



State of Oregon Department of Environmental Quality

Oregon Environmental Quality Commission Meeting

May 23, 2024

Rulemaking Action Item B Klamath Falls PM_{2.5} Maintenance Plan and Redesignation Request

Table of Contents

DEQ Recommendation to the EQC.....	1
Introduction	2
Statement of Need	3
Rules Affected, Authorities, Supporting Documents.....	4
Fee Analysis.....	5
Statement of Fiscal and Economic Impact	6
Racial Equity	8
Environmental Justice Considerations	9
Federal Relationship	12
Land Use.....	14
EQC Prior Involvement.....	15
Advisory Committee	16
Public Engagement	17
Implementation.....	26
Five Year Review	27
Accessibility Information.....	28

DEQ Recommendation to the EQC

DEQ recommends that the Environmental Quality Commission:

- Adopt the proposed rules in Attachment A as part of chapter 340 of the Oregon Administrative Rules;
- Approve incorporating these rule amendments into the Oregon Clean Air Act State Implementation Plan under OAR 340-200-0040; and
- Direct DEQ to submit the SIP revision to the U.S. Environmental Protection Agency for approval.

Language of Proposed EQC Motion:

“I move that the commission adopt the proposed rules in Attachment A as part of chapter 340 of the Oregon Administrative Rules; and

Approve incorporating these rule amendments into the Oregon Clean Air Act State Implementation Plan under OAR 340-200-0040; and

Direct DEQ to submit the SIP revision to the U.S. Environmental Protection Agency for approval.”

Introduction

The Oregon Department of Environmental Quality proposes rule amendments to chapter 340 of the Oregon Administrative Rules to redesignate the Klamath Falls airshed as attainment for the national air quality health standards for small particulate matter with diameter less than 2.5 microns (PM_{2.5}) and includes a 10-year maintenance plan to keep air quality within the PM_{2.5} health standards.

Oregon must update its Clean Air Act State Implementation Plan, or SIP, to document that DEQ has the authority, regulations, and enforcement capability to implement the current National Ambient Air Quality Standards for PM_{2.5}. In addition to the redesignation of the Klamath Falls airshed into attainment, a 10-year maintenance plan provides assurance that air quality programs are adequate to prevent future violation of the NAAQS.

DEQ is proposing to submit to the U.S. Environmental Protection Agency a request to redesignate the Klamath Falls airshed from nonattainment to attainment with the 24-hour NAAQS for PM_{2.5}.

With each PM_{2.5} redesignation request, the Clean Air Act requires that states submit a revision of the applicable State Implementation Plan to provide for maintenance of the PM_{2.5} NAAQS for at least 10 years after the redesignation. This is called a PM_{2.5} Maintenance Plan. The 10-year maintenance period begins on the effective date of EPA's approval of the redesignation request, as published in the Federal Register.

DEQ proposes to submit a revision to the SIP under OAR 340-200-0040. This proposed revision would:

- Redesignate the Klamath Falls airshed as attainment for the 24-hour PM_{2.5} NAAQS; and
- Include a maintenance plan to keep air quality within the PM_{2.5} health standards for at least 10 years after the redesignation.

EPA designated the area within the Klamath Falls airshed nonattainment for PM_{2.5} and classified the area as moderate in 2009. DEQ developed the [2012 Attainment Plan](#) to meet the daily PM_{2.5} standard by the Clean Air Act deadline of Dec. 31, 2014. The 2012 Attainment Plan was approved by the Environmental Quality Commission, DEQ's governing body, on Nov. 16, 2012 and incorporated into the SIP. On Dec. 30, 2014 [EPA proposed](#) and on Aug. 25, 2015 [EPA finalized](#) approval of the emissions inventory and control measures for the Klamath Falls nonattainment area. EPA subsequently [made a finding](#) of attainment and clean data determination based on 2012-2014 air monitoring data, on June 6, 2016 effective July 6, 2016.

Designation of the Klamath Falls area as nonattainment for PM_{2.5} activated existing state and federal regulations for major industrial sources. These requirements, known as New Source Review rules, require strict PM_{2.5} pollution controls on new and expanding industry, as well as the requirement that facilities offset PM_{2.5} increases with decreases obtained from other area industrial facilities. Klamath Falls area's redesignation to attainment would confer economic and community benefits.

Statement of Need

What need would the proposed rule address?

The Environmental Quality Commission adopted the Klamath Falls PM_{2.5} Attainment Plan in 2012 and EPA approved it in 2015. EPA found the Klamath Falls area in attainment with the PM_{2.5} NAAQS in 2016. This proposed redesignation request and maintenance plan outlines the specific air pollution control strategies necessary to maintain the Klamath Falls area's compliance with the 24-hour PM_{2.5} NAAQS.

If adopted, the proposed Klamath Falls PM_{2.5} Redesignation Request and Maintenance Plan and associated rule will be submitted to EPA for approval as part of the SIP.

How would the proposed rule address the need?

As follow-up to the Klamath Falls PM_{2.5} Attainment Plan and as required, the maintenance plan would ensure maintaining the 24-hour NAAQS for PM_{2.5} in the Klamath Falls area.

How will DEQ know the rule addressed the need?

The 24-hour PM_{2.5} standard will be maintained during the 10-year maintenance period. DEQ's air monitoring equipment will document that air quality in Klamath Falls meets the federal health standard.

Rules Affected, Authorities, Supporting Documents

Lead division

Air Quality Division

Program or activity

Air Quality Planning

Chapter 340 action

Amend				
204-0010	204-0030	204-0040	240-0010	240-0500
200-0040	240-0560			

Statutory Authority - ORS				
468.020	468.065	468A.025	468A.035	468A

Statutes Implemented - ORS				
468A.035	468A.135			

Documents relied on for rulemaking

Document title	Document location
The federal Clean Air Act	https://www.epa.gov/clean-air-act-overview/clean-air-act-title-i-air-pollution-prevention-and-control-parts-through-d#id
EPA Guidance on Redesignation and Maintenance Planning	https://www.epa.gov/ground-level-ozone-pollution/procedures-processing-requests-redesignate-areas-attainment
Klamath County Clean Air Ordinance	https://www.klamathcounty.org/383/Air-Quality
Klamath County Clean Air Ordinance (Red Lined)	https://www.oregon.gov/deq/rulemaking/Pages/KFalls2024.aspx
2012 Klamath Falls Attainment Plan	https://www.oregon.gov/deq/FilterDocs/KFallsAttPlan2012.pdf

Fee Analysis

This rulemaking does not involve fees.

Statement of Fiscal and Economic Impact

Fiscal and Economic Impact

The proposed maintenance plan includes emission reduction strategies that can be implemented through rules and local ordinances. These emission reduction strategies have already been in place since the Attainment Plan was approved in 2012. The proposed changes should not create barriers to economic growth, and in fact with the redesignation of the area to maintenance there should be more economic benefits. The largest impacts of this proposed plan will be to the wood-burning homeowner, as some of the emission reduction strategies may result in increased heating costs. However, the homeowner could also experience benefits as a result of the proposed plan through the improvement of air quality in Klamath Falls, potentially decreasing individual health care costs such as those related to asthma.

Statement of Cost of Compliance

State agencies

The proposed rule has no fiscal or economic impact on state agencies.

Local governments

The proposed rules have no fiscal or economic impact on local governments. However, maintenance plan implementation would include DEQ continuing to fund the local air quality program with a combination of EPA Targeted Airshed Grant funds and local funds. This rulemaking will likely result in some direct negative economic impacts to the county government through the implementation and enforcement of the ordinance. However, the implementation and enforcement of the ordinance also has the potential to reduce county public health costs and reduce lost economic opportunities as a result of the attainment status of the area.

Public

The proposed rules have no fiscal or economic impact on the public. However, maintenance plan implementation would include an existing county ordinance that increases restrictions on wood burning when weather conditions could lead to accumulation of particulate in the Klamath Falls area. The more curtailment (red) days called, the more costs could be accrued by wood-burning residents in terms of higher electric or oil heating costs. These heating costs are variable depending on the alternative heat source used, the number of curtailment days called during the winter heating season, the cost to purchase cordwood or the transportation costs for a homeowner to cut and haul wood. This additional cost for non-wood fuels could be offset by the positive economic impact of lower health care costs and fewer missed workdays if Klamath Falls is able to maintain particulate levels below standards. Costs could also be offset by grant funding allowing residents to switch to cleaner heating equipment and apply for utility assistance for energy costs subject to their income.

Large businesses - businesses with more than 50 employees

The proposed rules have no fiscal or economic impact on the large businesses.

Small businesses – businesses with 50 or fewer employees

The proposed rule has no fiscal or economic impact on the large businesses. However, maintenance plan implementation would include application of existing rules regarding new and expanding industry.

ORS 183.336 - Cost of Compliance for Small Businesses

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

No new industrial rules are included in the proposal. Reasonably available control technology and fugitive dust control requirements already apply to existing facilities.

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

There is no expected cost from administrative activities and other professional services required of small businesses resulting from this proposed rule.

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

Home heating retailers and installers will not face new requirements for equipment, supplies, labor or administration unless there is a need to account for the added woodstove replacements. This effect would be indirect and offset by positive economic benefits of increased sales.

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

DEQ did not involve small businesses in the development of this proposed rule as there is no expected impact on small businesses and other industry in the Klamath Falls airshed.

Documents relied on for fiscal and economic impact

Document title	Document location
Klamath Falls 2012 PM _{2.5} Attainment Plan	https://www.oregon.gov/deq/FilterDocs/KFallsAttPlan2012.pdf
Klamath Falls PM _{2.5} Maintenance Plan and Redesignation Request	https://www.oregon.gov/deq/rulemaking/Pages/KFalls2024.aspx

Racial Equity

Due to the limited geographic scope of this rulemaking, adoption of the rule will not have an effect on racial equity in the state outside of the Klamath Falls Airshed. Within the Airshed, the maintenance of PM_{2.5} health-based standards has a potential to positively affect racial equity due to the documented disparate impact of particulate matter pollution on people of color, regardless of region or income.

Environmental Justice Considerations

Oregon Revised Statute 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.

The tables below are a demographic analysis of the Klamath Falls Nonattainment Area. Analysis was completed on the Klamath Falls Nonattainment Area by intersecting the shapefile of the area with census tract-level demographic data, using 5-year American Community Survey data (2015-2019).

Table 1. Proportion of population below 2x the federal poverty level

	State of Oregon	Klamath County	Klamath Falls NAA
Estimated number of individuals	1,248,919	29,253	19,511
Corresponding estimated percent of population	31%	44%	39%

Table 2. Racial demographics for the state of Oregon, Klamath County and the Klamath Falls NAA

<u>Demographic category in US Census</u>	<i># of individuals and percentage of total population</i>		
	State of Oregon	Klamath County	Klamath Falls NAA
Asian	17,8412 (4%)	682 (1%)	592 (1%)

Black or African American	75, 232 (2%)	446 (<1%)	405 (<1%)
Native Hawaiian or Other Pacific Islander	15,785 (<1%)	38 (<1%)	22 (<1%)
Hispanic or Latinx	537,217 (13%)	8,740 (13%)	7,220 (14%)
American Indian or Alaska Native	38,050 (1%)	2,626 (4%)	1,587 (3%)
White	3,125,842 (76%)	52,101 (78%)	39,506 (77%)

Note: estimated percentages are represented in parentheses after each population number.

The compliance with PM_{2.5} health-based air quality standards will advance environmental justice by measurably improving air quality and thereby health outcomes for a rural area with a significant population of low-income residents. Klamath Falls also has approximately three times the Indigenous/Native American population than the state average, even when narrowing the lens to the nonattainment area itself. Few people in the United States have been as impacted by the disparities of environmental injustice as our Tribal communities. Nearly one in ten residents speaks a language other than English at home, many of whom speak Spanish.

In Klamath Falls, more than one in six (17.38%) community members are older adults, aged 64 or older. These populations are more vulnerable to the effects of air pollution and are often on fixed incomes. More than one in four (26.05%) community members is under the age of 18. Not only do these age groups have high levels of vulnerability to air pollution, but they also have less access to resources, making them an especially important target for funding to improve public health. In addition to higher populations of vulnerable age groups, Klamath County is on an upward trend at 65.9 per 100,000 deaths due to Chronic Lower Respiratory Disease, which is an umbrella term that includes asthma, emphysema, bronchitis, and Chronic Obstructive Pulmonary Disease. This is in comparison to the Oregon rate of 40.2 deaths per 100,000 and the average U.S. value of 41.1. According to EJScreen’s Health Disparities layer, census tracts within the Klamath Falls Nonattainment Area show some of the highest rates of asthma in the state—as high as 12.5%, compared to the state average of 11.1% and the national average of 7.0%.² Reducing PM_{2.5} emissions may improve these health outcomes and increase wellbeing for both the older adult population and the youth population.

This project will also increase economic development opportunities by bringing the area into attainment with the PM_{2.5} NAAQS. Without nonattainment restrictions there may be a reduction in community members leaving the area. The community has already been negatively impacted by the closure of several wood products mills in town over the past 20 years, and the nonattainment designation has made it more difficult for new industry to locate in the area. As the PM_{2.5} challenges are centered around wood stoves, it is incumbent upon the community to reduce these emissions as much as possible. The continued applicability of

¹ CDC Data for the South Central region of OR, including Klamath and Lake Counties (2022). <https://www.healthyklamath.org/indicators/index/view?indicatorId=97&localeId=131552> (Accessed 11/23/22).

² These figures reference CDC data as well as EJScreen. Oregon Tracking Network (2022), <https://ephtracking.cdc.gov/showInfoByLocationExt/?&FIPS=41035> (Accessed 11/29/22).

the Control Measures in the Maintenance Area, including the continued enforcement of the woodstove curtailment program and open burning restrictions, will positively impact public health throughout the community, including on those environmental justice populations described above.

Federal Relationship

ORS 183.332, 468A.327 and OAR 340-011-0029 require DEQ to attempt to adopt rules that correspond with existing equivalent federal laws and rules unless there are reasons not to do so.

This section complies with OAR 340-011-0029 and ORS 468A.327 to clearly identify the relationship between the proposed rules and applicable federal requirements.

The proposed rules add requirements additional to those in federal requirements. This rulemaking imposes additional requirements to implement the applicable federal requirements for compliance with particulate standards. Section 110 of the Clean Air Act, 42 U.S.C. §7410 requires DEQ to adopt a maintenance plan to reduce PM_{2.5} so that the Klamath Falls area maintains compliance with the NAAQS. The plan must also show the area will continue to meet NAAQS in the future and provide contingency measures in case it fails. Federal requirements mandate adoption of a plan that demonstrates the area will reach attainment of the standard; however, the specific strategies to achieve the standard are not mandated.

The Klamath Falls PM_{2.5} Maintenance Plan is a comprehensive mixture of emission reduction strategies consisting of local ordinances, DEQ regulations, and non-regulatory elements including incentives and education. Residential wood combustion is the most significant contributor to PM_{2.5} in Klamath Falls. The strategies targeting reduction in woodstove emissions include: woodstove curtailment levels to increase number of days when burning is restricted or prohibited, requiring removal of an uncertified woodstove upon sale of a home, enforcement of wood stove curtailment, opacity limit on residential woodburning emissions, and expansion of educational efforts to reduce PM₁₀ from woodsmoke. The plan also requires public agencies to avoid prescribed burning if the smoke is expected to affect Klamath Falls.

If listed strategies fail to maintain attainment with the standard in the Klamath Falls area, a set of contingency strategies would become effective. DEQ commits to working with Klamath County to implement necessary contingency provisions no later than one year after data from a single year exceeds the 2006 24-hour PM_{2.5} NAAQS standard based on confirmed quality assured data. Any contingency provisions adopted and implemented will become part of the next revised maintenance plan submitted to the EPA for approval.

Federal requirements set by EPA outline the procedures for preparing, adopting and submitting attainment plans, but Oregon has flexibility about how to meet the standards by establishing specific requirements.

What alternatives did DEQ consider if any?

DEQ did not consider alternatives to the development of a PM_{2.5} maintenance plan and redesignation request for the Klamath Falls Area because this is part of the process required by the Clean Air Act to comply with the NAAQS.

The proposed strategies in the Klamath Falls PM_{2.5} maintenance plan continue the successful strategies included in the 2012 PM_{2.5} Attainment Plan. In developing the proposed strategies for the maintenance plan, DEQ, the Klamath Falls air quality advisory committee and Klamath County officials considered a number of alternatives. The proposed strategies were recommended over alternatives based on evaluation of their technological feasibility and environmental, health, economic and social impacts. The advisory committee recommended two sets of strategies: an initial set of strategies that brought the community into compliance with the federal PM_{2.5} air quality standard by 2014 and a second set of contingency provisions which would be implemented if the federal PM_{2.5} standard is exceeded in future years.

Land Use

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, DEQ considers that 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 rules involve 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

DEQ determined that these proposed rules do not affect land use under OAR 340-018-0030 or DEQ’s State Agency Coordination Program.

EQC Prior Involvement

DEQ has not, in recent years, presented additional information specific to this proposed rule revision at a previous Environmental Quality Commission meeting.

Advisory Committee

DEQ convened the Klamath Falls Air Quality advisory committee. The committee included representatives from community, local government and industrial groups and met six times.

The committee members were:

Rulemaking Name Advisory Committee	
Name	Representing
Addie Clark	Oregon Institute of Technology
Lance Lindow	Klamath County Health
Scott McEnroe	Collins Products
William Surber	Columbia Forest Products
Rich Coffman	Private Citizen
Mike Cook	Chiloquin Fire District
Pam Ruddock/Kristine Pereira	Klamath County South Central Oregon Economic Development District
Ipo Ross	Pine Grove Catholic Cemetery
Francisco Venegas	Oregon Human Development Corporation
Zakary Jackson	Klamath Tribes
Randall Baley	Oregon Department of Forestry

Committee discussions

In addition to the recommendations described under the Statement of Fiscal and Economic Impact section above, the committee discussed the progress Klamath Falls has made in the reduction of PM_{2.5} emissions and the impact to public health. The Committee also reviewed the Control Measures that will be ongoing into the Maintenance Period, and agreed on contingency provisions which would be implemented in the event that the federal PM_{2.5} standard is exceeded in future years.

Public Engagement

Public notice

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

- On March 29, 2024, filing notice with the Oregon Secretary of State for publication in the April 1, 2024 Oregon Bulletin;
- Posting the notice, invitation to comment and draft rules on the [Klamath Falls PM2.5 Maintenance Plan](#) web page for this rulemaking;
- Emailing interested parties on the following DEQ lists through GovDelivery:
 - Rulemaking
 - DEQ Public Notices
 - Klamath Falls Air Pollution
 - Air Quality Maintenance Plans
- Emailing the following key legislators required under [ORS 183.335](#):
 - Sen. Dennis Linthicum
 - Rep. Emily McIntire
 - Sen. Rob Wagner
 - Rep Julie Fahey
- Posting on the [DEQ event calendar](#)

Comment deadline

DEQ only considered comments on the proposed rules that were received by: 11 p.m., on April 29, 2024.

Public hearing

DEQ held one public hearing and received no comments. Later sections of this document include a summary of the comments received during the open public comment period, DEQ's responses and a list of the commenters. Original comments are on file with DEQ.

Presiding officers' record

Hearing 1

Date	April 29, 2024
Place	Remote via Zoom
Start Time	5:30 pm
End Time	6:00 pm
Presiding Officer	Farrah Fatemi

Presiding officer:

The presiding officer convened the hearing, summarized procedures for the hearing, and explained that DEQ was recording the hearing. The presiding officer asked people who wanted to present verbal comments to sign the registration list, or if attending by phone, to indicate their intent to present comments. The presiding officer advised all attending parties interested in receiving future information about the rulemaking to sign up for GovDelivery email notices.

As Oregon Administrative Rule 137-001-0030 requires, the presiding officer summarized the content of the rulemaking notice.

No person presented any oral testimony or written comments.

Summary of Public Comments and DEQ Responses

Public comment period

DEQ accepted public comment on the proposed rulemaking from March 29, 2024 until 11 p.m. on April 29, 2024.

For public comments received by the close of the public comment period, comments are organized by date of receipt below. Original comments are on file with DEQ.

DEQ changed the proposed rules in response to comments described in the response sections below.

Comments received by close of public comment period

Comment 1

[The following is written comment submitted via email]

To whom it concerns,

We reviewed the draft maintenance plan documents and have the following questions/comments.

- Can we get a second “official” monitoring site?
 - Seems like the one at Peterson is putting all our “eggs in one basket” and may not be representative to the entire community especially the northern urban area.
- Who coordinates across all three roadway jurisdictions (ODOT, City, and County)?
 - The county is only in control of our winter sanding and spring/summer street sweeping efforts.
- Air quality does not have any official jurisdictional boundaries. The attainment area spans city, county, private, and state roadway systems.
 - Is there any CMAQ funding available for counties?
 - We have paved several gravel roads that have costs our citizens hundreds of thousands of dollars.
 - We have a robust street sweeping program that costs between \$30,000 and \$40,000 annually.

Thank you,

Commenter 1 Jeremy Morris

Affiliation Klamath County Public Works

Response

Thank you for your comment. The official monitoring location used to demonstrate compliance with the National Ambient Air Quality Standards for PM_{2.5} in the Klamath Falls Air Quality Management Area was determined through a scientific process during the original [Klamath Falls Attainment Plan](#). See page 15 of the attainment plan for more information on the process DEQ completed to reverify the representativeness of the Peterson School monitor location.

The Klamath Falls nonattainment area and urban growth boundary, as used by DEQ in its air quality plans and rules, are defined in OAR 340-204. Implementation of the nonattainment plan, and if adopted, the maintenance plan, is a collaborative effort between State, County and local governments and the community of Klamath Falls. Coordination of road planning and project funding are beyond the scope of this rulemaking and state implementation plan.

Comment 2

[The following was written and submitted via email]

The U.S. Environmental Protection Agency appreciates the opportunity to comment on the proposed rulemaking, “Klamath Falls PM_{2.5} Maintenance Plan 2024.” We have reviewed the public documents and are providing the following comments for your consideration.

Key Comments

Key comments have potential approvability issues that could impact EPA’s ability to take final approval action on the SIP such that the EPA recommends the air agency address these issues prior to formal submittal.

- The plan refers to 2021-2023 EPA-certified data, however 2023 data has not yet been certified by the EPA. Notably, the 2023 data certification is coinciding with T640x data set alignment that may also affect the monitoring data before 2023. Please ensure that the SIP revision is submitted to the EPA after the 2023 data has been certified and that any changes to the data have been incorporated into the analyses, including the tables on page 14, and page 3 of Appendix 1.
- Please include a technical justification for using 2017 as the attainment or baseline year.
 - Per prior discussions between the EPA and Oregon DEQ, the submittal uses 2017 as the emissions inventory baseline year. Under 40 CFR 51.1008(a)(1)(i), the emissions inventory provision for PM_{2.5} nonattainment areas, the inventory year should be "one of the three years for which monitored data were used for designations or another technically appropriate inventory year if justified by the state in the plan submission." The Calcagni memo also states that the attainment inventory “should include the emissions during the time period associated with the monitoring data showing attainment.” It would be helpful if the submittal provided further justification explaining why 2017 is a “technically appropriate” year to use in lieu of one of the three years in the attainment demonstration.

- We note that there is a discussion of sampling bias on page 16, and a discussion of wildfire impacts on page 17. We also note that the latest NEI is for 2020, and that it may not be a representative year due to pandemic impacts.

General Comments

General comments outline issues that if resolved would strengthen the formal submission.

- The tables on page 18 show nonattaining design values from 2018-2020 through 2020-2022. We suggest adding a note explaining why the values are high to clarify that the 2021-2023 design value is due to permanent and enforceable control measures and not due to favorable meteorology. Additionally, we suggest correcting the 98th percentile value for 2020 in Table 3. The EPA did not concur on the 2020 exceptional events demonstration, due to not having regulatory significance.
- There are discrepancies in the description of tables A and B in the last paragraph of page 3, Appendix 1, e.g., there is no orange color in the tables and some values that are above the 2006 24-hour PM_{2.5} NAAQS are shown in green. Additionally, the data in the tables is not the same as the tables in the plan on page 18. We suggest correcting these discrepancies.
- There is an error in the description of the 20-year maintenance period in the second and second-to-last sentences in Appendix 3, page 1. The sentences describe the 20-year maintenance period as extending from 2017 to 2037. We suggest revising the language to reflect that the 20-year maintenance period begins on the effective date of redesignation of the area to attainment, which has not yet occurred.
- Appendix 3, Table 4.1 lists the MOVES County Data Manager inputs. We note that local inputs are required for: VMT, road type distribution, average speed distribution, AVFT, and source types, besides long-haul trucks. We understand that Klamath Falls is an isolated rural area and that local inputs may not be available. We suggest explaining the use of MOVES defaults. Additionally, we suggest:
 - Clarifying whether population growth allowances were used. In Appendix 3, Table 4.1 indicates that a growth factor was used, however, the Growth Factors section in Appendix 3, page 2, states that a population growth factor was not developed because population growth was incorporated into the TDM.
 - Explaining what the term "MOVES default vehicle split" means.

Other Comments

The following comments are not critical for the air agency to address in their formal submission but may be helpful to note.

Maintenance Plan Comments:

- We suggest adding the term "2006 24-hour" before general terms like "PM_{2.5} standard" or "PM_{2.5} NAAQS," throughout the document.
- The citation in table 1 on page 14, to 81 FR 36176, is incorrect. It is for an action that was based on 2012-2014 data. We suggest removing the citation or revising the sentence.

- Throughout the document, there are references to other sections, e.g., “Please See Section IV for more details” in table 1 on page 14. However, the sections are not numbered. We suggest numbering the sections or referring to them differently.
- For clarity, we suggest replacing the term “folded in” with “added in” on page 28, paragraph 3, sentence 6.
- The statements, on the first paragraph, last sentence, of pages 20 and 28, incorrectly describe the MOVES4 grace period for SIP development. Rather, the grace period applies to transportation conformity determinations.¹ However, the EPA recognizes the time and level of effort that certain states may have already undertaken in SIP development using a version of MOVES3. We suggest clarifying that this applies to the Klamath Falls analysis and was agreed to in consultation with Oregon DEQ and EPA R10.
- We believe the ordinance number, 63.06 of the County Code on page 33, is for the 2012 ordinance and that it will be updated after adoption. We suggest updating the plan as appropriate, after the ordinance is adopted.
- Some of the totals in the tables do not add up. We believe this is due to rounding and suggest providing an explanation. See table 12 on page 37 and table 13 on page 38.
- We suggest revising the second-to-last sentence on page 36 to align with the transportation conformity rule language in 40 CFR 93.102(b)(3) that neither the EPA Regional Administrator nor the Oregon DEQ Director have made a finding that re-entrained road dust is a significant contributor to the Klamath Falls PM2.5 non-attainment area.
- We suggest revising the last sentence in paragraph 4, on page 39 to clarify that EPA needs to approve modifications to the annual network plan. As an example, you could add the following to the end of the sentence "and will be submitted for the EPA approval as a revision to Oregon's Annual Network Plan."
- The list of potential contingency measures on page 40 includes “Continuing to fund wood stove changeouts within the Klamath Falls nonattainment area.” This appears to be a measure that is already being implemented and wouldn’t qualify as a contingency measure. We recommend removing this as a contingency measure or revising the sentence to clarify that the measure would be in addition to existing measures.

Appendix Comments:

- There is a typo in the last sentence in paragraph 4, page 2 of Appendix 1. We suggest changing “was” to “were.”
- We suggest revising the second sentence of the last paragraph on page 2 of Appendix 1 to clarify that states are required to provide local inputs.
- Three sets of air quality data are mentioned in Appendix 1, page 3, paragraph 3, sentence 3, however only two sets of data are listed. We suggest adding the additional data set or revising the sentence.
- We suggest revising the last sentence on page 10 of Appendix 3 to align with the transportation conformity rule language in 40 CFR 93.102(b)(3) that neither the EPA Regional Administrator nor the Oregon DEQ Director have made a finding that re-entrained road dust is a significant contributor to the Klamath Falls PM2.5 non-attainment area.

- Please consider adding labels for units in Appendix 3, Table 6. We believe it is in pounds per day.

_____ Thank you for the opportunity to review the proposed rulemaking. If you have any questions or would like to discuss these points, please contact Claudia Vaupel at (206) 553-6121 or vaupel.claudia@epa.gov.

Response

DEQ appreciates EPA Region 10's support and collaboration in developing this maintenance plan. DEQ also appreciates EPA's comments on the plan.

Regarding the Comment that the 2021-2023 data has not been certified by EPA yet, and that the T640X data set alignment may affect data before 2023. DEQ has worked with EPA on the data set throughout the development of the 2021-2023 data. DEQ is confident that there will not be alterations of the data after certification that would require changes to the proposed Klamath Falls Maintenance Plan.

Regarding the request that DEQ include a technical justification for using 2017 as the baseline year for attainment, please see the Air Quality Monitoring section of the maintenance plan.

Regarding the request to change the table on page 18 to include an explanation for the design values. And a request for corrections to the 98th percentile value for 2020 in table 3 due to the EPA's choice not to concur on the 2020 exceptional events demonstration. The request for reclassification of the area to attainment is based on design value calculated using years 2021, 2022 and 2023. DEQ requested through the exceptional events process for a number of days to be removed from 2020, but EPA determined that they were not of regulatory significance. DEQ maintains that, If EPA were to act on DEQ's full set of wildfire-related exceptional events, the design value for Klamath Falls would not be within 5% of the NAAQS standard for requiring continuous monitoring, even for 2020. DEQ stands by the graphical representation of the data.

Regarding the request that DEQ address discrepancies in tables A and B on page 3, Appendix 1. DEQ made the appropriate corrections to match the data on page 18.

Regarding the request that DEQ change the description of the 20-year maintenance period to reflect that it begins on the effective date of the redesignation; DEQ made changes to reflect the initiation of the 20-year maintenance period begins on the effective date of the redesignation.

Regarding the suggestion to Appendix 3; DEQ chose the use of the Motor Vehicle Emissions Simulator, or (MOVES) defaults rather than use local inputs due to the representative nature of the MOVES default vehicle split. The MOVES default vehicle split was developed by the EPA and allows for the estimation of a population of source types based on vehicle class.

Regarding suggestions to Appendix 3, Table 4.1; DEQ presumes that EPA is discussing the use of the population growth factor as listed in Table 3.1. DEQ did not develop growth factors for the estimate of 2037. As the modeling team reviewed these differences in further detail, we did observe some spatial shifts in different areas within the model that increased or decreased in population or employment for several neighborhoods. However, these changes are not anticipated to be large enough to have any significant impact to overall vehicle miles traveled or transportation related emissions for the region, noting again that at the region level employment only changed by one percent and population between four and eight percent.

Given these minor changes in the overall growth of the Klamath Falls region, the decision has been made for the TSP to utilize the existing model (model years 2008 and 2037). Given that the TSP effort will not be requiring a model update, there is no anticipated opportunity of a transportation model update for the Klamath Fall in the foreseeable future.

Oregon Department of Transportation always wants to ensure that the projects in the state have the best information available, as is reasonably possible and practical. In this case, the land use for the region has been reviewed and ODOT staff is advising that the best option at this time is the use the 2008/2037 Klamath Falls model to understand current and future traffic needs and emission contributions in the region.

Regarding the comment about the development of a new standard and specifying the standard being addressed in this redesignation request and maintenance plan; DEQ followed the suggested narrative changes to include language to specify that it is the 2006 24-hour PM_{2.5} National Ambient Air Quality Standard.

Regarding the comment to correct the citation in table 1 of page 14, DEQ has made changes to the table.

Regarding the comment on incorrect references throughout the document; DEQ has made all efforts to correct any references within the proposed rules.

Regarding the comment to change the phrase “folded in” with “added in” on page 28; DEQ has made changes to the proposed rules to improve clarity.

Regarding the comment correcting the description of the MOVES4 grace period; DEQ finds both statements to represent with sufficient accuracy and clarity, the description of the grace period. The work accomplished within the grace period was related to transportation conformity and SIP mobile work required for the redesignation request and maintenance plan. No changes were made to the proposed rules as a result of this comment.

Regarding the comment suggesting updates to the plan to account for updates to County Code ordinance number 63.06, no changes were made to the proposed rules. The maintenance plan addresses these concerns already. Future changes to such ordinances would be evaluated through a 110(l) demonstration.

Regarding the totals on tables 12 and 13; the totals were updated to reflect the correction in rounding errors and the table was adjusted for clarity.

Regarding adding conformity with (40 CFR 93.102(b)(3)), language was updated to maintain conformity with transportation conformity rule language.

Regarding the statement to the commitment to continue air monitoring network, the phrase “and will be submitted for the EPA approval as a revision to Oregon's Annual Network Plan” was included for clarity.

Regarding the applicability of the woodstove changeout grants as contingency measures; the grant program in question only applies to nonattainment areas and would be re-implemented should the area fall into nonattainment again. DEQ finds such a program to be sufficiently appropriate as a contingency measure in this maintenance plan.

Regarding the comment highlighting the typo in the appendices; no typo was located as there is no paragraph 4 on page 2 of appendix 1.

Regarding the sentence correction for the last sentence of paragraph two on page 2 of the Appendix, the language used in the Exceptional events section of this appendix is both sufficient and correct in how it details the responsibilities of state and local air agencies. No changes are made to the proposed rules.

Regarding the “three sets of air quality data” reference in appendix 1; the statement refers not to three tables but to tables showing the three year design values.

Regarding the addition of unit labels on table 6 in appendix 3; DEQ has included unit labels on this table.

Implementation Notification

The proposed rules would become effective upon filing on approximately May 27, 2024.
DEQ would notify affected parties by:

- GovDelivery
- Email to EPA Region 10

Five Year Review

Requirement

Oregon law requires DEQ to review new rules within five years after EQC adopts them. The law also exempts some rules from review. DEQ determined whether the rules described in this report are subject to the five-year review. DEQ based its analysis on the law in effect when EQC adopted these rules.

Exemption from five-year rule review

The Administrative Procedures Act exempts all of the proposed rules from the five-year review because the proposed rules would:

- Amend or repeal an existing rule. ORS 183.405(4).

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