert. ef. 9-1-95
DEQ 17-1995, f. & cert. ef. 7-12-95

DEQ 14-1995, f. & cert. ef. 5-25-95
DEQ 10-1995, f. & cert. ef. 5-1-95
DEQ 9-1995, f. & cert. ef. 5-1-95
DEQ 25-1994, f. & cert. ef. 11-2-94
DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94
DEQ 14-1994, f. & cert. ef. 5-31-94
DEQ 5-1994, f. & cert. ef. 3-21-94
DEQ 1-1994, f. & cert. ef. 1-3-94
DEQ 19-1993, f. & cert. ef. 11-4-93
DEQ 17-1993, f. & cert. ef. 11-4-93
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DEQ 12-1993, f. & cert. ef. 9-24-93
DEQ 8-1993, f. & cert. ef. 5-11-93
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 27-1992, f. & cert. ef. 11-12-92
DEQ 26-1992, f. & cert. ef. 11-2-92
DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92
DEQ 20-1992, f. & cert. ef. 8-11-92
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DEQ 7-1992, f. & cert. ef. 3-30-92
DEQ 3-1992, f. & cert. ef. 2-4-92
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DEQ 25-1991, f. & cert. ef. 11-13-91
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DEQ 19-1991, f. & cert. ef. 11-13-91
DEQ 2-1991, f. & cert. ef. 2-14-91
DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88
DEQ 21-1987, f. & cert. ef. 12-16-87
DEQ 8-1987, f. & cert. ef. 4-23-87
DEQ 5-1987, f. & cert. ef. 3-2-87
DEQ 4-1987, f. & cert. ef. 3-2-87
DEQ 21-1986, f. & cert. ef. 11-7-86
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DEQ 10-1986, f. & cert. ef. 5-9-86
DEQ 5-1986, f. & cert. ef. 2-21-86
DEQ 12-1985, f. & cert. ef. 9-30-85
DEQ 3-1985, f. & cert. ef. 2-1-85
DEQ 25-1984, f. & cert. ef. 11-27-84
DEQ 18-1984, f. & cert. ef. 10-16-84
DEQ 6-1983, f. & cert. ef. 4-18-83
DEQ 1-1983, f. & cert. ef. 1-21-83

DEQ 21-1982, f. & cert. ef. 10-27-82
DEQ 14-1982, f. & cert. ef. 7-21-82
DEQ 11-1981, f. & cert. ef. 3-26-81
DEQ 22-1980, f. & cert. ef. 9-26-80
DEQ 21-1979, f. & cert. ef. 7-2-79
DEQ 19-1979, f. & cert. ef. 6-25-79
DEQ 54, f. 6-21-73, cert. ef. 7-1-73
DEQ 35, f. 2-3-72, cert. ef. 2-15-72