



Oregon Department of Environmental Quality

Oct. 16-17, 2013

Oregon Environmental Quality Commission meeting Rulemaking, Action item: G

Updates to Oregon State Implementation Plan for lead, nitrogen dioxide and sulfur dioxide National Ambient Air Quality Standards

DEQ recommendation to the EQC

DEQ recommends that the Oregon Environmental Quality Commission:

Adopt the proposed PERMANENT 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.

Overview

DEQ must update its Clean Air Act State Implementation Plan to implement the current National Ambient Air Quality Standards for nitrogen dioxide, sulfur dioxide and lead under the Clean Air Act. The proposed rule amendments update infrastructure elements of Oregon's State Implementation Plan to meet requirements for approval by the U.S. Environmental Protection Agency.

Short summary

The proposed rule amendments incorporate new and revised standards for nitrogen dioxide, sulfur dioxide and lead into Oregon Administrative Rule and adopt Significant Air Quality Impact Levels for NO₂ and SO₂ as necessary to meet Clean Air Act requirements and revise the Oregon State Implementation Plan for approval by EPA.

The proposal includes the following actions:

- Amend OAR 340-200-0040 to update the Oregon Clean Air Act State Implementation Plan. If adopted by EQC, the actions proposed in this rulemaking will be incorporated into and made part of the Oregon State Implementation Plan.
- Amend OAR 340-200-0020 Table 1 to add one-hour Significant Air Quality Impact Levels for NO₂ and SO₂.
- Adopt OAR 340-202-0020 to add an applicability clause to Division 202
- Amend OAR 340-202-0070 to incorporate the primary one-hour National Ambient Air Quality Standard for sulfur dioxide, adopted by the EPA June 22, 2010, and effective Aug. 23, 2010.
- Amend OAR 340-202-0100 to incorporate the primary one-hour National Ambient Air Quality Standard for nitrogen dioxide, adopted by EPA Feb. 9, 2010, and effective April 12, 2010.

- Amend OAR 340-202-0130 to incorporate the primary and secondary National Ambient Air Quality Standard for lead, adopted by the EPA Nov. 12, 2008, and effective Jan. 12, 2009.

In addition to the rule amendments outlined above, three “crosswalks” titled “Infrastructure SIP Submittal documents for Purposes of Clean Air Act Sections 110(a)(1) and (2)” are included with this proposal. The crosswalks identify 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 Clean Air Act with respect to the current standards for NO₂, SO₂ and lead. They are included for EQC approval and submittal to EPA as documentation that the infrastructure elements of the Oregon State Implementation Plan meet the requirements of the Clean Air Act as they relate to the standards.

DEQ postponed submitting plan updates past EPA’s 2012-2013 timeframe until EPA guidance was available for reference. EPA recently issued draft guidance addressing requirements for infrastructure elements of State Implementation Plans for multiple pollutants. DEQ has used EPA’s multi-pollutant guidance document to develop this proposal. In order to streamline the submittal process, DEQ bundled the required rule amendments for all three pollutants into one package.

Brief history

Section 110 of the Clean Air Act, 42 USC § 7410, requires state and local air pollution control agencies to adopt federally approved control strategies to minimize air pollution. The resulting regulations are known as the State Implementation Plan.

State Implementation Plans serve two main purposes:

1. To demonstrate that the state has the basic air quality management program components in place to implement new or revised National Ambient Air Quality Standards and
2. To identify the emissions control requirements the state will rely upon to attain or maintain the primary and secondary standards.

All states are required to submit State Implementation Plans with general infrastructure elements showing the state has the capacity to implement new or revised National Ambient Air Quality Standards. Infrastructure State Implementation Plan submittals must include the basic program requirements for managing air quality required in Section 110(a)(2) of the Clean Air Act.

Figure 1: Required Infrastructure Elements Tracked for Each State

Section 110(a)(2)(A) Emission limits and other control measures

Section 110(a)(2)(B) Ambient air quality monitoring/data system

Section 110(a)(2)(C) Program for enforcement of control measures

Section 110(a)(2)(D)(i) - I Prong 1: Interstate transport - significant contribution

Section 110(a)(2)(D)(i) - I Prong 2: Interstate transport - interfere with maintenance

Section 110(a)(2)(D)(i) - II Prong 3: Interstate transport - prevention of significant deterioration

Section 110(a)(2)(D)(i) - II Prong 4: Interstate transport - protect visibility

Section 110(a)(2)(D)(ii) - Interstate and international pollution abatement

Section 110(a)(2)(E) Adequate authority and resources

Section 110(a)(2)(F) Stationary source monitoring system
Section 110(a)(2)(G) Emergency power
Section 110(a)(2)(H) Future State Implementation Plan revisions
Section 110(a)(2)(J) Consultation with government officials; Public notification; PSD and visibility protection
Section 110(a)(2)(K) Air quality modeling/data
Section 110(a)(2)(L) Permitting fees
Section 110(a)(2)(M) Consultation/participation by affected local entities

The Clean Air Act requires EPA to set National Ambient Air Quality Standards for wide-spread pollutants from numerous and diverse sources considered harmful to public health and the environment. The Clean Air Act established two types of National Ambient Air Quality Standards. Primary standards set limits to protect public health, including the health of sensitive populations such as people with asthma, children and the elderly. Secondary standards set limits to protect public welfare, including protection against visibility impairment, damage to animals, crops, vegetation and buildings. The Clean Air Act requires periodic review of the science upon which the standards are based and the standards themselves.

State Implementation Plans generally establish emission limits or work practice standards to minimize emissions of the air pollutants and their precursors for which EPA has issued air quality criteria. These are known as criteria pollutants. The six current criteria pollutants are sulfur oxides, with sulfur dioxide as the indicator, particulate matter, oxides of nitrogen, with nitrogen dioxide as the indicator, lead, carbon monoxide and ozone. EPA has established National Ambient Air Quality Standards for these pollutants and has updated these standards over time. As the standards change, states must submit revisions to the infrastructure elements of their State Implementation Plans to reflect these changes.

EPA recently revised the nitrogen dioxide, sulfur dioxide and lead standards to protect the public from adverse health effects, as appropriate under CAA Section 109, by:

- Replacing the annual and 24-hour primary sulfur dioxide standards with a new, primary one-hour standard, to be effective one year after area designations for the primary one-hour standard. (*see* 75 Federal Register 35520);
- Adding a new one-hour primary nitrogen dioxide standard, to supplement the existing annual standard (*see* 75 Federal Register 6474); and
- Revising the level of the primary and secondary lead standards (*see* 73 Federal Register 66964).

Main functions of a Clean Air Act State Implementation Plan

There are three overarching activities that occur when a National Ambient Air Quality Standard is added or revised, as summarized below:

- Within two years of revising the standards for a criteria pollutant, EPA is required to identify or designate areas as meeting or not meeting the standard. Designations of attainment or nonattainment are based on the most recent set of air monitoring data. (*see* CAA Section 107(d)(1)(B), 42 USC § 7407(d)(1)(B).)
- Within three years of EPA designations, all states must submit revisions to their state implementation plans to show they have the basic air quality management program components in place to implement a new or revised standard, as specified in Clean Air Act section 110. These plans are often called infrastructure State Implementation Plans. (*see* CAA Section 110(a)(1), 42 USC § 7410(a)(1)).

- Within three years of area designations, states are required to submit nonattainment area State Implementation Plans to EPA for any criteria pollutant for which the standard is not met. Each nonattainment area State Implementation Plan must outline the strategies and emissions control measures that show how the area will improve air quality and meet the standards. (*see* CAA Section 172, 42 USC § 7502.)

Table 1 displays EPA actions with regard to area designations for the revised nitrogen dioxide, sulfur dioxide and lead standards in Oregon:

TABLE 1: NAAQS Designations in Oregon	
2008 Pb	EPA designated all of Oregon as unclassifiable/attainment in a final rule published Nov. 22, 2011 (76 Federal Register 72097), effective Dec. 31, 2011.
2010 NO₂	EPA designated all areas of the country as unclassifiable/attainment in a final rule published on Feb. 17, 2012 (77 Federal Register 9532), effective Feb. 29, 2012.
2010 SO₂	EPA's review of the most recent monitored air quality data from 2009-2011 shows no violations of sulfur dioxide standards in any areas in Oregon. However, there is a limited set of monitoring data in each state for sulfur dioxide, and EPA is not yet prepared to propose final sulfur dioxide attainment designations in Oregon or other states. EPA expects to proceed with final sulfur dioxide designations once additional data are gathered pursuant to the EPA's comprehensive implementation strategy. EPA is currently working with states to develop an appropriate method to develop the necessary sulfur dioxide data.

Air quality monitoring

DEQ monitors ambient air quality in accordance with 40 CFR 58.10, which requires state and local air quality agencies to develop an annual ambient air quality monitoring network plan for submittal to EPA by July 1 of each year. DEQ's ambient air quality monitoring network is designed in response to EPA's National Monitoring Strategy to meet the five basic monitoring objectives specified by federal regulations:

- (1) To determine highest concentrations expected to occur in the area covered by the network;
- (2) To determine representative concentrations in areas of high population density;
- (3) To determine the impact of significant sources or source categories on ambient pollution levels;
- (4) To determine general background concentration levels; and
- (5) To determine transport characteristics into and out of airsheds.

DEQ monitors ambient air concentrations of nitrogen dioxide, sulfur dioxide and lead for comparison to the standards at a monitoring location in southeast Portland. DEQ published the results of the most recent monitoring data in June 2013. Table 2 summarizes the data for measurements of ambient air concentrations of nitrogen dioxide, sulfur dioxide and lead contained in the 2013 Oregon Annual Ambient Air Monitoring Network Plan:

Table 2: 2013 Oregon Annual Ambient Air Monitoring Results

Criteria Pollutant	Current network monitoring status	Air Quality Monitoring Network needs
NO ₂	In compliance with existing standards.	One-hour standard will necessitate near roadway monitoring. Once Oregon's rules are updated to reflect the current standards for NO ₂ , DEQ will begin conducting near-roadway monitoring along I-5 in Tualatin on Jan. 1, 2014, to evaluate whether ambient air concentrations of NO ₂ exceed the one-hour standard.
SO ₂	In compliance with existing standards.	EPA is in the process of developing national guidance for modeling and monitoring of SO ₂ for comparison against the one-hour standard. DEQ will need to re-visit Oregon's compliance status once EPA's requirements are finalized. Pending final EPA national guidance or rule, DEQ may need to purchase monitoring equipment to measure ambient air concentrations of SO ₂ for comparison against the one-hour SO ₂ standards.
Pb	In compliance with existing standards.	DEQ received approval from EPA to discontinue lead sampling at the McMinnville industrial site because monitored levels were well below health standards. Monitoring for lead currently occurs in North Portland and Hillsboro.

Infrastructure State Implementation Plan submittals

This proposal addresses the federal Clean Air Act requirement that states must submit infrastructure State Implementation Plans within three years of a National Ambient Air Quality Standards revision to demonstrate that the state has the basic air quality program components in place to implement the revised standards. The proposed rule amendments are needed to ensure DEQ has the necessary authority to enforce and implement the latest standards for nitrogen dioxide, sulfur dioxide and lead.

The proposed rule amendments would revise the existing Ambient Air Quality Standards for nitrogen dioxide and sulfur dioxide under Oregon Administrative Rule chapter 340, division 202 to reflect the primary one-hour nitrogen dioxide and sulfur dioxide standards adopted by EPA. At present, Chapter 340, division 202 of Oregon Administrative Rule contains annual and 24-hour ambient air quality standards for sulfur dioxide that are lower than the current federal sulfur dioxide standards. These state standards were adopted by EQC in 1972 and were equivalent to the federal standards at that time. Although the federal standards were repealed by EPA in 1973, Oregon rules have not been amended to reflect this change. As proposed, this rulemaking would retain the existing Oregon annual and 24-hour sulfur dioxide ambient air quality standards until one year after EPA develops sulfur dioxide area designations in Oregon. One year after area designations are developed, EPA will be required to repeal the federal annual and 24-hour sulfur dioxide national ambient air quality standards. Once the federal annual and 24-hour sulfur dioxide standards are repealed, DEQ will repeal the annual and 24-hour sulfur dioxide standards in OAR 340-202-0070. Once the annual and 24-hour sulfur dioxide standards are repealed in Oregon rule, the federal primary one-hour and secondary three-hour sulfur dioxide standards will be retained in rule for implementation in Oregon.

Prevention of Significant Deterioration: Analysis for Industrial Permitting

Revisions to Table 1 of Oregon Administrative Rule chapter 340, division 200 are needed to adopt one-hour Significant Impact Levels for nitrogen dioxide and sulfur dioxide in Class II areas. Significant Impact Levels are used to determine whether the air quality impacts from a proposed new or modified industrial source are significant, warranting further and more complete air quality analysis. The levels of the one-hour nitrogen dioxide and sulfur dioxide Significant Impact Levels were determined based

on federal guidance and are necessary to implement the one-hour primary standards in DEQ's air quality permitting actions.

This proposal also amends the language of the ambient air quality standard for lead under Oregon Administrative Rule chapter 340, division 202 to provide better consistency with the language of the federal standard. The Oregon Environmental Quality Commission adopted the current standards for lead May 5, 2010. On May 21, 2010, the amended lead standard was included in the submittal to EPA as part of a larger revision to the Oregon State Implementation Plan. EPA approved the revisions for New Source Review, PM 2.5 and greenhouse gas permitting rule updates, Dec. 27, 2011; however, adoption of the lead standard did not meet federal requirements for an infrastructure State Implementation Plan submittal. EPA issued findings that seven states, including Oregon, missed Clean Air Act deadlines for submitting plans, or infrastructure elements of plans, for implementing EPA's 2008 National Ambient Air Quality Standards for lead. This rulemaking resolves this deficiency and completes DEQ's Infrastructure State Implementation Plan for lead.

Regulated parties

Parties affected by this proposal include newly constructed or expanding permitted industrial sources with nitrogen dioxide or sulfur dioxide emissions above the Significant Emission Rate, due to the proposed one-hour ambient air quality standards and significant impact levels for these pollutants. These sources could be required to conduct a modeling analysis for a Prevention of Significant Deterioration determination. Modeling is required when a source exceeds the Significant Emission Rate for a criteria pollutant. Examples of affected sources of sulfur dioxide may include natural gas electrical generating facilities or landfills that generate sulfur dioxide emissions when combusting hydrogen sulfide to generate electricity. Facilities such as data storage and processing server farm centers with multiple back-up diesel generators may find themselves at risk of violating the new one-hour primary nitrogen dioxide standard, and may need to purchase monitoring equipment necessary to demonstrate compliance with the standards. More information on the regulated parties potentially affected by this proposal is included under the section of this document titled "Statement of fiscal and economic impact."

Statement of need

What problem is DEQ trying to solve?

The federal Clean Air Act requires states to amend their administrative rules to adopt new or revised National Ambient Air Quality Standards and incorporate them into their state plans. To comply, DEQ is proposing rules that:

- Incorporate the one-hour National Ambient Air Quality Standards and corresponding interim Significant Impact Levels for nitrogen dioxide and sulfur dioxide into the Oregon State Implementation Plan.
- Revise the existing lead standard in OAR 340-200-0020 consistent with the wording of the federal lead standard in the Code of Federal Regulations.

Incorporating these changes into the Oregon State Implementation Plan will allow DEQ to submit the revised infrastructure State Implementation Plan to EPA for approval. Once approved, DEQ would have the authority to implement the current standards for nitrogen dioxide, sulfur dioxide and lead in Oregon, in compliance with the Clean Air Act.

How would the proposed rule solve the problem?

The proposed rule amendments would harmonize DEQ's rules with the Clean Air Act requirements. If adopted, these proposed rule amendments will allow DEQ to submit the revised infrastructure requirements to the U.S. Environmental Protection Agency for approval as revisions to the Oregon State Implementation Plan.

How will DEQ know the problem has been solved?

DEQ will know the problem has been solved when the updated infrastructure elements of Oregon's State Implementation Plan are approved by the EPA and published in the Federal Register.

Request for other options

Because the proposed rule amendments are requirements of the Clean Air Act, DEQ has not requested input for other options.

DEQ welcomed public comments on any aspect of this proposed rulemaking during the public comment period, and specifically requested public comment regarding the completeness of the crosswalks seen in Tables 4 through 6.

Crosswalk submittals

Infrastructure State Implementation Plan: Other documentation (Crosswalks)

In addition to the rule amendments described above, DEQ is submitting three documents, Tables 4, 5 and 6, referred to as crosswalks, for EQC approval and submittal to EPA. A separate crosswalk is provided for each nitrogen dioxide, sulfur dioxide and lead with this rulemaking proposal, each addressing the required infrastructure State Implementation Plan elements of CAA Section 110(a)(2)(A) - 110(a)(2)(M).

The crosswalks were developed in consultation with EPA Region 10 and are included with this proposal. The crosswalks address the required infrastructure elements of Section 110(a)(1) and 110(a)(2), with some exceptions, as discussed in more detail below. The crosswalks are not considered part of the official record of Oregon's State Implementation Plan and they are proposed for submittal to EPA as reference tools to demonstrate how applicable Oregon Administrative Rules and authorizing Oregon Revised Statutes correspond to and satisfy federal Clean Air Act Section 110(a)(1) and (a)(2) requirements for the purpose of Infrastructure State Implementation Plan submittals. DEQ has made an effort to include the relevant state rules and statutes in the crosswalks for ease of reference; however, the official record of Oregon Administrative Rules that constitute the federally-approved Oregon State Implementation Plan are listed in subpart MM of 40 CFR part 52. DEQ wishes to improve these crosswalks over time for use in future infrastructure SIP submittals, and welcomed suggestions during the public comment period of this rulemaking as to how these crosswalks could be further improved.

The crosswalks are specific to the three standards, and DEQ may use them for other State Implementation Plan submittals if they are effective as supporting documentation for this proposal. They do not include references to Oregon Administrative Rules or Oregon Revised Statutes relating to Clean Air Act Section 110(a)(2)(C) to the extent it refers to nonattainment New Source Review permit programs required under Section 110(a)(2)(I) of the Clean Air Act. These elements have different due dates for submission and are not required to be submitted as part of an infrastructure SIP.

EPA has informed states that interstate transport of air pollution addressed under Clean Air Act Section 110(a)(2)(D)(i)(I) is not a required element of infrastructure SIP submittals at this time in light of the recent decision by the U.S. Court of Appeals for the District of Columbia Circuit vacating the 2011 Cross-State Air Pollution Rule (*see EME Homer City generation, L.P. v. EPA*, 696 F.3d 7 (D.C. Cir. 2010)). Unless the EME Homer City decision is reversed or otherwise modified by the Supreme Court, states are not required to submit infrastructure SIPs addressing Section 110(a)(2)(D)(i)(I) of the Clean Air Act until the EPA has quantified each state's contribution to ambient air pollution levels in neighboring states. As a result of the EME Homer City decision, EPA has further clarified that it will not issue a Finding of Failure to Submit for Section 110(a)(2)(D)(i)(I) infrastructure SIP requirements at this time. EPA is currently seeking input from states to develop an acceptable approach for evaluating interstate transport of air pollution.

Federal relationship

"It is the policy of this state that agencies shall seek to retain and promote the unique identity of Oregon by considering local conditions when an agency adopts policies and rules. However, since there are many federal laws and regulations that apply to activities that are also regulated by the state, it is also the policy of this state that agencies attempt to adopt rules that correspond with equivalent federal laws and rules..."

Relationship to federal requirements

DEQ determined, as required under ORS 468A.327(1) and OAR 340-011-0029(1)(a), that this rule proposal does not impose requirements different from or in addition to federal requirements. Although there are some minor language differences, the proposed rules are equal to federal requirements because there are no substantive differences between the proposed rule amendments and applicable federal requirements.

The proposed rules incorporate the following federal regulations into Oregon rules:

- 40 CFR Section 50.4, National primary ambient air quality standards for sulfur oxides (sulfur dioxide).
- 40 CFR Section 50.11, National primary and secondary ambient air quality standards for oxides of nitrogen (with nitrogen dioxide as the indicator).
- 40 CFR Section 50.16 National primary and secondary ambient air quality standards for lead.
- 40 CFR Section 50.17 National primary ambient air quality standards for sulfur oxides (sulfur dioxide).

The proposed rules incorporate the federal regulations above with the following modifications to the federal rule language:

- The units of the NO₂ and SO₂ primary one-hour standards have been converted from parts per billion ("ppb") to parts per million ("ppm") for consistency with the ambient air quality standards for other criteria pollutants found in Oregon Administrative Rule chapter 340, division 202.
- The federal rule language in 40 CFR incorporated into this rule included internal references to other parts of the Code of Federal Regulations. In places where this occurred, the rule amendments proposed herein provide external references to the CFR, as appropriate. No substantive changes to the federal requirements were made.

What alternatives did DEQ consider if any?

Because the proposed rule amendments are necessary to comply with the requirements of the Clean Air Act, DEQ has not considered other options for this proposal.

Rules affected, authorities, supporting documents

Lead division

Air Quality

Program or activity

Planning

Chapter 340 action

Amend

OAR 340-200-0020 Table 1, 340-200-0040, 340-202-0070, 340-202-0100, 340-202-0130

Adopt

OAR 340-202-0020

Statutory authority

ORS chapters 468 and 468A

Statute implemented

ORS 468A

Documents relied on for rulemaking ORS 183.335(2)(b)(C)

Document title	Document location
NAAQS – Primary and Secondary	
40 CFR Part 50 – National Primary and Secondary Ambient Air Quality Standards	http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&rgn=div5&view=text&node=40:2.0.1.1.1&idno=40
Nitrogen Dioxide NAAQS	
Federal Register Volume 75, Number 26 (Tuesday, February 9, 2010)] [Pages 6473-6537]	http://www.gpo.gov/fdsys/pkg/FR-2010-02-09/html/2010-1990.htm
40 CFR Part 81 Air Quality Designations for the 2010 Primary Nitrogen Dioxide (nitrogen dioxide) National Ambient Air Quality Standards	http://www.gpo.gov/fdsys/pkg/FR-2012-02-17/pdf/2012-3150.pdf#page=1
EPA Memorandum RE: Guidance Concerning the Implementation of the 1-hour nitrogen dioxide NAAQS for the Prevention of Significant Deterioration Program (June 29, 2010)	http://www.epa.gov/NSR/documents/20100629_no2guidance.pdf
EPA Memorandum RE: Additional Clarification Regarding Application of Appendix W Modeling Guidance for the 1-hour nitrogen dioxide National Ambient Air Quality Standards	http://www.epa.gov/region7/air/nsr/nsrmemos/appwno2_2.pdf
Sulfur Dioxide NAAQS	
Sulfur Dioxide (sulfur dioxide) Primary National Ambient Air Quality Standards (EPA)	http://www.epa.gov/ttnnaqs/standards/so2/s_so2_index.html
40 CFR Parts 50, 53, and 58 Primary National Ambient Air Quality Standard for Sulfur Dioxide; Final Rule	http://www.epa.gov/ttnnaqs/standards/so2/fr/20100622.pdf
Federal Register Volume 75, Number 119 (Tuesday, June 22, 2010)] [Pages 35519-35603]	http://www.gpo.gov/fdsys/pkg/FR-2010-06-22/html/2010-13947.htm

40 CFR Part 81 EPA Responses to State and Tribal 2010 Sulfur Dioxide Designation Recommendations: Notice of Availability and Public Comment Period	http://www.gpo.gov/fdsys/pkg/FR-2013-02-15/pdf/2013-03593.pdf
EPA Letter to Oregon DEQ (February 6, 2013) RE: Response to Recommendation dated July 27, 2011 on air quality designations for the State of Oregon for the 2010 revision to the primary National Ambient Air Quality Standard for sulfur dioxide (sulfur dioxide).	Document available upon request from: DEQ Headquarters 811 SW 6 th Ave. Portland, OR 97204
EPA Memorandum RE: Guidance Concerning the Implementation of the 1-hour sulfur dioxide NAAQS for the Prevention of Significant Deterioration Program (August 23, 2010)	http://www.epa.gov/region07/air/nsr/nsrmemos/appwso2.pdf
Lead NAAQS	
40 CFR Part 81 Air Quality Designations for the 2008 Lead (Pb) National Ambient Air Quality Standards	http://www.gpo.gov/fdsys/pkg/FR-2011-11-22/pdf/2011-29460.pdf#page=1
40 CFR Part 52 Findings of Failure To Submit a Complete State Implementation Plan for Section 110(a) Pertaining to the 2008 Lead National Ambient Air Quality Standards	http://www.gpo.gov/fdsys/pkg/FR-2013-02-26/pdf/2013-04293.pdf
2008 Lead Standards – Region 10 Final Designations (EPA)	http://www.epa.gov/leaddesignations/2008standards/final/region10f.html
Area Designations for 2008 Lead Standards (EPA)	http://www.epa.gov/leaddesignations/2008standards/index.html
Lead Implementation – Programs and Requirements for Reducing Lead (EPA)	http://www.epa.gov/airquality/lead/implement.html
Memorandum: Guidance on Infrastructure State Implementation Plan Elements Required Under Sections 110(a)(1) and 110(a)(2) for the 2008 Lead (Pb) National Ambient Air Quality Standards. (EPA)	http://www.epa.gov/air/lead/pdfs/20111014infrastructure.pdf
State Implementation Plan Elements NAAQS	
Infrastructure State Implementation Plan Element Reports (EPA)	http://www.epa.gov/airquality/urbanair/sipstatus/infrastructure.html
State Implementation Plan – General Page (EPA)	http://yosemite.epa.gov/r10/airpage.nsf/283d45bd5b068e68825650f0064cdc2/b2ce4780021daa07882569de007ba77f?OpenDocument
Status of State Implementation Plan Requirements for Designated areas, Oregon Infrastructure Requirements by Pollutant (As of 06/09/2013) (EPA)	http://www.epa.gov/airquality/urbanair/sipstatus/reports/or_infrabypoll.html#x110_a_2_lead_2008
Appendix V to Part 51—Criteria for Determining the Completeness of Plan Submissions (CFR)	http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=9fe615d9103aedef220e736c5ea1ecde8&rgn=div9&view=text&node=40:2.0.1.1.2.23.1.1.5.36&idno=40
OREGON ADMINISTRATIVE RULES	
Oregon Secretary of State (website)	http://www.sos.state.or.us/
OREGON REVISED STATUTES	

Oregon State Legislature (website)	http://www.leg.state.or.us/ors/home.htm
INTERSTATE TRANSPORT	
EPA Memorandum from Gina McCarthy RE: Next Steps for Pending Redesignation Requests and State Implementation Plan Actions Affected by the Recent Court Decision Vacating the 2011 Cross-State Air Pollution Rule (November 19, 2012)	http://www.epa.gov/airtransport/CSAPR/pdfs/CSAPR_Memo_to_Regions.pdf
DEQ DOCUMENTS	
2011 Air Quality Annual Report and Data Summaries (DEQ)	http://www.deq.state.or.us/aq/forms/annrpt.htm
2013 Oregon Annual Ambient Air Monitoring Network Plan (DEQ)	http://www.deq.state.or.us/aq/forms/2013AQMonNetPlan.pdf
Intergovernmental Agreement between DEQ and LRAPA (DEQ Agreement # 003-12)	Document available upon request from DEQ Headquarters 811 SW 6 th Ave. Portland, OR 97204
TRAACS database query for small and large businesses performed June 07, 2013.	Document available upon request from DEQ Headquarters 811 SW 6 th Ave. Portland, OR 97204
TRAACS database query for fiscal impacts on government agencies performed June 25, 2013.	Document available upon request from DEQ Headquarters 811 SW 6 th Ave. Portland, OR 97204

Fiscal and Economic Impact

This proposal would have a fiscal impact on DEQ to the extent that resources are necessary to implement the new standards. DEQ's current budget includes resources to implement the monitoring program as well as conduct planning, technical analysis, rulemaking, and community outreach activities as needed if compliance problems with federal standards are discovered in the future. States are routinely required to incorporate federal revisions to the NAAQS into their rules and subsequently revise their State Implementation Plans to address related infrastructure elements. The Clean Air Act requires EPA to revise the NAAQS for a criteria pollutant when new information is available to suggest a more protective standard is necessary to protect public health and welfare. In addition, the proposed amendment to the Prevention of Significant Deterioration requirements, adoption of one-hour Significant Impact Levels for nitrogen dioxide and sulfur dioxide, may have a fiscal impact on new or expanding major industrial sources that could be subject to additional modeling analysis and possibly emission controls.

Statement of Cost of Compliance

Upon adoption of the primary one-hour standards for nitrogen dioxide and sulfur dioxide into Oregon Administrative Rule, DEQ would be required to include the standards in the modeling protocols for air quality analyses under the Plant Site Emission Limit and Prevention of Significant Deterioration programs. Currently, permitted industrial sources affected by the proposed rule amendments may incur additional costs associated with modeling for purposes of Prevention of Significant Deterioration determinations prior to construction of a new air pollution source, or as a result of modifying an existing facility. New facilities and existing facilities that undergo modifications may need computer simulation modeling to demonstrate compliance with the new primary one-hour standards for nitrogen dioxide and sulfur dioxide.

The addition of the one-hour nitrogen dioxide and sulfur dioxide standards may increase the cost of modeling analyses and emission controls for sources that emit these pollutants. If a source can demonstrate that the planned modification will result in an emissions increase that is less than the Significant Emission Rate, no additional modeling is required. For sources with modifications that result in emissions increases above that rate, additional air quality modeling is required. Some sources will be able to conduct modeling efforts internally, while others may need to contract for those services. Cost estimates for modeling could range from a few thousand dollars in order to quantify emissions to over \$100,000 for more extensive modeling efforts.

DEQ is required to adopt and implement these standards in Oregon. If DEQ did not adopt the standards, EPA would enforce these standards in Oregon, resulting in the same compliance costs.

Table 3 shows the number of small and large businesses that emit sulfur dioxide, nitrogen dioxide or lead as required by [ORS 183.336](#). The information provided in this table is an estimate based on available 2011 data. The distinction between small and large businesses is made at the parent company level and not at the individual facility level in Oregon. Some facilities may have 50 or fewer employees but are owned by a company that as a whole employs more than 50 staff.

TABLE 3: Number of small and large businesses affected

Permit Type	Number of Small Businesses	Number of Large Businesses	Unknown Number of Employees	Total Number of Facilities Per Permit Type
	Under 50 Employees	Over 50 Employees		
Air Contaminant Discharge Permit	337	501	1*	839
Title V Operating Permit	10	91	0	101
Total Per Size:	347	592	1	940
*Business not yet in operation as of June 7, 2013				
Resource: DEQ TRAACS Database				

This proposal has the potential to affect large and small businesses that emit nitrogen dioxide, sulfur dioxide and lead similarly. This is because the size of a business may not correlate with the emission rates associated with its permitted activities. Small businesses with high emission rates would be subject to the same costs as large businesses with the same high emissions rates.

Impact on large businesses (all businesses that are not small businesses below)

Major new or modified sources such as natural gas electrical generating facilities and data storage and processing server farm centers with multiple back-up diesel generators may need to conduct a Prevention of Significant Deterioration analysis to determine whether they exceed the new one-hour primary nitrogen dioxide and sulfur dioxide standards, and under some circumstances may need to purchase monitoring equipment necessary to demonstrate compliance with the standards. Existing facilities currently subject to nitrogen dioxide or sulfur dioxide monitoring requirements may be able to use existing monitoring equipment to demonstrate compliance with any new air quality analysis modeling requirements. Monitoring costs associated with newly-constructed sources are dependent on the applicable requirements associated with the facility design. DEQ will work with new sources to determine the monitoring needs of a proposed facility.

Impact on small businesses (those with 50 or fewer employees) [ORS 183.336](#)

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

Newly constructed or existing expanding small businesses with nitrogen dioxide or sulfur dioxide emissions increases high enough to trigger PSD analysis would be required to demonstrate compliance with the standards and/or install controls. See Table 3 for an estimate of the number of small businesses that generate nitrogen dioxide, sulfur dioxide or lead emissions.

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

New or existing expanding permitted facilities will likely need to conduct Prevention of Significant Deterioration analysis for the new primary one-hour nitrogen dioxide and sulfur dioxide standards.

c) Projected equipment, supplies, labor

Equipment requirements for small businesses to

and increased administration required for small businesses to comply with the proposed rule.

comply with the new standards would be case specific and cannot be determined at this time.

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

DEQ did not involve small businesses or an advisory committee to develop this rulemaking. Oregon must adopt the ambient air quality standards to maintain its delegated authority from EPA. In light of this requirement, there was no policy choice to be made which would necessitate input from an advisory committee.

Impacts on general public

EPA developed the new standards to better protect public health and welfare. Oregonians will benefit from the revised standards, if approved. Although the positive impacts to public health have not been monetarily quantified, it is generally expected that because the primary one-hour nitrogen dioxide and sulfur dioxide standards measure area-wide ambient air concentrations using shorter averaging times, adopting these standards will result in an increased level of protection of public health and welfare. Once adopted, and with data from its monitoring program, DEQ will also have the capacity to implement actions to reduce ambient air concentrations of these pollutants to levels below the one-hour standards, through attainment planning efforts and other reduction strategies.

Impact on DEQ [ORS 183.335](#)

Monitoring – nitrogen dioxide

Adoption of the primary one-hour nitrogen dioxide National Ambient Air Quality Standard will necessitate near-roadway monitoring to meet federal monitoring requirements. DEQ has acquired new monitoring equipment to measure near-roadway levels of nitrogen dioxide to determine compliance with the primary one-hour standard in 2014. Monitors used for measuring ambient levels of nitrogen dioxide against the one-hour standard range on average from \$6,000 to \$13,000. EPA is providing funding to install the roadway site and purchase monitoring equipment. DEQ will monitor for nitrogen dioxide at this site using funds reallocated from the SE Lafayette monitor, as approved by the EPA in the 2012 monitoring network plan.

Monitoring – sulfur dioxide

EPA is developing national guidance for modeling and monitoring of sulfur dioxide for comparison against the primary one-hour sulfur dioxide National Ambient Air Quality Standard and DEQ will need to re-visit Oregon's compliance status once EPA's requirements are finalized. Pending final EPA national guidance or rule, DEQ may need to purchase monitoring equipment to measure ambient air concentrations of sulfur dioxide to determine compliance with the standard.

Monitoring - Lead

Historically, DEQ's air monitoring program has been focused on measuring ambient lead levels near industrial sources. To date all results show levels well below the standard. DEQ is currently monitoring for lead in north Portland and the Hillsboro elementary school as part of the toxics monitoring program. Ambient lead levels near small airports is an emerging issue and states are awaiting the conclusion of new EPA monitoring research and guidance in 2014 to explore this area further.

Modeling for compliance with one-hour nitrogen dioxide and sulfur dioxide standards

As a result of adopting the new one-hour primary standard for nitrogen dioxide and sulfur dioxide, DEQ may be required to review modeling submittals for sources that are required to undergo Prevention of Significant Deterioration. At this time, DEQ does not know the total number of sources potentially affected by this proposed change.

Future rulemaking for final EPA Significant Impact Levels

If approved by EQC, this proposal would adopt interim Significant Impact Levels into Oregon rule for the primary one-hour nitrogen dioxide and sulfur dioxide standards, as provided in current EPA guidance. DEQ will conduct a future rulemaking to align DEQ rules with the final federal one-hour Significant Impact Levels.

As proposed, this rulemaking will retain the annual and 24-hour sulfur dioxide ambient air quality standards currently in Oregon Administrative Rules until one year after EPA develops sulfur dioxide area designations for Oregon. At that point, DEQ would repeal the existing annual and 24-hour sulfur dioxide ambient air quality standards, leaving the primary one-hour and secondary three-hour standards for sulfur dioxide in Oregon rule.

Impact on other government entities other than DEQ

DEQ issues permits to state, federal and local government agencies in Oregon.

- a. **Local governments:** The proposed rule amendments could have implications for Metro's regional transportation planning efforts as they pertain to the one-hour nitrogen dioxide standards for near-roadway vehicle exhaust. DEQ will begin air quality monitoring near heavily-used roadways in the Portland area in 2014. DEQ would be required to develop the necessary strategies and an attainment plan to correct any violations of the nitrogen dioxide standard. If such a plan were needed, it is likely that Metro would be required to demonstrate that future transportation system plans do not jeopardize compliance with the standard.
- b. **State agencies:** State government agencies engaged in activities which emit nitrogen dioxide or sulfur dioxide in quantities that may contribute to ambient concentrations above the primary one-hour standards could be required to conduct monitoring to demonstrate compliance with the standards when constructing a new facility or expanding an existing permitted facility. These activities include the operation of biomass, oil and natural gas boilers, back-up generators or concrete, rock and asphalt crushers.

Documents relied on for fiscal and economic impact

Document title	Document location
TRAACS database query for small and large businesses performed June 7, 2013.	Document available upon request from: DEQ headquarters 811 SW 6 th Ave. Portland, Oregon 97204
TRAACS database query for fiscal impacts on government agencies performed June 25, 2013.	Document available upon request from: DEQ headquarters 811 SW 6 th Ave. Portland, Oregon 97204

Advisory committee

DEQ did not appoint an advisory committee for the proposed permanent rule amendments. This rulemaking proposal is necessary to align Oregon Administrative Rules with federally revised National Ambient Air Quality Standards under the Clean Air Act. The proposed changes are required to demonstrate

that Oregon DEQ has the appropriate rules, programs and agreements in place to implement the Clean Air Act.

Housing cost

To comply with ORS 183.534, DEQ has determined that the federal requirements adopted by this rulemaking for new or expanding industrial sources of nitrogen dioxide, sulfur dioxide or lead may have a negative impact on the cost of development of a 6,000 square foot parcel and the construction of a 1,200 square foot detached single-family dwelling on that parcel. The negative impact could occur if the cost of air modeling analysis or subsequent monitoring or emission controls is passed through by permit holders providing products and services for such development and construction. DEQ cannot quantify possible impacts at this time because the available information does not indicate whether sources subject to these new requirements would pass on costs to consumers and any such estimate would be speculative.

Stakeholder and public involvement

Advisory committee

DEQ did not convene an advisory committee. This rulemaking proposal makes necessary amendments to Oregon Administrative Rules, which are part of the Oregon Clean Air Act State Implementation Plan. The proposed changes correspond with federal revisions.

EQC prior involvement

DEQ shared this information with EQC through the annual DEQ Rulemaking Plan review and monthly status report. DEQ did not present additional information specific to this proposed rule revision beyond the annual rulemaking plan and the monthly rulemaking report.

Public notice

The August 2013 [*Oregon Bulletin*](#) published the Notice of Proposed Rulemaking with Hearing DEQ also:

- Posted notice on DEQ's webpage <http://www.deq.state.or.us/regulations/proposedrules.htm> July 15, 2013.
- E-mailed notice July 15, 2013 to:
 - Approximately 6,300 interested parties through GovDelivery.
 - 266 stakeholders through GovDelivery using DEQ's TRAACS TV and Standard ACDP database query.
 - Two additional interested parties not subscribed to GovDelivery.
 - The following key legislators required under [ORS 183.335](#):
 - Senator Jackie Dingfelder, Chair, Senate Committee on the Environment and Natural Resources.
 - Representative Jules Bailey, Chair, House Energy and Environment Committee.
- Mailed the notice by U.S. Postal Service to 17 stakeholders using DEQ's TRAACS TV and Standard ACDP database query on July 15, 2013.

- Sent notice to EPA July 1, 2013.
- Published notice in *The Oregonian* July 15, 2013

Public hearings and comment

DEQ held one public hearing for this rulemaking proposal. The comment period closed Aug. 19, 2013, at 5 p.m. DEQ received four public comments. The summary of comments and DEQ responses section below addresses each public comment. The commenter section below lists all people who provided comments on this proposal.

Hearing

Location	DEQ headquarters 811 SW 6th Ave., Floor 10, Room EQC B Portland, Oregon 97204	
Date	Aug. 15, 2013	
Time	Convened 6:02 p.m.	Closed 6:32 p.m.
Presiding Officer	Aida Biberic, Technical and Policy Analyst	

Three people attended the hearing, one person provided oral comments and no one submitted written comments at the hearing. At 6:05 p.m. before taking comments, the presiding officer summarized procedures for the hearing including notification that DEQ was recording the hearing. The presiding officer asked those in attendance who wanted to present verbal comments to complete, sign and submit a registration form.

According to [Oregon Administrative Rule 137-001-0030](#), the staff presenter summarized the content of the notice given under [Oregon Revised Statute 183.335](#). This summary included staff responses to questions about the rulemaking.

The staff presenter added commenter information to the comment workbook. Information includes commenter name, address, affiliation and hearing attended; and all written and oral comments. DEQ uses the workbook to help categorize, summarize and develop the agency response to comments.

Presiding Officers' record

The presiding officer listed in the table below summarized procedures for the hearing including notification that DEQ was recording the hearing. The presiding officer asked people who wanted to present verbal comments to complete, sign and submit a registration form to indicate their intent to present comments.

DEQ added all names, addresses and affiliations provided on the registration form and attendee list to DEQ's interested parties list for this rule and to the commenter section of this staff report. The commenter list includes a cross reference to the hearing number. DEQ added all written and oral comments presented at each hearing to the summary of comments and agency responses section of this staff report.

Hearing 1	
Date	August 15, 2013
Time convened	6:02 p.m.
Time adjourned	6:32 p.m.
Address line 1	DEQ Headquarters
Address line 2	811 SW 6th Ave Floor 10 Room EQC B
City	Portland, OR 97204
Presiding officer	Aida Biberic
Staff presenter	Carrie Capp

Close of public comment period

The comment period closed Aug. 19, 2013, at 5 p.m.

Summary of comments and DEQ responses

The following table summarizes comments received and provides DEQ's response. Original comments are on file with DEQ.

Comment Category	Comment	DEQ Response to Comment
In support of proposal.	1. Associated Oregon Industries supports incorporation of the nitrogen dioxide, sulfide dioxide and lead ambient air quality standards, as well as the new, one-hour Significant Air Quality Impact Levels for nitrogen dioxide and sulfur dioxide.	1. DEQ acknowledges these comments in support of the proposed rule changes.
In support of proposal.	2. Northwest Pulp & Paper Association supports DEQ's proposed changes to Oregon Administrative Rules Chapter 340 division numbers 200 and 202 for implementation of federal NAAQS for nitrogen dioxide, sulfur dioxide and lead.	2. DEQ acknowledges these comments in support of the proposed rule changes.
Wait for clear EPA guidance.	NWPPA remains highly interested in continuing implementation activities for the sulfur dioxide standards and encourages DEQ to wait for clear nationwide guidance from EPA before commencing with implementation of the program. Once guidance is developed, NWPPA requests the opportunity to discuss DEQ's strategy for implementing the standard.	In July 2013, EPA completed its initial round of area designations for the one-hour sulfur dioxide standards in areas of the country where monitors are located and the data collected indicates ambient air concentrations of sulfur dioxide are in violation of the standard. Oregon is currently in compliance with the standard based on existing monitoring. However, because there are relatively few one-hour sulfur dioxide monitors in the existing monitoring network, the initial round of area designations did not include Oregon. EPA intends to propose the sulfur dioxide Data Requirements Rule in 2014, and will solicit comments on how to move forward with nationwide areas designations as part of that rulemaking. DEQ will review the current status of EPA's rule and guidance as it proceeds with implementation of this rule and welcomes input from NWPPA on issues associated with both sulfur dioxide modeling and monitoring.
In support of proposal.	NWPPA believes that DEQ has agency personnel, administrative and support capacity, stable funding, statutory authority, rule writing ability and comprehensive administrative rules in place providing a complete regulatory infrastructure to implement changes to federal National Ambient Air Quality Standards.	DEQ acknowledges the comment asserting the agency has adequate resources to implement the revised standards for nitrogen dioxide, sulfur dioxide and lead.
Request for status updates.	NWPPA strongly encourages the EQC and the EPA to promptly approve the proposed administrative rule changes for Oregon's State Implementation Plan for nitrogen dioxide, sulfur dioxide and lead NAAQS. Given our role in Oregon, NWPPA requests that it be notified of developments in DEQ's efforts to obtain approval of these rules into the State Implementation Plan.	EPA plans to complete one-hour sulfur dioxide area designations in the remainder of the country, including Oregon, in 2017. Between 2014 and 2017, DEQ anticipates developing a monitoring plan and consulting with sources to review permit applications in consideration of the one-hour sulfur dioxide standard. For more information on past and planned EPA actions,

		<p>please see http://www.epa.gov/airquality/sulfurdioxide/implementation.html</p> <p>The status of approval actions related to Infrastructure State Implementation Plan submittals is included in the EPA's public participation process. Outcomes of completeness and approval reviews by EPA are published in the Federal Register and all of EPA's actions are posted on regulations.gov, where interested parties can sign up for email alerts and submit comments electronically. DEQ encourages NWPPA to visit www.regulations.gov for periodic federal approval updates on this infrastructure State Implementation Plan submittal.</p>
Request to add applicability language for delegating authority to LRAPA.	<p>3. LRAPA believes it would be beneficial for EPA, DEQ and LRAPA if DEQ were to include language which would provide LRAPA authority by reference for the provisions of this rulemaking:</p> <p>LRAPA suggests such a provision be added as a new section to division 202 (e.g., OAR 340-202-0020).</p> <p>For purposes of the division 200 changes, the provision could replace the existing language in OAR 340-200-0010(3), or added specifically to the OAR 340-200-0020 Table 1; LRAPA prefers the former.</p>	<p>3. DEQ acknowledges this comment and proposes to amend Oregon Administrative Rule chapter 340, division 202 to adopt an applicability section (OAR 340-202-0020).</p> <p>DEQ believes that including such a provision in Division 200 would be beyond the scope of this rulemaking because Division 200 covers pollutants other than sulfur dioxide, nitrogen dioxide and lead, and is not proposing to add similar applicability language to Division 200 at this time. DEQ will work with LRAPA to determine the best path forward to accomplishing the objective of streamlining rulemaking by authorizing LRAPA to implement the commission's rules directly in Lane County.</p>
Opposes adoption of one-hour nitrogen dioxide and sulfur dioxide Significant Air Quality Impact Levels	<p>4. Earthrise Law Center believes Oregon's proposal, like EPA's Significant Impact Level rule, is contrary to the Clean Air Act, and that Oregon must revise its rulemaking to remove the Significant Air Quality Impact Levels from the proposal and re-propose it's rulemaking to address the issues raised below.</p> <p>The 1-hour nitrogen dioxide and sulfur dioxide Significant Air Quality Impact Levels proposed for adoption under OAR 340-200-0020, Table 1, are exemptions from compliance with Section 165 of the Clean Air Act, 42 U.S.C. §7475, even where a proposed source or modification</p>	<p>4. DEQ acknowledges these comments and recognizes that the court decision affects how Significant Impact Levels may be used.</p> <p>However, DEQ cannot correct the issue in this rulemaking because it only proposes the levels for one-hour nitrogen dioxide and sulfur dioxide SILs and does not specify how they are to be used. An amendment regarding how SILs are implemented, which would affect other pollutants in addition to nitrogen dioxide and sulfur dioxide, would be beyond the scope of this rulemaking. DEQ consulted with EPA Region 10 and plans to draft revisions to Oregon Administrative Rules to address the court decision referenced in the comment.</p>

	<p>would cause or contribute to a violation of the NAAQS.</p> <p>The United State Court of Appeals for the District of Columbia held that the Significant Impact Levels promulgated by the U.S. EPA were illegal in <i>Sierra Club v. E.P.A.</i>, 705 F.3d 458 (D.C. Cir. 2013). The Significant Air Quality Impact Levels proposed by DEQ in this rulemaking are similar in effect to the EPA rules found infirm by the court.</p> <p>According to the Court, the only legal SIL is one that does “not allow the construction or modification of a source to evade the requirements of the Act...” <i>id.</i> at 464. The court made clear that regulations that “allow permitting authorities to automatically exempt sources with projected impacts below the SILs from having to make the demonstration required under 42 U.S.C. § 7475(a)(3) [the cumulative air quality analysis], even in situations where the demonstration may require a more comprehensive air quality analysis,” are illegal under the Clean Air Act. <i>Id.</i> at 465.</p> <p>Oregon’s proposal includes Significant Air Quality Impact Levels that allow sources with impacts less than the Significant Air Quality Impact Levels to avoid making the demonstration required by 42 U.S.C. §7475(a)(3), regardless of other information about the source or area. <i>See</i> OAR 340-200-0020(132) The Clean Air Act requires that any major emitting facility that proposed to construct or modify in an area that is designated as in attainment for the NAAQS must demonstrate that it will not cause or contribute to air pollution in excess of the NAAQS.</p> <p>Oregon’s regulation would allow unlimited numbers of sources whose impacts are less than the Significant Air Quality Impact Levels to cumulatively cause or contribute to ambient concentrations higher than the NAAQS.</p> <p>Additionally, Oregon’s regulation would</p>	<p>Specifically, DEQ plans to address the court decision in the upcoming Permitting Program Updates rulemaking proposal scheduled for rulemaking in 2014.</p>
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	allow new or modified sources in upwind locations to contribute to existing violations in downwind nonattainment areas, since the upwind sources in Oregon would not be required to demonstrate that they would not cause or contribute to a violation of the NAAQS or increment.	
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Commenters

Comments received by close of public comment period

The table below lists four people and organizations that submitted comments on the proposed rules by the deadline for submitting public comment. Original comments are on file with DEQ.

Commenter	Affiliation	Hearing Attended	Submittal Method
Sandy Teeters	AOI	N/A	Written (email)
Kathryn VanNatta	Northwest Pulp and Paper Association	Portland	Oral and written (email)
Max Hueftle	LRAPA	N/A	Written (email)
Aubrey Baldwin	Earthrise Law Center (on behalf of the Sierra Club)	N/A	Written (email)

Comments received after close of public comment period

No comments were submitted after close of the public comment period for this proposed rulemaking.

Implementation

Notification

If approved, the proposed rules would become effective on filing with the Secretary of State's office before the end of October 2013. DEQ would notify affected parties by posting the information on the agency rulemaking website and direct e-mail through distribution to the rulemaking email list for the proposal to interested parties.

DEQ has notified all potentially affected sources. Further outreach to potentially affected sources in proximity to near-roadway NO₂ monitors may occur on an as-needed basis, depending on future DEQ monitoring results.

Compliance and enforcement

- Affected parties – Impacts from industrial and commercial facilities will be subject to the proposed standards. Currently, DEQ rules do not prohibit a source from causing or contributing to a violation of the standards. However, DEQ will be proposing rule amendments to the air quality permitting program in October 2013 that will address the use of Significant Air Quality Impact Levels in demonstrating compliance with the standards by a single source. No source will be permitted to cause a violation and any source which violates a National Ambient Air Quality Standard will be subject to enforcement.
- DEQ staff – Air quality permit staff will work with affected sources to review modeling outputs and develop permit conditions to ensure the standards are met. DEQ air quality staff will develop air quality monitoring plans for determining compliance with the newly adopted standards.

Measuring, sampling, monitoring and reporting

- Affected parties - DEQ will require affected industrial and commercial sources to model and monitor lead, nitrogen dioxide and sulfur dioxide emissions when permit conditions require.
- DEQ staff - Air quality monitoring staff will review and compile monitoring data for DEQ's annual air quality monitoring report. Air quality modeling staff will review modeled outcomes of expected concentrations of pollutants for comparison to permit conditions.

Systems

- Website - If adopted, DEQ would update the agency website with the new standards.
- Database - No impact.
- Invoicing - No impact

Training

- Affected parties - No training for affected parties is planned at this time.
- DEQ staff – No training has been planned for DEQ staff with respect to this proposal. Air quality permitting and modeling staff currently assists affected sources to satisfy federal requirements associated with the NO₂, SO₂ and lead standards when necessary.

Five-year review

Requirement [ORS 183.405](#)

The state Administrative Procedures Act requires DEQ to review **new** rules within five years of the date the EQC adopts the proposed rules. Though the review will align with any changes to the law in the intervening years, DEQ based its analysis on current law.

Exemption

The following exemptions apply to some of the proposed rules:

- Amend OAR 340-200-0040 to update the Oregon Clean Air Act State Implementation Plan. If adopted by EQC, the actions proposed in this rulemaking will be incorporated into and made part of Oregon SIP.
- Amend OAR 340-200-0020 Table 1 to add one-hour Significant Air Quality Impact Levels for NO₂ and SO₂.
- Amend OAR 340-202-0070 to incorporate the primary one-hour National Ambient Air Quality Standard for sulfur dioxide, adopted by the EPA June 22, 2010, and effective Aug. 23, 2010.
- Amend OAR 340-202-0100 to incorporate the primary one-hour National Ambient Air Quality Standard for nitrogen dioxide, adopted by the EPA Feb. 9, 2010, and effective April 12, 2010.
- Amend OAR 340-202-0130 to incorporate the primary and secondary National Ambient Air Quality Standard for lead, adopted by the EPA Nov. 12, 2008, and effective Jan. 12, 2009.

Five-year rule review required

No later than Oct. 16, 2018, DEQ will review the newly-adopted applicability section under Division 202 as required under ORS 183.405 (1) to determine whether:

- The rule has had the intended effect.
- The anticipated fiscal impact of the rule was underestimated or overestimated.
- Subsequent changes in the law require that the rule be repealed or amended.
- There is continued need for the rule.

DEQ will use available information to comply with the review requirement, as allowed under ORS 183.450 (2).

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 200

GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

General

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 pursuant to the federal Clean Air Act, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), revisions to the SIP will be made pursuant to the Commission's rulemaking procedures in division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the United States Environmental Protection Agency for approval. The State Implementation Plan was last modified by the Commission on [INSERT DATE OF EQC ADOPTION OF RULES](#) ~~March 20, 2013~~.

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

(a) Submit to the Environmental Protection Agency 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 CFR 51.102 (July 1, 2002); and

(b) Approve the standards submitted by a regional authority if the regional authority adopts verbatim any standard that the Commission has adopted, and submit the standards to EPA for approval as a SIP revision.


NOTE: Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the United States Environmental Protection Agency. If any provision of the federally approved Implementation Plan conflicts with any provision adopted by the Commission, DEQ shall enforce the more stringent provision.

Stat. Auth.: ORS 468.020, 468A.035 & 468A.070

Stats. Implemented: ORS 468A.035

Hist.: DEQ 35, f. 2-3-72, ef. 2-15-72; DEQ 54, f. 6-21-73, ef. 7-1-73; DEQ 19-1979, f. & ef. 6-25-79; DEQ 21-1979, f. & ef. 7-2-79; DEQ 22-1980, f. & ef. 9-26-80; DEQ 11-1981, f. & ef. 3-26-81; DEQ 14-1982, f. & ef. 7-21-82; DEQ 21-1982, f. & ef. 10-27-82; DEQ 1-1983, f. & ef. 1-21-83; DEQ 6-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 25-1984, f. & ef. 11-27-84; DEQ 3-1985, f. & ef. 2-1-85; DEQ 12-1985, f. & ef. 9-30-85; DEQ 5-1986, f. & ef. 2-21-86; DEQ 10-1986, f. & ef. 5-9-86; DEQ 20-1986, f. & ef. 11-7-86; DEQ 21-1986, f. & ef. 11-7-86; DEQ 4-1987, f. & ef. 3-2-87; DEQ 5-1987, f. & ef. 3-2-87; DEQ 8-1987, f. & ef. 4-23-87; DEQ 21-1987, f. & ef. 12-16-87; DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88; DEQ 2-1991, f. & cert. ef. 2-14-91; DEQ 19-1991, f. & cert. ef. 11-13-91; DEQ 20-1991, f. & cert. ef. 11-13-91; DEQ 21-1991, f. & cert. ef. 11-13-91; DEQ 22-1991, f. & cert. ef. 11-13-91;

DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 25-1991, f. & cert. ef. 11-13-91; DEQ 1-1992, f. & cert. ef. 2-4-92; DEQ 3-1992, f. & cert. ef. 2-4-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 19-1992, f. & cert. ef. 8-11-92; DEQ 20-1992, f. & cert. ef. 8-11-92; DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92; DEQ 26-1992, f. & cert. ef. 11-2-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 15-1993, f. & cert. ef. 11-4-93; DEQ 16-1993, f. & cert. ef. 11-4-93; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 1-1994, f. & cert. ef. 1-3-94; DEQ 5-1994, f. & cert. ef. 3-21-94; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94; DEQ 25-1994, f. & cert. ef. 11-2-94; DEQ 9-1995, f. & cert. ef. 5-1-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 17-1995, f. & cert. ef. 7-12-95; DEQ 19-1995, f. & cert. ef. 9-1-95; DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95; DEQ 8-1996(Temp), f. & cert. ef. 6-3-96; DEQ 15-1996, f. & cert. ef. 8-14-96; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 23-1996, f. & cert. ef. 11-4-96; DEQ 24-1996, f. & cert. ef. 11-26-96; DEQ 10-1998, f. & cert. ef. 6-22-98; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 17-1998, f. & cert. ef. 9-23-98; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 21-1998, f. & cert. ef. 10-12-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 5-1999, f. & cert. ef. 3-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01; DEQ 6-2000, f. & cert. ef. 5-22-00; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 13-2000, f. & cert. ef. 7-28-00; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 17-2000, f. & cert. ef. 10-25-00; DEQ 20-2000 f. & cert. ef. 12-15-00; DEQ 21-2000, f. & cert. ef. 12-15-00; DEQ 2-2001, f. & cert. ef. 2-5-01; DEQ 4-2001, f. & cert. ef. 3-27-01; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 15-2001, f. & cert. ef. 12-26-01; DEQ 16-2001, f. & cert. ef. 12-26-01; DEQ 17-2001, f. & cert. ef. 12-28-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 5-2002, f. & cert. ef. 5-3-02; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 5-2003, f. & cert. ef. 2-6-03; DEQ 14-2003, f. & cert. ef. 10-24-03; DEQ 19-2003, f. & cert. ef. 12-12-03; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 10-2004, f. & cert. ef. 12-15-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 7-2005, f. & cert. ef. 7-12-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 4-2007, f. & cert. ef. 6-28-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 5-2008, f. & cert. ef. 3-20-08; DEQ 11-2008, f. & cert. ef. 8-29-08; DEQ 12-2008, f. & cert. ef. 9-17-08; DEQ 14-2008, f. & cert. ef. 11-10-08; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 3-2009, f. & cert. ef. 6-30-09; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 2-2010, f. & cert. ef. 3-5-10; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 14-2010, f. & cert. ef. 12-10-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 18-2011, f. & cert. ef. 12-21-11; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 7-2012, f. & cert. ef. 12-10-12; DEQ 10-2012, f. & cert. ef. 12-11-12; DEQ 4-2013, f. & cert. ef. 3-27-13

 State of Oregon Department of Environmental Quality Significant Air Quality Impact Table 1 – OAR 340-200-0020				
Pollutant	Averaging Time	Air Quality Area Designation		
		Class I	Class II	Class III
SO ₂ (µg/m ³)*	Annual	0.10	1.0	1.0
	24-hour	0.20	5.0	5.0
	3-hour	1.0	25.0	25.0
	<u>1-hour</u>	<u>---</u>	<u>8.0</u>	<u>---</u>
PM ₁₀ (µg/m ³)	Annual	0.20	0.2	0.2
	24-hour	0.30	1.0	1.0
PM _{2.5} (µg/m ³)	Annual	0.06	0.3	0.3
	24-hour	0.07	1.2	1.2
NO ₂ (µg/m ³)	Annual	0.10	1.0	1.0
	<u>1-hour</u>	<u>---</u>	<u>8.0</u>	<u>---</u>
CO (mg/m ³)**	8 hour	---	0.5	0.5
	1-hour	---	2.0	2.0
* micrograms/cubic meter ** milligrams/cubic meter				

DIVISION 202

AMBIENT AIR QUALITY STANDARDS AND PSD INCREMENTS

340-202-0020

Applicability

Subject to the requirements in this division and ORS 468A.100 through 468A.180, the Lane Regional Air Protection Agency is designated by the Environmental Quality Commission as the Agency to implement this division within its area of jurisdiction. The requirements and procedures contained in this division must be used by the Regional Agency to implement this division unless the Regional Agency has adopted or adopts rules that are at least as strict as this division.

Sulfur Dioxide

Concentrations of sulfur dioxide in ambient air as measured by an approved method must not exceed:

- (1) 0.02 ppm as an annual arithmetic mean for any calendar year at any site as measured by the reference method described in appendix A of 40 CFR part 50 (effective upon EQC adoption [INSERT EQC ADOPTION DATE]) or by an equivalent method designated in accordance with 40 CFR part 53 (effective upon EQC adoption [INSERT EQC ADOPTION DATE]).
- (2) 0.10 ppm as a 24-hour average concentration more than once per calendar year at any site as measured by the reference method described in appendix A of 40 CFR part 50 (effective upon EQC adoption [INSERT EQC ADOPTION DATE]) or by an equivalent method designated in accordance with 40 CFR part 53 (effective upon EQC adoption [INSERT EQC ADOPTION DATE]).
- (3) 0.50 ppm as a three-hour average concentration more than once per calendar year at any site as measured by the reference method described in appendix A of 40 CFR part 50 (effective upon EQC adoption [INSERT EQC ADOPTION DATE]).
- (4) 0.075 ppm as a three-year average of the annual 99th percentile of the daily maximum 1-hour average concentration recorded at any monitoring site as determined by appendix T of 40 CFR part 50 (effective upon EQC adoption [INSERT EQC ADOPTION DATE]) as measured by a reference method based on appendix A or A-1 of 40 CFR part 50 (as of (effective upon EQC adoption [INSERT EQC ADOPTION DATE])), or by a Federal Equivalent Method (FEM) designated in accordance with 40 CFR part 53 (effective upon EQC adoption [INSERT EQC ADOPTION DATE]).

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 8-1988, f. & cert. ef. 5-19-88 (corrected 9-30-88); DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0020; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-202-0100

Nitrogen Dioxide

Concentrations of nitrogen dioxide in ambient air as measured by an approved method a reference method based on appendix F to 40 CFR part 50 (effective upon EQC adoption [INSERT EQC ADOPTION DATE]) or by a Federal equivalent method (FEM) designated in accordance with 40 CFR part 53 (effective upon EQC adoption [INSERT EQC ADOPTION DATE]) must not exceed:

- (1) 0.053 ppm as an annual ~~arithmetic mean at any site, average concentration for any calendar year at any site.~~ The standard is met when the annual average concentration in a calendar year is less than or equal to 0.053 ppm, as determined in accordance with appendix S of 40 CFR part 50 (effective upon EQC adoption [INSERT EQC ADOPTION DATE]) for the annual standard.
- (2) 0.100 ppm as a 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations recorded at any monitoring site. The standards is met when the three-year average of the annual 98th percentile of the daily maximum 1-hour average concentration is less than or equal to 0.100 ppm, as determined in accordance with appendix S of 40 CFR Part 50 (effective upon EQC adoption [INSERT EQC ADOPTION DATE]) for the 1-hour standard.
- (3) 0.053 ppm as an annual arithmetic mean concentration as determined in accordance with Appendix S of 40 CFR Part 50 (effective upon EQC adoption [INSERT EQC ADOPTION DATE]). The secondary standard is attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 ppm, rounded to three decimal places (fractional parts equal to or greater than 0.0005 ppm must be rounded up). To demonstrate attainment, an annual mean must be based upon hourly data that are at least 75 percent complete or upon data derived from manual methods that are at least 75 percent complete for the scheduled sampling days in each calendar quarter.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 8-1988, f. & cert. ef. 5-19-88 (corrected 9-30-88); DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0040; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-202-0130

Ambient Air Quality Standard for Lead

The ~~lead~~ concentration of lead and its compounds in ambient air ~~as measured by an approved method~~ must not exceed:

- (1) 0.15 micrograms per cubic meter as a maximum arithmetic mean averaged over a calendar quarter, ~~determined by Appendix R, 40 CFR 50, as measured by a reference method based on appendix G of 40 CFR Part 53 (effective upon EQC adoption [INSERT EQC ADOPTION DATE]) or an equivalent method designated in accordance with 40 CFR Part 53 (effective upon EQC adoption [INSERT EQC ADOPTION DATE]).~~
- (2) The standard is met when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with appendix R of 40 CFR Part (effective upon EQC adoption [INSERT EQC ADOPTION DATE]), is less than or equal to 0.15 micrograms per cubic meter.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.

Attachment A

Oct. 16-17, 2013, EQC meeting

Page 6 of 6

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 85, f. 1-29-75, ef. 2-25-75; DEQ 1-1983, f. & ef. 1-21-83; DEQ 8-1988, f. & cert. ef. 5-19-88 (corrected 9-30-88); DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0055; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 5-2010, f. & cert. ef. 5-21-10

Table 4: Infrastructure SIP Submittal for Purposes of Clean Air Act (CAA) sections 110(a)(1) and (2) for the 2010 NO₂ NAAQS

Submitted by: Oregon Department of Environmental Quality
 Date Submitted: July 15, 2013
 Subject: Clean Air Act sections 110(a)(2)(a)(2)(A)-(M) SIP Infrastructure Elements for the 2010 NO₂ NAAQS

CAA section 110(a)(2)(A)-(M) Requirements Checklist

Section 110(a) Element	Summary of Element	How Addressed
NO₂ Definition		<p><u>Oregon Revised Statutes</u></p> <p>ORS 468 Environmental Quality General</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468A Air Quality</p> <p>ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules Requires controls necessary to achieve ambient air quality standards and prevent significant impairment of visibility.</p> <p>ORS 468A.035 General Comprehensive Plan: Requires DEQ to develop a general comprehensive plan for the control or abatement of air pollution.</p> <p>ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-200 General Air Pollution Procedures and Definitions, General</p> <p>-0020 General Air Quality Definitions</p> <p>(31) "Criteria Pollutant" means nitrogen oxides, volatile organic compounds, particulate matter, PM10, PM2.5, sulfur dioxide, carbon monoxide, or lead.</p> <p>(72) "Major Source"</p> <p>(b)(d)(i)</p> <p>(77) "Nitrogen Oxides" or "NO_x"</p> <p>(86) "Ozone Precursors"</p> <p>(96) "PM_{2.5}":</p> <p>(b) as PM2.5 precursors</p> <p>(106) "Regulated Pollutant"</p> <p>(120) "Section 182(f)"</p> <p>(121) "Section 182(f)(1)"</p> <p>(132) "Significant Air Quality Impact"</p> <p>OAR 340-200-0020 (Table 1) Significant Air Quality Impact: Establishes Significant Air Quality Impact Levels for criteria pollutants</p> <p>OAR 340-204 Designation of Air Quality Areas</p> <p>-0010 Definitions</p> <p>(5) "Criteria Pollutant" (means any of the six pollutants set out by the Clean Air Act (sulfur oxides, particulate matter, ozone, carbon monoxide, nitrogen dioxide, and lead) for which the EPA has promulgated standards in 40 CFR 50.4 through 50.12 (July, 1993).</p> <p>OAR 340-250 General Conformity</p> <p>-0030 General Conformity Definitions</p>

Section 110(a) Element	Summary of Element	How Addressed
		(22) "National ambient air quality standards" or "NAAQS" means those standards established pursuant to Section 109 of the Act and include standards for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO2), ozone, particulate matter (PM10), and sulfur dioxide (SO2).
§110(a)(2)(A) Emission limits & other control measures	<i>include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance as may be necessary or appropriate to meet the applicable requirements of this Act.</i>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.010 Policy: Calls for joint responsibility for “a coordinated statewide program of air quality control and to allocate [responsibility] between the state and the units of local government”</p> <p>ORS 468A.015 Purpose of air pollution laws</p> <p>ORS 468A.020 Rules and Standards: Gives Environmental Quality Commission (EQC) authority to adopt rules and standards to perform function vested by law.</p> <p>ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules: EQC may establish...</p> <p>-(1) areas of state & prescribe air pollution & contamination levels</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>-(3) air quality standards including emission standards</p> <p>-(4) emission treatment and control provisions</p> <p>ORS 468A.035 General Comprehensive Plan: Oregon Department of Environmental Quality (DEQ) shall develop a general comprehensive plan for the control or abatement of air pollution</p> <p>ORS 468A.040 Permits; Rules: Provides that the EQC may require permits for air contamination sources, type of air contaminant, or specific areas of the State.</p> <p>ORS 468A.045 Activities Prohibited Without Permit; Limit on Activities with Permit</p> <p>ORS 468A.050 Classification of Air Contamination Sources; Registration and Reporting; Registration and Reporting of Sources; Rules; Fees</p> <p>ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules</p> <p>ORS 468A.085 Residential Open Burning of Vegetative Debris: Provides authority to regulate open burning of vegetative debris from residential yard cleanup based on air quality and meteorological conditions as determined by DEQ.</p> <p>ORS 468A.310 Federal operating permit program approval; rules; content of plan</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>ORS 468A.315 Emission Fees for Major Sources; Base Fees; Basis of Fees; Rules</p> <p>ORS 468A.350 -.455 Motor Vehicle Pollution Control: Provides authority to implement emissions reductions programs related to motor vehicles.</p> <p>ORS 468A.460 -.520 Woodstove Emissions Control: Provides authority to control, reduce and prevent air pollution caused by solid fuel burning devices.</p> <p>ORS 468A.550 -.620 Field Burning and Propane Flaming: Provides authority to regulate field burning and propane flaming including permits, inspections and penalties.</p> <p>ORS 468A.625-.645 Chlorofluorocarbons and Halon Control</p> <p>ORS 468A.650-.660 Aerosol Spray Control</p> <p>ORS 468A.990 Penalties</p> <p>ORS 815 Vehicle Equipment Generally; Oregon Vehicle Code; General Provisions</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-200 General Air Pollution Procedures and Definitions, General -0020 General Air Quality Definitions Defines “Criteria Pollutant” at (31) as nitrogen oxides, volatile</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>organic compounds, particulate matter, PM10, PM2.5, sulfur dioxide, carbon monoxide, or lead. Also specifically defines NOx and SO2 as precursors to PM2.5 at (71), and NOx and VOCs as precursors to ozone at (71). Defines significant emissions rates, de minimis emission levels, and plant site emission rates for specific air pollutants and precursors.</p> <p>-0020 TABLE 1: SIGNIFICANT AIR QUALITY IMPACT</p> <p>OAR 340-202 Ambient Air Quality Standards and PSD Increments: Defines ambient air quality standards for all NAAQS. Specifies <u>PSD</u> increments & ceilings.</p> <p>-0100 Nitrogen Dioxide</p> <p>-0210 Ambient Air Increments, Table 1: Maximum Allowable Increase</p> <p>-0220 Ambient Air Ceilings</p> <p>OAR 340-204 Designation of Air Quality Areas: Designates air quality areas in Oregon: Air Quality Control Regions and nonattainment, maintenance, <u>PSD</u>, special control, motor vehicle inspection boundary and oxygenated gas control areas.</p> <p>-0010 Definitions</p> <p>(5) “Criteria Pollutant” (means any of the six pollutants set out by the Clean Air Act (sulfur oxides, particulate matter, ozone, carbon monoxide, nitrogen dioxide, and lead) for which the EPA has promulgated standards in 40 CFR 50.4 through 50.12 (July, 1993).</p> <p>OAR 340-216 Air Contaminant Discharge Permits: Federally-enforceable state operation permit program. This rule also serves as the administrative permit mechanism used to implement the major and minor new</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>source review programs. The SIP-approved minor NSR program applies major source NSR-PSD requirements to any source with emissions over the significant emission rate.</p> <p>OAR 340-222 Stationary Source Plant Site Emission Limits: Establishes criteria and method for regulating plant site emission limits of permit holders, to protect ambient air quality standards, PSD increments & visibility</p> <p>OAR 340-224 Major New Source Review: Establishes permit program for major new and modified</p> <p>OAR 340-226 General Emission Standards: Requires highest and best practicable treatment and control, consideration of impact of selected control methods, typically achievable control technology. Includes operating & maintenance and grain loading requirements, and additional control requirements for stationary sources of air contaminants.</p> <p style="padding-left: 40px;"> -0210 Particulate Emission Limitations for Sources Other Than Fuel Burning and Refuse Burning Equipment -0400 Alternative Emission Controls (Bubbles) </p> <p>OAR 340-236 Emission Standards for Specific Industries: Emission Limits</p> <p style="padding-left: 40px;"> -0120-0130 Aluminum Plants -0220 Laterite Ore Production of Ferronickel -0410-0440 Hot Mix Asphalt Plants </p> <p>OAR 340-240 Rules For Areas With Unique Air Quality Needs This division limits visible and particulate matter emissions and sets requirements for operation &</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p data-bbox="1157 212 1900 277">maintenance plans for the Medford-Ashland, Grants Pass, La Grande & Lakeview areas.</p> <p data-bbox="1157 321 1871 354">OAR 340-242 Rules Applicable to the Portland Area</p> <p data-bbox="1213 358 1860 391">-0050 Definitions of Terms Used in These Rules</p> <p data-bbox="1213 396 1877 607">-0400-0440 Industrial Emission Management Program Applies to VOC and NOx sources and to new major sources & major modifications that emit CO in Portland Metro area. Includes Unused PSEL Donation Program and Industrial Growth Allowance (incentives)</p> <p data-bbox="1213 612 1797 683">-0500-0520 Gasoline Vapors from Gasoline Transfer and Dispensing Operations</p> <p data-bbox="1213 688 1730 721">-0600-0630 Motor Vehicle Refinishing</p> <p data-bbox="1213 725 1535 758">-0700-0750 Spray Paint</p> <p data-bbox="1157 795 1906 938">OAR 340-250 General Conformity Implements requirements under Section 176(c) of the Clean Air Act with respect to the conformity of general federal actions to the applicable implementation plan</p> <p data-bbox="1205 943 1465 976">-0020 Applicability</p> <p data-bbox="1205 980 1436 1013">-0030 Definitions</p> <p data-bbox="1157 1050 1900 1230">OAR 340-252 Transportation Conformity Establishes policy, criteria, and procedures for demonstrating and assuring conformity of planning activities to an applicable implementation plan developed pursuant to section 110 and Part D of the CAA.</p> <p data-bbox="1157 1268 1877 1414">OAR 340-256 Motor Vehicles Air pollution control for mobile sources including motor vehicle inspection & maintenance program and fee schedule (fees: 340-256-0320).</p> <p data-bbox="1205 1419 1436 1451">-0010 Definitions</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>-0350 Light Duty Motor Vehicle Emission Control Test Method for Enhanced Program</p> <p>-0410 Light Duty Motor Vehicle Emission Control Standards for Enhanced Program</p> <p>OAR 340-258 Motor Vehicle Fuel Specifications Regulates motor vehicle fuel content standards, operating permits, recordkeeping & reporting persons or facilities who sells or otherwise markets gasoline for use in motor vehicles.</p> <p>OAR 340-262 Residential Woodheating: Regulates woodstove sales, certification, and removal. Establishes a program for curtailing wood burning to be implemented as a control strategy. (Note: All particulate matter references are to PM10).</p> <p>OAR 340-266 Field Burning Rules (Willamette Valley) Applies to the open field burning, propane flaming, and stack and pile burning of all perennial and annual grass seed and cereal grain crops, and associated residue within the Willamette Valley</p> <p>OAR 340-268 Emission Reduction Credits (ERC) Addresses creation and banking of Emission Reduction Credits.</p>
<p>a§110(a)(2)(B)</p> <p>Ambient air quality monitoring & data analysis system</p>	<p><i>provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to (i) monitor, compile, and analyze data on ambient air quality, and (ii) upon request, make such data available to the Administrator;</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules Requires controls necessary to achieve ambient air quality standards and prevent significant impairment of visibility.</p> <p>ORS 468.035 (a-e, m) Functions of the Department: Authority to conduct & supervise inquiries and programs to assess and communicate air conditions and to obtain necessary resources (assistance, materials, supplies, etc.) to meet these responsibilities</p> <p>ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules: Authority to establish a measurement and testing program pursuant to rules adopted by the EQC.</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-200 General Air Pollution Procedures and Definitions: Defines “Criteria Pollutant” at (31) as nitrogen oxides, volatile organic compounds, particulate matter, PM10, PM2.5, sulfur dioxide, carbon monoxide, or lead. Also specifically defines NOx and SO2 as precursors to PM2.5 at (71), and NOx and VOCs as precursors to ozone at (71). Defines significant emissions rates, de minimis emission levels, and plant site emission</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>rates for specific air pollutants and precursors</p> <p><u>DEQ Reports:</u></p> <p>2012 Oregon NO2 Near-road Site Determination Submitted to Environmental Protection Agency, Region 10 in July of 2012. For more information, see: http://www.deq.state.or.us/aq/forms/annrpt.htm (EPA proposed changes to near-roadway monitoring rule requirements for NO2 on 10/5/2012, 77 FR 64244.)</p> <p>2013 Oregon Annual Ambient Air Monitoring Network Plan Submitted to: Environmental Protection Agency, Region 10 in June of 2013. For more information, see: http://www.deq.state.or.us/aq/forms/2013AQMonNetPlan.pdf</p> <p>NOTE: A comprehensive air quality monitoring plan, intended to meet the requirements of 40 CFR part 58, was submitted by DEQ on December 27, 1979 (40 CFR 52.1970) and was approved by the EPA on March 4, 1981 (46 FR 15136). This air quality monitoring plan has been subsequently updated, with the most recent submittal dated July 1, 2012 and approved by the EPA on October 25, 2012. This plan includes, among other things, the locations for the nitrogen dioxide monitoring network. Oregon provides an annual air quality data report to the public on the DEQ website at http://www.deq.state.or.us/aq/forms/annrpt.htm. Oregon sends real time air monitoring information for ozone, particulate matter, and carbon monoxide to EPA's AIRNow web page at http://www.airnow.gov and also provides the information on the ODEQ Air Quality Index</p>

Section 110(a) Element	Summary of Element	How Addressed
		(AQI) website at http://www.deq.state.or.us/aqi .
§110(a)(2)(C) Program to enforce control measures, regulate modification & construction of stationary sources and a permit program	<i>include a program to provide for the enforcement of the measures described in subparagraph (A) and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D of this subchapter;</i>	<p><i>Two elements identified in section 110(a)(2) include requirements that are not governed by the 3-year submission deadline of section 110(a)(1). The requirements pertain to part D, of title I of the CAA, which addresses plan requirements for nonattainment areas. Therefore, the following section 110(a)(2) elements are considered by EPA to be outside the scope of infrastructure SIP actions: (1) section 110(a)(2)(C) to the extent it refers to permit programs (known as "nonattainment new source review") required under part D; and (2) section 110(a)(2)(I) in its entirety. EPA does not expect infrastructure SIP submittals to include regulations or emission limits developed specifically for attaining the relevant standard. Those submittals are due at the time the nonattainment area planning requirements are due (18 months following designation).</i></p> <p><u>Oregon Revised Statutes:</u></p> <p>ORS 183.415 Notice of right to hearing</p> <p>ORS 183.745 Civil penalty procedures; notice; hearing; judicial review; exemptions; recording; enforcement</p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468.035 (j, k) Functions of the Department</p> <p>-j Shall seek enforcement of state air quality pollution</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>laws</p> <p>-k Shall compel compliance with any rule, standard, order, permit or condition</p> <p>ORS 468.065 Issuance of Permits; Consent; Fees; Use: Provides authority and requirements to ODEQ for issuing permits, the content of those permits, fee schedules, and reporting.</p> <p>ORS 468.070 Denial, Modification, Suspension or Revocation of Permits: Provides authority to deny, modify, suspend or revoke a permit if ODEQ finds a material misrepresentation or false statement in the application; failure to comply with the permit; or violation of an applicable law, rule, standard or order. ODEQ may also modify a permit if it is necessary for the proper administration, implementation or enforcement of the provisions in applicable laws.</p> <p>ORS 468.090-.140 Enforcement: Provides DEQ with authority to investigate complaints, investigate and inspect sources for compliance, access records, commence enforcement procedures, and impose civil penalties.</p> <p>ORS 459A.590 Use, management, disposal and resource recovery; rules</p> <p>ORS 459A.595 Use for dust suppression or as herbicide</p> <p>ORS 468.920-.963 Environmental Crimes: Authorizes and provides categories related to criminal enforcement and associated fines.</p> <p>ORS 468.996-.997 Civil Penalties: Provides additional</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>penalties for persons who intentionally or recklessly violate provisions of specific chapters of ORS, including 468 and 468A or any rule, standard, or order pursuant to ORS 468 and 468A “which results in or creates the imminent likelihood for an extreme hazard to the public health or which causes extensive damage to the environment.”</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules Requires controls necessary to achieve ambient air quality standards and prevent significant impairment of visibility.</p> <p>ORS 468A.035 General Comprehensive Plan: Requires DEQ to develop a general comprehensive plan for the control or abatement of air pollution.</p> <p>ORS 468A.040 Permits; Rules EQC may require permits for air contamination sources, etc.</p> <p>ORS 468A.045 Activities Prohibited Without Permit; Limit on Activities With Permit: Prohibits any person from discharging, emitting or allowing to be discharged or emitted any air contaminant for which a permit is required. Prohibits construction, installation, modification, operation, increase in emissions, etc. of any air contamination source for which a permit is required.</p> <p>ORS 468A.050 Classification of Air Contamination Sources; Registration and Reporting; Registration and Reporting of Sources; Rules; Fees</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal: Provides authority to EQC (or DEQ) to establish notice requirements prior to construction of new sources, issue orders to prohibit the construction of a new source, and lays out an appeal process.</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules</p> <p>ORS 468A.310 Federal operating permit program approval; rules; content of plan</p> <p>ORS 468A.990 Penalties for air pollution offenses: Establishes that violations of any rule or standard or order issued by a regional authority relating to air pollution is a Class A misdemeanor and that each day of violation of constitutes a separate offense.</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-012 Enforcement Procedure and Civil Penalties: Establishes enforcement actions to encourage compliance with environmental regulations and to protect public health & the environment.</p> <p>OAR 340-202 Ambient Air Quality Standards and PSD Increments: Defines ambient air quality standards for all NAAQS. Specifies PSD increments & ceilings.</p> <p>OAR 340-210 Stationary Source Notification Requirements: Establishes registration requirements for</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>stationary air contaminant sources not subject to ADCP or title V permits and regulates construction & modification of these sources and air pollution control equipment.</p> <p>OAR 340-214 Stationary Source Reporting Requirements: Establishes reporting requirements for stationary sources, and requires recordkeeping on the nature, type and amount of emissions.</p> <p style="padding-left: 40px;">-0120 Enforcement of Reporting requirements</p> <p style="padding-left: 40px;">-0350 Enforcement action criteria for excess emissions</p> <p>OAR 340-216 Air Contaminant Discharge Permits (ACDP): Federally-enforceable state operation permit program. This rule also serves as the administrative permit mechanism used to implement the major and minor new source review programs. The SIP-approved minor NSR program applies major source NSR-PSD requirements to any source with emissions over the significant emission rate.</p> <p>OAR 340-224 Major New Source Review Regulates construction & modification of proposed major sources within nonattainment & maintenance areas and federal major sources & modifications within attainment & unclassified areas.</p> <p>NOTE: EPA most recently approved revisions to Oregon's PSD program on December 27, 2011 (76 FR 80747).</p>
§110(a)(2)(D)(i)(I) Interstate transport as it relates to	<i>contain adequate provisions (i) prohibiting, consistent with the provisions of this subchapter, any source or other type of</i>	<u>CAA section 110(a)(2)(D)(i)(I) Interstate Transport as it relates to significant contribution to nonattainment and interference with maintenance:</u>

Section 110(a) Element	Summary of Element	How Addressed
significant contribution to nonattainment and interference with maintenance	<i>emissions activity within the state from emitting any air pollutant in amounts which will (I) contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any such national primary or secondary ambient air quality standard, or</i>	In accordance with the panel of the U.S. Court of Appeals for the D.C. Circuit opinion, the EPA at this time is not treating the 110(a)(2)(D)(i)(I) SIP submission from the State of Oregon as a required SIP submission. <i>See EME Homer City generation, L.P. v. EPA</i> , 696 F .3d 7. Unless the <i>EME Homer City</i> decision is reversed or otherwise modified by the Supreme Court, states are not required to submit 110(a)(2)(D)(i)(I) SIPs until the EPA has quantified their obligations under that section. The portions of the SIP submission relating to 110(a)(2)(D)(i)(II) and 110(a)(2)(D)(ii), in contrast, are required and therefore, the State of Oregon is submitting for purposes of 110(a)(2)(D)(i)(II) and 110(a)(2)(D)(ii) below. For more information on the EPA memo regarding interstate transport as it relates to significant contribution to nonattainment and interference with maintenance, please visit: http://www.epa.gov/airtransport/CSAPR/pdfs/CSAPR_Memo_to_Regions.pdf
§110(a)(2)(D)(i)(II) Interstate transport as it relates to PSD and visibility	<i>(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C of this subchapter to prevent significant deterioration of air quality or to protect visibility,</i>	<i>Oregon's Administrative Rules are consistent with federal requirements per Appendix N of 40 CFR 50 pertaining to the notification of interstate pollution abatement.</i> <u>Oregon rules and statutes that specifically address CAA section 110(a)(2)(D)(i)(II) Interstate transport as it relates to PSD:</u> <u>Oregon Revised Statutes</u> ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration ORS 468A Air Quality, Public Health and Safety, Air

Section 110(a) Element	Summary of Element	How Addressed
		<p>Pollution Control</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-200 General Air Pollution Definitions and Procedures: Defines general air pollution terms. -0020 General Air Quality Definitions (6) “Affected States” Specifies neighboring states.</p> <p>OAR 340-202 Ambient Air Quality and PSD Increments: Defines ambient air quality standards for all NAAQS. Specifies PSD increments & ceilings. -0100 Nitrogen Dioxide -0210 Ambient Air Increments, Table 1 -0220 Ambient Air Ceilings</p> <p>NOTE: EPA most recently approved revisions to Oregon’s PSD program on December 27, 2011 (76 FR 80747).</p> <p><u>Oregon rules and statutes that specifically address CAA section 110(a)(2)(D)(i)(II) Interstate transport as it relates to visibility:</u></p> <p><u>Oregon Revised Statutes</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p><u>Oregon Administrative Rules:</u></p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>OAR 340-223 Regional Haze Rules: Establishes requirements for certain industrial sources that contribute to regional haze in Class I areas, for the purpose of implementing Best Available Retrofit Technology requirements.</p> <p>NOTE: On December 9, 2011, the Oregon Environmental Commission adopted revisions to regional haze. These amendments were submitted as a SIP revision to the EPA on December 14, 2010. On July 5, 2011, the EPA approved portions of the Oregon Regional Haze SIP including the requirements for best available retrofit technology (BART) (76 FR 38997). The EPA approved the remaining elements of the Oregon Regional Haze SIP on August 22, 2012 (77 FR 50611).</p>
<p>§110(a)(2)(D)(ii) Interstate and international pollution</p>	<p><i>(ii) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement);</i></p>	<p><u>Oregon Revised Statutes</u></p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p><u>Oregon Administrative Rules that specifically address the federal requirements are:</u></p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-209 Public Participation: specifies the requirements for notifying the public of certain permit actions and providing an opportunity for the public to participate in those permit actions.</p> <p>-0060 Persons Required to be Notified: includes state notification.</p> <p>NOTE: State regulations are consistent with Federal</p>

Section 110(a) Element	Summary of Element	How Addressed
		requirements in Appendix N of 40 CFR part 50 pertaining to the notification of interstate pollution abatement.
§110(a)(2)(E)(i) Adequate personnel, funding and authority to carry out plan	<i>provide (i) necessary assurances that the state (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the state or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under state (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of federal or state law from carrying out such implementation plan or portion thereof);</i>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468.035 Functions of Department (d, h) Authority to employ personnel, purchase supplies, enter into contracts, and to receive, appropriate and expend federal and other funds for purposes of air pollution research and control</p> <p>ORS 468A.045 Functions of Director; Delegation Power to hire, assign, reassign, and coordinate personnel of the department</p> <p><u>Interagency Agreements</u></p> <p>Intergovernmental Agreement between DEQ and LRAPA DEQ has entered into an intergovernmental agreement to delegate it's authority to implement the requirements of the Clean Air Act in Lane County, Oregon to the Lane Regional Air Protection Agency. For more information, please see the Intergovernmental Agreement between DEQ and LRAPA (DEQ Agreement # 003-12).</p> <p>DEQ's Performance and Partnership Agreement with EPA</p> <p>NOTE: DEQ received CAA section 105 grants from EPA and DEQ matches those grants through the state's General Fund. In addition, for near roadway NO2 monitoring site establishment, DEQ received a one-time CAA section 103 grant from EPA for (Grant number 00J58401). DEQ's Performance and Partnership Agreement with EPA</p>

Section 110(a) Element	Summary of Element	How Addressed
		contains more information.
§110(a)(2)(E)(ii) Comply with state boards	<i>(ii) requirements that the state comply with the requirements respecting state boards under section 128 of this title, and</i>	<p><u>Oregon Revised Statutes</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-200-0100: Purpose</p> <p>OAR 340-200-0110: Public Interest</p> <p>OAR 340-200-0120: Disclosure of Potential Conflicts of Interest</p> <p>NOTE: EPA approved OAR 340-200-0100 through OAR 340-200-0120 as meeting the requirements of CAA section 128 on January 22, 2003 (68 FR 2891).</p>
§110(a)(2)(E)(iii) oversee local & regional gov/agencies	<i>(iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the state has responsibility for ensuring adequate implementation of such plan provision;</i>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468A.010 Policy: Calls for joint responsibility for “a coordinated statewide program of air quality control and to allocate [responsibility] between the state and the units of local government”</p> <p>ORS 468.020 Rules and Standards Requires public</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468.035 (c) Functions of Department: Authority to advise, consult, and cooperate with other states, state and federal agencies, or political subdivisions on all air quality control matters.</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules Requires controls necessary to achieve ambient air quality standards and prevent significant impairment of visibility.</p> <p>ORS 468A.035 General Comprehensive Plan: Requires DEQ to develop a general comprehensive plan for the control or abatement of air pollution.</p> <p>ORS 468A.040 Permits; Rules: Provides that the EQC may require permits for air contamination sources, type of air contaminant, or specific areas of the State.</p> <p>ORS 468A.050 Classification of Air Contamination Sources; Registration and Reporting; Registration and Reporting of Sources; Rules; Fees</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules</p> <p>ORS 468A.100-180 Regional Air Quality Control Authorities: Describes the establishment, role, and function of Regional Authorities.</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-200 General Air Pollution Procedures and Definitions -0010 Specifies that Lane Regional Air Protection Agency (LRAPA) has authority in Lane County -0020 defines a “Regional Agency”. -0040 describes inclusion of the regional agency’s actions into the SIP.</p> <p>OAR 340-204 Designation of Air Quality Areas Includes Designation of Control Areas within Lane County.</p> <p>OAR 340-216 Air Contaminant Discharge Permits Relating to ACDP includes authorities for LRAPA and inclusion in the SIP.</p>
§110(a)(2)(F) Stationary source emissions monitoring and reporting system	<i>require, as may be prescribed by the Administrator</i> <i>(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps by owners or operators of stationary sources to monitor emissions from such sources,</i> <i>(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and</i> <i>(iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection;</i>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468.035 (b, d) Functions of Department Authority to conduct & supervise inquiries and programs to assess and communicate air conditions and to obtain necessary resources (assistance, materials, supplies, etc.) to meet these responsibilities</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>ORS 468A.025 (4) Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules Commission shall adopt rules, require permit conditions for operation and maintenance of pollution control equipment, and require typically achievable control technology for new, modified and existing sources of air contaminants or precursors for stationary sources</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules</p> <p>ORS 468A.310 Federal operating permit program approval; rules; content of plan</p> <p>ORS 468A.365 Certification of Motor Vehicle Pollution Control Systems and Inspection of Motor Vehicles; Rules Designate methods and standards for testing systems and inspecting motor vehicles</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-212 Stationary Source Testing and Monitoring Requires facilities to monitor & report emissions, including requirements for monitoring methods & design, and Monitoring & Quality Improvement plans, etc.</p> <p>OAR 340-214 Stationary Source Reporting Requirements Requires stationary sources to maintain written records to determine compliance with emission rules, limitations or control measures for any regulated air pollutant and provides requirements for reporting and recordkeeping.</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>OAR 340-222 Stationary Source Plant Site Emission Limits -0080 Plant Site Emission Limit Compliance: Specifies permittee must monitor and maintain records to demonstrate compliance. Specifies frequency and method of monitoring for PSELs.</p> <p>OAR 340-225 Air Quality Analysis Requirements (stationary source: mostly about modeling, but one section about monitoring)</p> <p>OAR 340-234 Emission Standards for Wood Products Industries: Monitoring & Reporting -0240-0250 Kraft Pulp Mills -0340-0350 Neutral Sulfite Semi-Chemical Pulp Mills -0420 Sulfite Pulp Mills -0500-0530 Board Products Industries</p> <p>OAR 340-236 Emission Standards for Specific Industries: Emissions Monitoring & Reporting -0140-0150 Aluminum Plants - 0230 Laterite Ore Production of Ferronickel -0320 Reduction of Animal Matter</p> <p>OAR 340-250 General Conformity Implements requirements under Section 176(c) of the Clean Air Act with respect to the conformity of general federal actions to the applicable implementation plan</p> <p>OAR 340-240 Rules For Areas With Unique Air Quality Needs: -0210-0220 Continuous Monitoring & Source Testing: Medford-Ashland & Grants Pass area</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p align="center">-0430 Source Testing: Lakeview area</p> <p>NOTE: Oregon submits data to the National Emissions Inventory for the six criteria pollutants. EPA compiles the emissions data and provides it to the public at the following website: http://www.epa.gov/ttn/chief/eiinformation.html</p>
<p>§110(a)(2)(G) Authority to declare air pollution emergency and notify public</p>	<p><i>provide for authority comparable to that in section 303 of this title and adequate contingency plans to implement such authority;</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.310 Federal operating permit program approval; rules; content of plan</p> <p>ORS 468.115 Enforcement in Cases of Emergency Authorizes the DEQ Director, at the direction of the Governor, to enter a cease & desist order for polluting activities that present an imminent and substantial danger to public health</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-206 Air Pollution Emergencies Air pollution emergency episode procedures. Authorizes the DEQ Director to declare an air pollution alert or warning, or to issue an advisory to notify the public. The Department</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>shall notify the Governor when declaring an emergency. This section describes the existing emergency episode procedures in place.</p> <p>OAR 340-214 Stationary Source Reporting Requirements -0300-0360 Requires reporting of emergencies and excess emissions and reporting requirements (adequate contingency plans to implement such authority).</p>
<p>§110(a)(2)(H) Future SIP revisions</p>	<p><i>provide for revision of such plan</i> <i>(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and</i> <i>(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements, or to otherwise comply with any additional requirements established under this Act;</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468A.035 General Comprehensive Plan: Requires DEQ to develop a general comprehensive plan for the control or abatement of air pollution.</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-200 General Air Pollution Procedures and Definitions -0040 State of Oregon Clean Air Act Implementation Plan Provides for revisions to Oregon's SIP and submittal of revisions to the EPA - this includes standards submitted by a regional authority and adopted verbatim to DEQ rules.</p>
<p>§110(a)(2)(I) Nonattainment</p>	<p><i>in the case of a plan or plan revision for an area designated as a nonattainment area, meet</i></p>	<p><i>Two elements identified in section 110(a)(2) include requirements that are not governed by the 3-year</i></p>

Section 110(a) Element	Summary of Element	How Addressed
requirements	<i>the applicable requirements of part D (relating to nonattainment areas);</i>	<i>submission deadline of section 110(a)(1). The requirements pertain to part D, of title I of the CAA, which addresses plan requirements for nonattainment areas. Therefore, the following section 110(a)(2) elements are considered by EPA to be outside the scope of infrastructure SIP actions and are not addressed in this SIP submittal: (1) section 110(a)(2)(C) to the extent it refers to permit programs (known as "nonattainment new source review") required under part D; and (2) section 110(a)(2)(I) in its entirety. EPA does not expect infrastructure SIP submittals to include regulations or emission limits developed specifically for attaining the relevant standard. Those submittals are due at the time the nonattainment area planning requirements are due (18 months following designation).</i>
§110(a)(2)(J) (§ 121 consultation)	<i>meet the applicable requirements of section 121 (relating to consultation), ...</i>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 183.335 Filing and taking effect of rules; filing of executive orders; copies; fees</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468.035 (a, c, f-g) Functions of department</p> <ul style="list-style-type: none"> -a. encourages voluntary cooperation with local govt. and others in restoring & preserving air quality -c. Shall advise, consult, and cooperate with state & federal agencies and political subdivisions in air quality control matters -f. Shall provide advisory technical consultation and services to local & state agencies <p>ORS 468A.010 (1) b & c Policy Facilitates cooperation</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>between state and local government in air quality control</p> <p><u>Oregon Administrative Rules:</u> OAR 340-209 Public Participation Provides for notification to, and participation by, the public in certain permit actions.</p> <p>NOTE: On April 22, 2011, the Oregon Environmental Quality Commission adopted revisions updating the PSD program in Oregon. On May 5, 2011, these PSD updates were submitted as part of Oregon's SIP revision EPA approved the May 5, 2011 revisions (NSR, PM2.5 and GHG permitting rule updates) on 12/27/2011 (76 FR 80747).</p>
<p>§110(a)(2)(J) (Section 127 public notification)</p>	<p><i>meet the applicable requirements of... section 127 (relating to public notification)</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468.035 (a, c, f-g) Functions of department</p> <ul style="list-style-type: none"> -a. encourages voluntary cooperation with local govt. and others in restoring & preserving air quality -e. shall conduct and supervise air pollution control education programs <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p><u>Oregon Administrative Rules:</u></p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>OAR 340-206 Air Pollution Emergencies Provides for public notification for both emergency and non-emergency air quality conditions.</p> <p>OAR 340-209 Public Participation: specifies the requirements for notifying the public of certain permit actions and providing an opportunity for the public to participate in those permit actions.</p> <p>-0060 Persons Required to be Notified: includes state notification</p> <p>OAR 340-216 Air Contaminant Discharge Permits</p> <p>OAR 340- 252 Transportation Conformity</p> <p>OAR 340-223 Regional Haze Rules</p>
<p>§110(a)(2)(J) PSD & visibility protection</p>	<p><i>meet the applicable requirements of ... part C (relating to prevention of significant deterioration of air quality and visibility protection);</i></p>	<p><i>The US EPA does not believe that the visibility element of 110(a)(2)(J) is triggered by a NAAQS revision. Therefore, the visibility protection element of 119(a)(2)(J) is not addressed within this crosswalk. For more information, please see 77 FR 6044.</i></p> <p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules Requires controls necessary to achieve ambient air quality standards and prevent significant impairment of visibility.</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-202 Ambient Air Quality Standards and PSD Increments -0200-0220 PSD Increments Specifies ambient air increments & ceilings.</p> <p>OAR 340-204 Designation of Air Quality Areas -0050 - 0060 Designation & re-designation of PSD areas.</p> <p>OAR 340-224 Major New Source Review -0070 Prevention of Significant Deterioration (PSD) requirements for proposed new federal major sources or modifications in attainment or unclassified areas.</p> <p>OAR 340-225 Air Quality Analysis Requirements -0050 - 0060 In PSD areas: Requirements for analysis and demonstrating compliance with standards & increments. -0090 Requirements for Demonstrating a Net Air Quality Benefit</p> <p>NOTE: EPA most recently approved revisions to Oregon's PSD program on December 27, 2011 (76 FR 80747).</p>
§110(a)(2)(K) Air quality	<i>provide for:</i> <i>(i) the performance of such air quality</i>	<u>Oregon Revised Statutes:</u>

Section 110(a) Element	Summary of Element	How Addressed
modeling/data	<p><i>modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and</i></p> <p><i>(ii) the submission, upon request, of data related to such air quality modeling to the Administrator;</i></p>	<p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468.035 (b) Functions of department -b May conduct studies, investigations, etc. to determine air quality.</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-225 Air Quality Analysis Requirements (includes modeling) -0040 Air Quality Models Refers to modeled estimates of ambient concentrations. -0045 Requirements for Analysis in Maintenance Areas -0050 Requirements for Analysis in PSD Class II and Class III Areas -0060 Requirements for Demonstrating Compliance with Standards and Increments in PSD Class I Areas -0070 Requirements for Demonstrating Compliance with AQRV Protection</p>
§110(a)(2)(L) Major Stationary source permitting fees	<p><i>require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this Act, a fee sufficient to cover</i></p> <p><i>(i) the reasonable costs of reviewing and acting upon any application for such a permit, and</i></p> <p><i>(ii) if the owner or operator receives a permit for such source, the reasonable costs of</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468.065 Issuance of Permits: Content; Fees; use Commission may establish a schedule of fees for permits based upon cost of filing & investigating application,</p>

Section 110(a) Element	Summary of Element	How Addressed
	<i>implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V;</i>	<p>issuing or denying permit, carrying out Title V requirements and determining compliance.</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.040 Permits; Rules: Provides that the EQC may require permits for air contamination sources, type of air contaminant, or specific areas of the State.</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-216 Air contaminant Discharge Permits: Requires payment of permit fees.</p> <p style="padding-left: 40px;">-0020 (Table 2) ACDP Fee Schedule</p> <p style="padding-left: 40px;">-0090 (Table 1) Sources Subject to ADCP and Fees</p>
§110(a)(2)(M) Consultation/Participation by affected local entities	<i>provide for consultation and participation by local political subdivisions affected by the plan.</i>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules Requires controls necessary to achieve ambient air quality standards and prevent significant impairment of visibility.</p> <p>ORS 468.035 (a, c, f-g) Functions of Department</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>-a. encourages voluntary cooperation with local govt. and others in restoring & preserving AQ</p> <p>-c. Shall advise, consult, and cooperate with state & federal agencies and political subdivisions in AQ control matters</p> <p>-f. Shall provide advisory technical consultation and services to local & state agencies</p> <p>-g. Shall develop & conduct demonstration programs with local govt.</p> <p>ORS 468A.010 (1) b & c Policy Calls for joint responsibility for “a coordinated statewide program of air quality control and to allocate [responsibility] between the state and the units of local government.”</p> <p>ORS 468A.035 General Comprehensive Plan: Requires DEQ to develop a general comprehensive plan for the control or abatement of air pollution.</p> <p>ORS 468A.040 Permits; Rules: Provides that the EQC may require permits for air contamination sources, type of air contaminant, or specific areas of the State.</p> <p>ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules</p> <p>ORS 468A.100-180 Regional Air Quality Control Authorities Describes the establishment, role, and function of Regional Authorities.</p> <p><u>Oregon Administrative Rules:</u></p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>OAR 340-200 General Air Pollution Procedures and Definitions</p> <ul style="list-style-type: none"> -0010 Specifies that Lane Regional Air Protection Agency (LRAPA) has authority in Lane County. -0020 defines a “Regional Agency”. -0040 describes inclusion of the regional agency’s actions into the SIP. <p>OAR 340-204 Designation of Air Quality Areas Includes Designation of Control Areas within Lane County.</p> <p>OAR 340-216 Air Contaminant Discharge Permits Relating to ACDP includes authorities for LRAPA and inclusion in the SIP.</p>

Table 5: Infrastructure SIP Submittal for Purposes of Clean Air Act (CAA) sections 110(a)(1) and (2) for the 2010 SO₂ NAAQS

Submitted by: Oregon Department of Environmental Quality
 Date Submitted: July 15, 2013
 Subject: Clean Air Act sections 110(a)(2)(a)(2)(A)-(M) SIP Infrastructure Elements for the 2010 SO₂ NAAQS

CAA section 110(a)(2)(A)-(M) Requirements Checklist

Section 110(a) Element	Summary of Element	How Addressed
SO ₂ Definition		<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality General</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468A Air Quality</p> <p>ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules Requires controls necessary to achieve ambient air quality standards and prevent significant impairment of visibility.</p> <p>ORS 468A.035 General Comprehensive Plan: Requires DEQ to develop a general comprehensive plan for the control or abatement of air pollution.</p> <p>ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal</p> <p>ORS 468A.070 Measurement and Testing of</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>Contamination Sources; Rules</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-200 General Air Pollution Procedures and Definitions</p> <p>-0020 General Air Quality Definitions</p> <p>(31) "Criteria Pollutant" means nitrogen oxides, volatile organic compounds, particulate matter, PM10, PM2.5, sulfur dioxide, carbon monoxide, or lead.</p> <p>(44)(b) As used in OAR 340-212-0200 through 340-212-0280, "Emission limitation or standard" means any applicable requirement that constitutes an emission limitation, emission standard, standard of performance or means of emission limitation as defined under the Act... <i>(Definition includes SO2)</i></p> <p>(97)(b) When ("PM2.5") used in the context of PM2.5 precursor emissions, means sulfur dioxide (SO2) and nitrogen oxides (NOx) emitted to the ambient air as measured by EPA reference methods in 40 CFR Part 60, appendix A.</p> <p>(106)(b) "Regulated air pollutant" or "Regulated Pollutant" as used in OAR 340 division 220, means particulates, volatile organic compounds, oxides of nitrogen and sulfur dioxide.</p> <p>-0025 Abbreviations and Acronyms</p> <p>OAR 340-204 Designation of Air Quality Areas</p> <p>-0010 Definitions</p> <p>(5) "Criteria Pollutant" (means any of the six pollutants set out by the Clean Air Act (sulfur oxides, particulate matter, ozone, carbon monoxide, nitrogen dioxide, and lead) for which the EPA has promulgated</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>standards in 40 CFR 50.4 through 50.12 (July, 1993).</p> <p>OAR 340-250 General Conformity -0030 General Conformity Definitions (22) "National ambient air quality standards" or "NAAQS" means those standards established pursuant to Section 109 of the Act and include standards for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO₂), ozone, particulate matter (PM₁₀), and sulfur dioxide (SO₂).</p>
<p>§110(a)(2)(A) Emission limits & other control measures</p>	<p><i>include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance as may be necessary or appropriate to meet the applicable requirements of this Act.</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 477 Fire Protection of Forests and Vegetation</p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption.</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.010 Policy: Calls for joint responsibility for “a coordinated statewide program of air quality control and to allocate [responsibility] between the state and the units of local government”</p> <p>ORS 468A.015 Purpose of air pollution laws</p> <p>ORS 468A.020 Rules and Standards: Gives Environmental Quality Commission (EQC) authority to adopt rules and standards to perform function vested by law.</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules: EQC may establish...</p> <ul style="list-style-type: none"> (1) areas of state & prescribe air pollution & contamination levels (3) air quality standards including emission standards (4) emission treatment and control provisions <p>ORS 468A.035 General Comprehensive Plan: Oregon Department of Environmental Quality (DEQ) shall develop a general comprehensive plan for the control or abatement of air pollution</p> <p>ORS 468A.040 Permits; Rules: Provides that the EQC may require permits for air contamination sources, type of air contaminant, or specific areas of the State.</p> <p>ORS 468A.045 Activities Prohibited Without Permit; Limit on Activities with Permit</p> <p>ORS 468A.050 Classification of Air Contamination Sources; Registration and Reporting; Registration and Reporting of Sources; Rules; Fees</p> <p>ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules</p> <p>ORS 468A.085 Residential Open Burning of Vegetative</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>Debris: Provides authority to regulate open burning of vegetative debris from residential yard cleanup based on air quality and meteorological conditions as determined by DEQ.</p> <p>ORS 468A.310 Federal operating permit program approval; rules; content of plan</p> <p>ORS 468A.315 Emission Fees for Major Sources; Base Fees; Basis of Fees; Rules</p> <p>ORS 468A.350 -.455 Motor Vehicle Pollution Control: Provides authority to implement emissions reductions programs related to motor vehicles.</p> <p>ORS 468A.460 -.520 Woodstove Emissions Control: Provides authority to control, reduce and prevent air pollution caused by solid fuel burning devices.</p> <p>ORS 468A.550 -.620 Field Burning and Propane Flaming: Provides authority to regulate field burning and propane flaming including permits, inspections and penalties.</p> <p>ORS 468A.990 Penalties for air pollution offenses: Establishes that violations of any rule or standard or order issued by a regional authority relating to air pollution is a Class A misdemeanor and that each day of violation of constitutes a separate offense.</p> <p>ORS 815 Vehicle Equipment Generally; Oregon Vehicle Code; General Provisions</p> <p><u>Oregon Administrative Rules:</u></p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>OAR 340-200 General Air Pollution Procedures and Definitions: Defines “Criteria Pollutant” at (31) as nitrogen oxides, volatile organic compounds, particulate matter, PM10, PM2.5, sulfur dioxide, carbon monoxide, or lead. Also specifically defines PM10 at (96), PM2.5 at (97), VOCs at (151), NOx and SO2 as precursors to PM2.5 at (71), and NOx and VOCs as precursors to ozone at (71). Defines significant emissions rates, de minimis emission levels, and plant site emission rates for specific air pollutants and precursors.</p> <p>-0020 Table 1: Significant Air Quality Impact</p> <p>OAR 340-202 Ambient Air Quality Standards and PSD Increments: Defines ambient air quality standards for all NAAQS. Specifies <u>PSD</u> increments & ceilings</p> <p>-0010 Definitions</p> <p>-0070 Sulfur Dioxide</p> <p>-0210 Ambient Air Increments , Table 1:</p> <p>Maximum Allowable Increase</p> <p>-0220 Ambient Air Ceilings</p> <p>OAR 340-204 Designation of Air Quality Areas: Designates air quality areas in Oregon: Air Quality Control Regions and nonattainment, maintenance, PSD, special control, motor vehicle inspection boundary and oxygenated gas control areas.</p> <p>OAR 340-212 Stationary Source Testing and Monitoring</p> <p>-0130 Stack Heights and Dispersion Techniques</p> <p>OAR 340-214 Stationary Source Reporting Requirements</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p data-bbox="1230 214 1787 282">-0400 Sulfur Dioxide Emission Inventory -0410 Applicability</p> <p data-bbox="1157 321 1885 607">OAR 340-216 Air Contaminant Discharge Permits: Federally-enforceable state operation permit program. This rule also serves as the administrative permit mechanism used to implement the major and minor new source review programs. The SIP-approved minor NSR program applies major source NSR-PSD requirements to any source with emissions over the significant emission rate.</p> <p data-bbox="1157 651 1902 794">OAR 340-222 Stationary Source Plant Site Emission Limits: Establishes criteria and method for regulating plant site emission limits of permit holders, to protect ambient air quality standards, PSD increments & visibility</p> <p data-bbox="1157 834 1877 902">OAR 340-224 Major New Source Review: Establishes permit program for major new and modified sources.</p> <p data-bbox="1157 909 1881 977">-0050 Requirements for Sources in Nonattainment Areas</p> <p data-bbox="1157 984 1854 1052">-0060 Requirements for Sources in Maintenance Areas</p> <p data-bbox="1157 1058 1808 1159">-0070 Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas</p> <p data-bbox="1157 1201 1881 1302">OAR 340-225 Requirements for Demonstrating a Net Air Quality Benefit: Establishes criteria to demonstrate net air quality benefits for offsets</p> <p data-bbox="1157 1344 1871 1445">OAR 340-226 General Emission Standards: Requires highest and best practicable treatment and control, consideration of impact of selected control methods,</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>typically achievable control technology. Includes operating & maintenance and grain loading requirements, and additional control requirements for stationary sources of air contaminants.</p> <p>OAR 340-228 Requirements for Fuel Burning Equipment and Fuel Sulfur Content</p> <p>-0130 Exemptions</p> <p>General Emission Standards for Fuel Burning Equipment:</p> <p>-0200 Sulfur Dioxide Standards</p> <p>Federal Acid Rain Program:</p> <p>-0400-0530 Web Trading Program</p> <p>OAR 340-228 Appendix A: WEB Model Rule Monitoring Protocols:</p> <p>-Protocol WEB-1: SO2 Monitoring of Fuel Gas Combustion Devices</p> <p>OAR 340-234 Emission Standards for Wood Products Industries: Emission limitations</p> <p>-0210-0220 Kraft Pulp Mills</p> <p>-0310-0320 Neutral Sulfite Semi-Chemical Pulp Mills</p> <p>-0410 Sulfite Pulp Mills</p> <p>OAR 340-236 Emission Standards for Specific Industries: Emission Limits</p> <p>-0120-0130 Aluminum Plants</p> <p>-0220 Laterite Ore Production of Ferronickel</p> <p>-0410-0440 Hot Mix Asphalt Plants</p> <p>OAR 340-240 Rules For Areas With Unique Air Quality Needs This division limits visible and particulate</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>matter emissions and sets requirements for operation & maintenance plans for the Medford-Ashland, Grants Pass, La Grande & Lakeview areas.</p> <p>OAR 340-242 Rules Applicable to the Portland Area -0500-0520 Gasoline Vapors from Gasoline Transfer and Dispensing Operations -0600-0630 Motor Vehicle Refinishing -0700-0750 Spray Paint</p> <p>OAR 340-250 General Conformity Implements requirements under Section 176(c) of the Clean Air Act with respect to the conformity of general federal actions to the applicable implementation plan -0020 Applicability -0030 Definitions -0080 Criteria for Determining Conformity of General Federal Actions</p> <p>OAR 340-252 Transportation Conformity Establishes policy, criteria, and procedures for demonstrating and assuring conformity of planning activities to an applicable implementation plan developed pursuant to section 110 and Part D of the CAA.</p> <p>OAR 340-256 Motor Vehicles Air pollution control for mobile sources including motor vehicle inspection & maintenance program and fee schedule (fees: 340-256-0320)</p> <p>OAR 340-258 Motor Vehicle Fuel Specifications Regulates motor vehicle fuel content standards, operating permits, recordkeeping & reporting persons or facilities who sells or otherwise markets gasoline for use in motor</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>vehicles.</p> <p>OAR 340-262 Residential Woodheating: Regulates woodstove sales, certification, and removal. Establishes a program for curtailing wood burning to be implemented as a control strategy. (Note: All particulate matter references are to PM10).</p> <p>OAR 340-264 Rules for Open Burning Mandates prohibition of open burning when adverse air quality conditions exist.</p> <p>-0070 Open Burning Conditions Establishes conditions related to sulfur dioxide emissions under which open burning is prohibited.</p> <p>OAR 340-266 Field Burning Rules (WillametteValley) Applies to the open field burning, propane flaming, and stack and pile burning of all perennial and annual grass seed and cereal grain crops, and associated residue within the Willamette Valley</p> <p>OAR 340-268 Emission Reduction Credits (ERC) Addresses creation and banking of ERCs.</p>
<p>a§110(a)(2)(B)</p> <p>Ambient air quality monitoring & data analysis system</p>	<p><i>provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to (i) monitor, compile, and analyze data on ambient air quality, and (ii) upon request, make such data available to the Administrator;</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468.035 (a-e, m) Functions of the Department: Authority to conduct & supervise inquiries and programs</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>to assess and communicate air conditions and to obtain necessary resources (assistance, materials, supplies, etc.) to meet these responsibilities</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules Requires controls necessary to achieve ambient air quality standards and prevent significant impairment of visibility.</p> <p>ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules: Authority to establish a measurement and testing program pursuant to rules adopted by the EQC.</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-200 General Air Pollution Procedures and Definitions: Defines “Criteria Pollutant” at (31) as nitrogen oxides, volatile organic compounds, particulate matter, PM10, PM2.5, sulfur dioxide, carbon monoxide, or lead. Also specifically defines PM10 at (96), PM2.5 at (97), VOCs at (151), NOx and SO2 as precursors to PM2.5 at (71), and NOx and VOCs as precursors to ozone at (71). Defines significant emissions rates, de minimis emission levels, and plant site emission rates for specific air pollutants and precursors.</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>OAR 340-228 Requirements for Fuel Burning Equipment and Fuel Sulfur Content -0480 Monitoring, Recordkeeping and Reporting: Federal Acid Rain Program</p> <p>OAR 340-228 Appendix A: WEB Model Rule Monitoring Protocols: -Protocol WEB-1: SO₂ Monitoring of Fuel Gas Combustion Devices</p> <p><u>Air Quality Monitoring</u> A comprehensive air quality monitoring plan, intended to meet the requirements of 40 CFR part 58, was submitted by DEQ on December 27, 1979 (40 CFR 52.1970) and was approved by the EPA on March 4, 1981 (46 FR 15136). This air quality monitoring plan has been subsequently updated, with the most recent submittal dated July 1, 2012 and approved by the EPA on October 25, 2012. This plan includes, among other things, the locations for the SO₂ monitoring network. Oregon provides an annual air quality data report to the public on the DEQ website at http://www.deq.state.or.us/aq/forms/annrpt.htm .</p>
§110(a)(2)(C) Program to enforce control measures, regulate modification & construction of stationary sources and a permit program	<i>include a program to provide for the enforcement of the measures described in subparagraph (A) and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D of this subchapter;</i>	<i>Two elements identified in section 110(a)(2) include requirements that are not governed by the 3-year submission deadline of section 110(a)(1). The requirements pertain to part D, of title I of the CAA, which addresses plan requirements for nonattainment areas. Therefore, the following section 110(a)(2) elements are considered by EPA to be outside the scope of infrastructure SIP actions: (1) section 110(a)(2)(C) to the extent it refers to permit programs (known as "nonattainment new source review") required under part D; and (2) section 110(a)(2)(I) in its entirety. EPA does</i>

Section 110(a) Element	Summary of Element	How Addressed
		<p><i>not expect infrastructure SIP submittals to include regulations or emission limits developed specifically for attaining the relevant standard. Those submittals are due at the time the nonattainment area planning requirements are due (18 months following designation).</i></p> <p><u>Oregon Revised Statutes:</u></p> <p>ORS 183.415 Notice of right to hearing</p> <p>ORS 183.745 Civil penalty procedures; notice; hearing; judicial review; exemptions; recording; enforcement</p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468.065 Issuance of Permits; Consent; Fees; Use: Provides authority and requirements to ODEQ for issuing permits, the content of those permits, fee schedules, and reporting.</p> <p>ORS 468.090 - 468.140 Enforcement: Provides DEQ with authority to investigate complaints, investigate and inspect sources for compliance, access records, commence enforcement procedures, and impose civil penalties.</p> <p>ORS 459A.590 Use, management, disposal and resource recovery; rules</p> <p>ORS 459A.595 Use for dust suppression or as herbicide</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>ORS 468.996-.997 Civil Penalties: Provides additional penalties for persons who intentionally or recklessly violate provisions of specific chapters of ORS, including 468 and 468A or any rule, standard, or order pursuant to ORS 468 and 468A “which results in or creates the imminent likelihood for an extreme hazard to the public health or which causes extensive damage to the environment.”</p> <p>ORS 468.035 (j, k) Functions of the Department</p> <p>-j Shall seek enforcement of state air quality pollution laws</p> <p>-k Shall compel compliance with any rule, standard, order, permit or condition</p> <p>ORS 468.065 Issuance of Permits; Consent; Fees; Use: Provides authority and requirements to ODEQ for issuing permits, the content of those permits, fee schedules, and reporting.</p> <p>ORS 468.070 Denial, Modification, Suspension or Revocation of Permits: Provides authority to deny, modify, suspend or revoke a permit if it finds a material misrepresentation or false statement in the application; failure to comply with the permit; or violation of an applicable law, rule, standard or order. ODEQ may also modify a permit if it is necessary for the proper administration, implementation or enforcement of the provisions in applicable laws.</p> <p>ORS 468.090-.140 Enforcement: Provides DEQ with authority to investigate complaints, investigate and inspect sources for compliance, access records, commence enforcement procedures, and impose civil penalties.</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>ORS 468.920-.963 Environmental Crimes: Authorizes and provides categories related to criminal enforcement and associated fines.</p> <p>ORS 468.996-.997 Civil Penalties: Provides additional penalties for persons who intentionally or recklessly violate provisions of specific chapters of ORS, including 468 and 468A or any rule, standard, or order pursuant to ORS 468 and 468A “which results in or creates the imminent likelihood for an extreme hazard to the public health or which causes extensive damage to the environment.”</p> <p>ORS 468.065 Issuance of Permits; Consent; Fees; Use: Provides authority and requirements to ODEQ for issuing permits, the content of those permits, fee schedules, and reporting.</p> <p>ORS 468.070 Denial, Modification, Suspension or Revocation of Permits: Provides authority to deny, modify, suspend or revoke a permit if it finds a material misrepresentation or false statement in the application; failure to comply with the permit; or violation of an applicable law, rule, standard or order. ODEQ may also modify a permit if it is necessary for the proper administration, implementation or enforcement of the provisions in applicable laws.</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>Requires controls necessary to achieve ambient air quality standards and prevent significant impairment of visibility.</p> <p>ORS 468A.040 Permits; Rules EQC may require permits for air contamination sources, etc.</p> <p>ORS 468A.045 Activities Prohibited Without Permit; Limit on Activities With Permit: Prohibits any person from discharging, emitting or allowing to be discharged or emitted any air contaminant for which a permit is required. Prohibits construction, installation, modification, operation, increase in emissions, etc. of any air contamination source for which a permit is required.</p> <p>ORS 468A.050 Classification of Air Contamination Sources; Registration and Reporting; Registration and Reporting of Sources; Rules; Fees</p> <p>ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal: Provides authority to EQC (or DEQ) to establish notice requirements prior to construction of new sources, issue orders to prohibit the construction of a new source, and lays out an appeal process.</p> <p>ORS 468A.310 Federal operating permit program approval; rules; content of plan</p> <p>ORS 468A.990 Penalties for air pollution offenses: Establishes that violations of any rule or standard or order issued by a regional authority relating to air pollution is a Class A misdemeanor and that each day of violation of constitutes a separate offense.</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-012 Enforcement Procedure and Civil Penalties: Establishes enforcement actions to encourage compliance with environmental regulations and to protect public health & the environment.</p> <p>OAR 340-202 Ambient Air Quality Standards and PSD Increments: Defines ambient air quality standards for all NAAQS. Specifies <u>PSD</u> increments & ceilings.</p> <p>OAR 340-210 Stationary Source Notification Requirements: Establishes registration requirements for stationary air contaminant sources not subject to ADCP or title V permits and regulates construction & modification of these sources and air pollution control equipment. .</p> <p>OAR 340-214 Stationary Source Reporting Requirements: Establishes reporting requirements for stationary sources, and requires recordkeeping on the nature, type and amount of emissions. -0120</p> <p>Enforcement of Reporting requirements -0350 Enforcement action criteria for excess emissions</p> <p>OAR 340-216 Air Contaminant Discharge Permits (ACDP): Federally-enforceable state operation permit program. This rule also serves as the administrative permit mechanism used to implement the major and minor new source review programs. The SIP-approved minor NSR program applies major source NSR-PSD requirements to any source with emissions over the significant emission rate.</p> <p>OAR 340-224 Major New Source Review Regulates</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>construction & modification of proposed major sources within nonattainment & maintenance areas and federal major sources & modifications within attainment & unclassified areas.</p> <p>NOTE: EPA most recently approved revisions to Oregon's PSD program on December 27, 2011 (76 FR 80747).</p>
<p>§110(a)(2)(D)(i)(I) Interstate transport as it relates to significant contribution to nonattainment and interference with maintenance</p>	<p><i>contain adequate provisions</i> <i>(i) prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will</i> <i>(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any such national primary or secondary ambient air quality standard, or</i></p>	<p><u>CAA section 110(a)(2)(D)(i)(I) Interstate Transport as it relates to significant contribution to nonattainment and interference with maintenance:</u></p> <p><i>In accordance with the panel of the U.S. Court of Appeals for the D.C. Circuit opinion, the EPA at this time is not treating the 110(a)(2)(D)(i)(I) SIP submission from the State of Oregon as a required SIP submission. See EME Homer City generation, L.P. v. EPA, 696 F.3d 7. Unless the EME Homer City decision is reversed or otherwise modified by the Supreme Court, states are not required to submit 110(a)(2)(D)(i)(I) SIPs until the EPA has quantified their obligations under that section. The portions of the SIP submission relating to 110(a)(2)(D)(i)(II) and 110(a)(2)(D)(ii), in contrast, are required and therefore, the State of Oregon is submitting for purposes of 110(a)(2)(D)(i)(II) and 110(a)(2)(D)(ii) below.</i></p> <p>For more information on the EPA memo regarding interstate transport as it relates to significant contribution to nonattainment and interference with maintenance, please visit: http://www.epa.gov/airtransport/CSAPR/pdfs/CSAPR_Memo_to_Regions.pdf</p>

Section 110(a) Element	Summary of Element	How Addressed
<p>§110(a)(2)(D)(i)(II) Interstate transport as it relates to PSD and visibility</p>	<p><i>(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C of this subchapter to prevent significant deterioration of air quality or to protect visibility,</i></p>	<p><u>CAA section 110(a)(2)(D)(i)(II) Interstate transport as it relates to PSD:</u></p> <p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p><u>Oregon Administrative Rules that specifically address CAA section 110(a)(2)(D)(i)(II) Interstate transport as it relates to Prevention of Significant Deterioration:</u></p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-200 General Air Pollution Definitions and Procedures: Defines general air pollution terms. -0020 General Air Quality Definitions (6) “Affected States” Specifies neighboring states.</p> <p>OAR 340-202 Ambient Air Quality and PSD Increments: Defines ambient air quality standards for all NAAQS. Specifies PSD increments & ceilings. -0070 Sulfur Dioxide -0210 Ambient Air Increments, Table 1 -0220 Ambient Air Ceilings</p> <p><u>Oregon Administrative Rules that specifically address CAA section 110(a)(2)(D)(i)(II) Interstate transport as it relates to visibility:</u></p> <p>OAR 340-223 Regional Haze Rules: Establishes</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>requirements for certain industrial sources that contribute to regional haze in Class I areas, for the purpose of implementing Best Available Retrofit Technology requirements.</p> <p>NOTE: Oregon's Administrative Rules are consistent with federal requirements per Appendix N of 40 CFR 50 pertaining to the notification of interstate pollution abatement.</p> <p><u>Oregon Regional Haze Plan:</u> On December 9, 2011, the Oregon Environmental Commission adopted revisions to regional haze. These amendments were submitted as a SIP revision to the EPA on December 14, 2010. On July 5, 2011, the EPA approved portions of the Oregon Regional Haze SIP including the requirements for best available retrofit technology (BART) (76 FR 38997). The EPA approved the remaining elements of the Oregon Regional Haze SIP on August 22, 2012 (77 FR 50611).</p> <p>NOTE: EPA most recently approved revisions to Oregon's PSD program on December 27, 2011 (76 FR 80747).</p>
§110(a)(2)(D)(ii) Interstate and international pollution	<i>(ii) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement);</i>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption.</p> <p><u>Oregon Administrative Rules that specifically address CAA section 110(a)(2)(D)(ii) Interstate transport as it relates to interstate and international pollution:</u></p>

Section 110(a) Element	Summary of Element	How Addressed
		<p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-209 Public Participation: specifies the requirements for notifying the public of certain permit actions and providing an opportunity for the public to participate in those permit actions.</p> <p>-0060 Persons Required to be Notified: includes state notification</p> <p>NOTE: State regulations are consistent with Federal requirements in Appendix N of 40 CFR part 50 pertaining to the notification of interstate pollution abatement.</p>
<p>§110(a)(2)(E)(i) Adequate personnel, funding and authority to carry out plan</p>	<p><i>provide (i) necessary assurances that the state (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the state or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under state (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of federal or state law from carrying out such implementation plan or portion thereof);</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468.035 Functions of Department (d, h) Authority to employ personnel, purchase supplies, enter into contracts, and to receive, appropriate and expend federal and other funds for purposes of air pollution research and control</p> <p>ORS 468A.045 Functions of Director; Delegation Power to hire, assign, reassign, and coordinate personnel of the department</p> <p><u>Interagency Agreements:</u></p> <p>Intergovernmental Agreement between DEQ and LRAPA (DEQ Agreement # 003-12)</p> <p>Oregon DEQ's Performance and Partnership Agreement with EPA</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p><u>Grant Programs:</u> DEQ received CAA section 105 grants from EPA and DEQ matches through the state's General Fund. In addition, for near roadway NO2 monitoring site establishment, DEQ received a one-time CAA section 103 grant from EPA for (Grant number 00J58401). DEQ's Performance and Partnership Agreement with EPA contains more information.</p>
<p>§110(a)(2)(E)(ii) Comply with state boards</p>	<p><i>(ii) requirements that the state comply with the requirements respecting state boards under section 128 of this title, and</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-200-0100: Purpose</p> <p>OAR 340-200-0110: Public Interest Representation</p> <p>OAR 340-200-0120: Disclosure of Potential Conflicts of Interest</p> <p>NOTE: EPA approved OAR 340-200-0100 through OAR 340-200-0120 as meeting the requirements of CAA section 128 on January 22, 2003 (68 FR 2891).</p>
<p>§110(a)(2)(E)(iii) oversee local & regional gov/agencies</p>	<p><i>(iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the state</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p>

Section 110(a) Element	Summary of Element	How Addressed
	<i>has responsibility for ensuring adequate implementation of such plan provision;</i>	<p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules Requires controls necessary to achieve ambient air quality standards and prevent significant impairment of visibility</p> <p>ORS 468.035 (c) Functions of Department: Authority to advise, consult, and cooperate with other states, state and federal agencies, or political subdivisions on all air quality control matters.</p> <p>ORS 468A.010 Policy: Calls for joint responsibility for “a coordinated statewide program of air quality control and to allocate [responsibility] between the state and the units of local government”</p> <p>ORS 468A.040 Permits; Rules: Provides that the EQC may require permits for air contamination sources, type of air contaminant, or specific areas of the State.</p> <p>ORS 468A.050 Classification of Air Contamination Sources; Registration and Reporting; Registration and Reporting of Sources; Rules; Fees</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules</p> <p>ORS 468A.100-180 Regional Air Quality Control</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>Authorities: Describes the establishment, role, and function of Regional Authorities.</p> <p><u>Oregon Administrative Rules</u></p> <p>OAR 340-200 General Air Pollution Procedures and Definitions -0010 Specifies that Lane Regional Air Protection Agency (LRAPA) has authority in Lane County. -0020 defines a “Regional Agency”. -0040 describes inclusion of the regional agency’s actions into the SIP</p> <p>OAR 340-204 Designation of Air Quality Areas Includes Designation of Control Areas within Lane County.</p> <p>OAR 340-216 Air Contaminant Discharge Permits Relating to ACDP includes authorities for LRAPA and inclusion in the SIP.</p> <p>OAR 340-228 Requirements for Fuel Burning Equipment and Fuel Sulfur Content -0480 Monitoring, Recordkeeping and -Appendix A: WEB Model Rule Monitoring Protocols: Protocol WEB-1: SO2 Monitoring of Fuel Gas Combustion Devices</p> <p>OAR 340-264 Rules for Open Burning -0160 Lane County</p>
§110(a)(2)(F) Stationary source emissions monitoring	<i>require, as may be prescribed by the Administrator (i) the installation, maintenance, and</i>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public</p>

Section 110(a) Element	Summary of Element	How Addressed
and reporting system	<p><i>replacement of equipment, and the implementation of other necessary steps by owners or operators of stationary sources to monitor emissions from such sources,</i></p> <p><i>(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and</i></p> <p><i>(iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection;</i></p>	<p>Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468.035 (b, d) Functions of Department Authority to conduct & supervise inquiries and programs to assess and communicate air conditions and to obtain necessary resources (assistance, materials, supplies, etc.) to meet these responsibilities</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.025 (4) Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules Commission shall adopt rules, require permit conditions for operation and maintenance of pollution control equipment, and require typically achievable control technology for new, modified and existing sources of air contaminants or precursors for stationary sources</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules</p> <p>ORS 468A.310 Federal operating permit program approval; rules; content of plan</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-212 Stationary Source Testing and Monitoring Requires facilities to monitor & report emissions, including requirements for monitoring methods & design, and Monitoring & Quality Improvement plans,</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>etc.</p> <p>OAR 340-214 Stationary Source Reporting Requirements Requires stationary sources to maintain written records to determine compliance with emission rules, limitations or control measures for any regulated air pollutant and provides requirements for reporting and recordkeeping.</p> <ul style="list-style-type: none"> -0400 Sulfur Dioxide Emission Inventory -0410 Applicability -0420 Annual Sulfur Dioxide Emission Report -0430 Changes in Emission Measurement Techniques <p>OAR 340-222 Stationary Source Plant Site Emission Limits.</p> <ul style="list-style-type: none"> -0080 Plant Site Emission Limit Compliance: Specifies permittee must monitor and maintain records to demonstrate compliance. Specifies frequency and method of monitoring for PSELs. <p>OAR 340-225 Air Quality Analysis Requirements (stationary source: mostly about modeling, but one section about monitoring)</p> <p>OAR 340-234 Emission Standards for Wood Products Industries: Monitoring & Reporting</p> <ul style="list-style-type: none"> -0240-0250 Kraft Pulp Mills -0340-0350 Neutral Sulfite Semi-Chemical Pulp Mills -0420 Sulfite Pulp Mills <p>OAR 340-236 Emission Standards for Specific Industries: Emissions Monitoring & Reporting</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>OAR 340-240 Rules For Areas With Unique Air Quality Needs: -0210-0220 Continuous Monitoring & Source Testing: Medford-Ashland & Grants Pass area -0430 Source Testing: Lakeview area</p> <p>OAR 340-250 General Conformity Implements requirements under Section 176(c) of the Clean Air Act with respect to the conformity of general federal actions to the applicable implementation plan</p> <p>NOTE: Oregon submits data to the National Emissions Inventory – for the six criteria pollutants. EPA compiles the emissions data and provides to the public through the website http://www.epa.gov/ttn/chief/eiinformation.html</p>
<p>§110(a)(2)(G) Authority to declare air pollution emergency and notify public</p>	<p><i>provide for authority comparable to that in section 303 of this title and adequate contingency plans to implement such authority;</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.310 Federal operating permit program approval; rules; content of plan</p> <p>ORS 468.115 Enforcement in Cases of Emergency Authorizes the DEQ Director, at the direction of the Governor, to enter a cease & desist order for polluting</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>activities that present an imminent and substantial danger to public health</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-206 Air Pollution Emergencies Air pollution emergency episode procedures. Authorizes the DEQ Director to declare an air pollution alert or warning, or to issue an advisory to notify the public. The Department shall notify the Governor when declaring an emergency. This section describes the existing emergency episode procedures in place.</p> <p>OAR 340-214 Stationary Source Reporting Requirements -0300-0360 Requires reporting of emergencies and excess emissions and reporting requirements (adequate contingency plans to implement such authority).</p>
<p>§110(a)(2)(H) Future SIP revisions</p>	<p><i>provide for revision of such plan</i> <i>(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and</i> <i>(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements, or to otherwise comply with any additional requirements established under this Act;</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468A.035 General Comprehensive Plan: Requires DEQ to develop a general comprehensive plan for the control or abatement of air pollution.</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-200 General Air Pollution Procedures and</p>

Section 110(a) Element	Summary of Element	How Addressed
		Definitions -0040 State of Oregon Clean Air Act Implementation Plan Provides for revisions to Oregon's SIP and submittal of revisions to the EPA - this includes standards submitted by a regional authority and adopted verbatim to DEQ rules.
§110(a)(2)(I) Nonattainment requirements	<i>in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D (relating to nonattainment areas);</i>	<i>Two elements identified in section 110(a)(2) include requirements that are not governed by the 3-year submission deadline of section 110(a)(1). The requirements pertain to part D, of title I of the CAA, which addresses plan requirements for nonattainment areas. Therefore, the following section 110(a)(2) elements are considered by EPA to be outside the scope of infrastructure SIP actions: (1) section 110(a)(2)(C) to the extent it refers to permit programs (known as "nonattainment new source review") required under part D; and (2) section 110(a)(2)(I) in its entirety. EPA does not expect infrastructure SIP submittals to include regulations or emission limits developed specifically for attaining the relevant standard. Those submittals are due at the time the nonattainment area planning requirements are due (18 months following designation).</i>
§110(a)(2)(J) (§ 121 consultation)	<i>meet the applicable requirements of section 121 (relating to consultation), ...</i>	<u>Oregon Revised Statutes:</u> ORS 183.335 Filing and taking effect of rules; filing of executive orders; copies; fees ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption ORS 468.035 (a, c, f-g) Functions of department -a. encourages voluntary cooperation with local govt.

Section 110(a) Element	Summary of Element	How Addressed
		<p>and others in restoring & preserving air quality -c. Shall advise, consult, and cooperate with state & federal agencies and political subdivisions in air quality control matters -f. Shall provide advisory technical consultation and services to local & state agencies</p> <p>ORS 468A.010 (1) b & c Policy Facilitates cooperation between state and local government in air quality control</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-209 Public Participation Provides for notification to, and participation by, the public in certain permit actions.</p> <p>NOTE: On April 22, 2011, the Oregon Environmental Quality Commission adopted revisions updating the PSD program in Oregon. On May 5, 2011, these PSD updates were submitted as part of Oregon's SIP revision. . EPA approved the May 5, 2011 revisions (NSR, PM2.5 and GHG permitting rule updates) on 12/27/2011 (76 FR 80747).</p>
§110(a)(2)(J) (Section 127 public notification)	<i>meet the applicable requirements of... section 127 (relating to public notification)</i>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468.035 (a, c, f-g) Functions of department -a. encourages voluntary cooperation with local govt.</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>and others in restoring & preserving air quality -e. shall conduct and supervise air pollution control education programs</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-206 Air Pollution Emergencies Provides for public notification for both emergency and non-emergency air quality conditions.</p> <p>OAR 340-209 Public Participation: specifies the requirements for notifying the public of certain permit actions and providing an opportunity for the public to participate in those permit actions. -0060 Persons Required to be Notified: includes state notification</p> <p>OAR 340-216 Air Contaminant Discharge Permits</p> <p>OAR 340- 252 Transportation Conformity</p> <p>OAR 340-223 Regional Haze Rules</p>
§110(a)(2)(J) PSD & visibility protection	<i>meet the applicable requirements of ... part C (relating to prevention of significant deterioration of air quality and visibility protection);</i>	<p><i>EPA does not believe that the visibility element of 110(a)(2)(J) is triggered by a NAAQS revision. Therefore, the visibility protection element of 119(a)(2)(J) is not addressed within this crosswalk. For more information, please see 77 FR 6044.</i></p> <p><u>Oregon Revised Statutes:</u></p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules Requires controls necessary to achieve ambient air quality standards and prevent significant impairment of visibility.</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-202 Ambient Air Quality Standards and PSD Increments -0200-0220 PSD Increments Specifies ambient air increments & ceilings.</p> <p>OAR 340-204 Designation of Air Quality Areas -0050 - 0060 Designation & re-designation of PSD areas</p> <p>OAR 340-224 Major New Source Review -0070 Prevention of Significant Deterioration (PSD) requirements for proposed new federal major sources or modifications in attainment or unclassified areas.</p> <p>OAR 340-225 Air Quality Analysis Requirements -0050 -0060 In PSD areas: Requirements for analysis and demonstrating compliance with standards &</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>increments.</p> <p>-0090 Requirements for Demonstrating a Net Air Quality Benefit</p> <p>NOTE: EPA most recently approved revisions to Oregon's PSD program on December 27, 2011 (76 FR 80747).</p>
<p>§110(a)(2)(K) Air quality modeling/data</p>	<p><i>provide for:</i></p> <p><i>(i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and</i></p> <p><i>(ii) the submission, upon request, of data related to such air quality modeling to the Administrator;</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468.035 (b) Functions of department</p> <p>-b May conduct studies, investigations, etc. to determine air quality.</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-225 Air Quality Analysis Requirements (includes modeling)</p> <p>-0040 Air Quality Models Refers to modeled estimates of ambient concentrations.</p> <p>-0045 Requirements for Analysis in Maintenance Areas</p> <p>-0050 Requirements for Analysis in PSD Class II and Class III Areas</p> <p>-0060 Requirements for Demonstrating Compliance with Standards and Increments in PSD Class I Areas</p> <p>-0070 Requirements for Demonstrating Compliance with AQRV Protection</p>
<p>§110(a)(2)(L)</p>	<p><i>require the owner or operator of each major stationary source to pay to the permitting</i></p>	<p><u>Oregon Revised Statutes:</u></p>

Section 110(a) Element	Summary of Element	How Addressed
Major Stationary source permitting fees	<p><i>authority, as a condition of any permit required under this Act, a fee sufficient to cover</i></p> <p><i>(i) the reasonable costs of reviewing and acting upon any application for such a permit, and</i></p> <p><i>(ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action),</i></p> <p><i>until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V;</i></p>	<p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption.</p> <p>ORS 468.065 Issuance of Permits: Content; Fees; use Commission may establish a schedule of fees for permits based upon cost of filing & investigating application, issuing or denying permit, carrying out Title V requirements and determining compliance.</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.040 Permits; Rules: Provides that the EQC may require permits for air contamination sources, type of air contaminant, or specific areas of the State.</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-216 Air contaminant Discharge Permits: Requires payment of permit fees.</p> <p>-0020 (Table 2) ACDP Fee Schedule</p> <p>-0090 (Table 1) Sources Subject to ADCP and Fees</p>
§110(a)(2)(M) Consultation/Participation by affected local entities	<p><i>provide for consultation and participation by local political subdivisions affected by the plan.</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption.</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>ORS 468.035 (a, c, f-g) Functions of Department</p> <ul style="list-style-type: none"> -a. encourages voluntary cooperation with local govt. and others in restoring & preserving AQ -c. Shall advise, consult, and cooperate with state & federal agencies and political subdivisions in AQ control matters -f. Shall provide advisory technical consultation and services to local & state agencies -g. Shall develop & conduct demonstration programs with local govt. <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.010 (1) b & c Policy Calls for joint responsibility for “a coordinated statewide program of air quality control and to allocate [responsibility] between the state and the units of local government.”</p> <p>ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules Requires controls necessary to achieve ambient air quality standards and prevent significant impairment of visibility.</p> <p>ORS 468A.035 General Comprehensive Plan: Requires DEQ to develop a general comprehensive plan for the control or abatement of air pollution.</p> <p>ORS 468A.040 Permits; Rules: Provides that the EQC may require permits for air contamination sources, type of air contaminant, or specific areas of the State.</p> <p>ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>Construction; Effect of No Order; Appeal</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules</p> <p>ORS 468A.100-180 Regional Air Quality Control Authorities Describes the establishment, role, and function of Regional Authorities.</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-200 General Air Pollution Procedures and Definitions</p> <ul style="list-style-type: none"> -0010 Specifies that Lane Regional Air Protection Agency (LRAPA) has authority in Lane County -0020 defines a “Regional Agency”. -0040 describes inclusion of the regional agency’s actions into the SIP. <p>OAR 340-204 Designation of Air Quality Areas Includes Designation of Control Areas within Lane County.</p> <p>OAR 340-216 Air Contaminant Discharge Permits Relating to ACDP includes authorities for LRAPA and inclusion in the SIP.</p>

Table 6: Infrastructure SIP Submittal for Purposes of Clean Air Act (CAA) sections 110(a)(1) and (2) for the 2008 Pb NAAQS

Submitted by: Oregon Department of Environmental Quality
 Date Submitted: July 15, 2013
 Subject: Clean Air Act sections 110(a)(2)(a)(2)(A)-(M) SIP Infrastructure Elements for the 2008 Pb NAAQS

CAA section 110(a)(2)(A)-(M) Requirements Checklist

Section 110(a) Element	Summary of Element	How Addressed
Pb Definition		<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality General</p> <p>ORS 468.020 Rules and Standards</p> <p>ORS 468A Air Quality</p> <p>ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules</p> <p>ORS 468A.035 General Comprehensive Plan</p> <p>ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules</p> <p><u>Oregon Administrative Rules:</u></p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>OAR 340-200 General Air Pollution Procedures and Definitions, General -0020 General Air Quality Definitions (7) Aggregate insignificant emissions.... (b) 120 pounds for lead; (31) "Criteria Pollutant" means nitrogen oxides, volatile organic compounds, particulate matter, PM10, PM2.5, sulfur dioxide, carbon monoxide, or lead.</p> <p>OAR 340-204 Designation of Air Quality Areas -0010 Definitions (5) "Criteria Pollutant" (means any of the six pollutants set out by the Clean Air Act (sulfur oxides, particulate matter, ozone, carbon monoxide, nitrogen dioxide, and lead) for which the EPA has promulgated standards in 40 CFR 50.4 through 50.12 (July, 1993).</p> <p>OAR 340-250 General Conformity -0030 General Conformity Definitions (22) "National ambient air quality standards" or "NAAQS" means those standards established pursuant to Section 109 of the Act and include standards for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO2), ozone, particulate matter (PM10), and sulfur dioxide (SO2).</p>
§110(a)(2)(A) Emission limits & other control measures	<i>include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance as may be necessary or appropriate to meet the applicable requirements of this Act.</i>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.010 Policy</p> <p>ORS 468A.015 Purpose of air pollution laws</p> <p>ORS 468A.020 Rules and Standards: Gives Environmental Quality Commission (EQC) authority to adopt rules and standards to perform function vested by law</p> <p>ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules: EQC may establish...</p> <ul style="list-style-type: none"> (1) areas of state & prescribe air pollution & contamination levels (3) air quality standards including emission standards (4) emission treatment and control provisions <p>ORS 468A.035 General Comprehensive Plan: Oregon Department of Environmental Quality (DEQ) shall develop a general comprehensive plan for the control or abatement of air pollution</p> <p>ORS 468A.040 Permits; Rules: Provides that the EQC may require permits for air contamination sources, type of air contaminant, or specific areas of the State.</p> <p>ORS 468A.045 Activities Prohibited Without Permit; Limit on Activities with Permit</p> <p>ORS 468A.050 Classification of Air Contamination Sources; Registration and Reporting; Registration and</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>Reporting of Sources; Rules; Fees</p> <p>ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules: Authority to establish a measurement and testing program pursuant to rules adopted by the EQC.</p> <p>ORS 468A.310 Federal operating permit program approval; rules; content of plan</p> <p>ORS 468A.315 Emission Fees for Major Sources; Base Fees; Basis of Fees; Rules</p> <p>ORS 468A.350 -.455 Motor Vehicle Pollution Control: Provides authority to implement emissions reductions programs related to motor vehicles.</p> <p>ORS 468A.365 Certification of Motor Vehicle Pollution Control Systems and Inspection of Motor Vehicles; Rules: Designate methods and standards for testing systems and inspecting motor vehicles</p> <p>ORS 468A.400 Fees; collection; use, Motor Vehicle Pollution Control</p> <p>ORS 468A.990 Penalties for air pollution offenses</p> <p>ORS 815 Vehicle Equipment Generally; Oregon Vehicle Code; General Provisions</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-200 General Air Pollution Procedures and Definitions: Defines “Criteria Pollutant” at (31) as nitrogen oxides, volatile organic compounds, particulate matter, PM10, PM2.5, sulfur dioxide, carbon monoxide, or lead. Defines significant emissions rates, de minimis emission levels, and plant site emission rates for specific air pollutants and precursors.</p> <p>OAR 340-202 Ambient Air Quality Standards and PSD Increments: Defines ambient air quality standards for all NAAQS. Specifies PSD increments & ceilings. -0130 Ambient Air Quality Standard for Lead</p> <p>OAR 340-204 Designation of Air Quality Areas: Designates air quality areas in Oregon: Air Quality Control Regions and nonattainment, maintenance, PSD, special control, motor vehicle inspection boundary and oxygenated gas control areas.</p> <p>OAR 340-216 Air Contaminant Discharge Permits: Federally-enforceable state operation permit program. This rule also serves as the administrative permit mechanism used to implement the major and minor new source review programs. The SIP-approved minor NSR program applies major source NSR-PSD requirements to any source with emissions over the significant emission rate.</p> <p>OAR 340-222 Stationary Source Plant Site Emission Limits: Establishes criteria and method for regulating plant site emission limits of permit holders, to protect ambient air quality standards, PSD increments & visibility</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>OAR 340-224 Major New Source Review: Establishes permit program for major new and modified sources.</p> <p>OAR 340-225 Air Quality Analysis Requirements*: Establishes definitions and requirements for air quality analysis referred to in OAR 340 divisions 200 through 268 -0020 Definitions, TABLE 1 -0090 Requirements for Demonstrating a Net Air Quality Benefit</p> <p>OAR 340-228 Requirements for Fuel Burning Equipment and Fuel Sulfur Content -0430 WEB Trading Program Applicability</p> <p>OAR 340-234 Emission Standards for Wood Products Industries: Emission Limitations -0210-0250 Kraft Pulp Mills -0310-0360 Neutral Sulfite Semi-Chemical Pulp Mills -0410 Sulfite Pulp Mills -0500-0530 Board Products Industries</p> <p>OAR 340-236 Emission Standards for Specific Industries: Emission Limits -0120-0130 Aluminum Plants -0220 Laterite Ore Production of Ferronickel -0410-0440 Hot Mix Asphalt Plants</p> <p>OAR 340-250 General Conformity Implements requirements under Section 176(c) of the Clean Air Act with respect to the conformity of general federal actions to the applicable implementation plan</p> <p>OAR 340-252 Transportation Conformity Establishes policy, criteria, and procedures for demonstrating</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>and assuring conformity of planning activities to an applicable implementation plan developed pursuant to section 110 and Part D of the CAA.</p> <p>OAR 340-256 Motor Vehicles Air pollution control for mobile sources including motor vehicle inspection & maintenance program and fee schedule -0320 Motor Vehicle Inspection Program Fee Schedule</p> <p>OAR 340-258 Motor Vehicle Fuel Specifications Regulates motor vehicle fuel content standards, operating permits, recordkeeping & reporting persons or facilities who sells or otherwise markets gasoline for use in motor vehicles. -0170 Oxygenated Gasoline Blending</p> <p>OAR 340-268 Emission Reduction Credits (ERC) Addresses creation and banking of ERCs</p> <p>NOTE: The Oregon Environmental Quality Commission adopted the revised National Ambient Air Quality Standard for lead in May of 2010. On May 21, 2010, the revision was submitted as part of Oregon's SIP revision. EPA approved the May 5, 2011 revisions (NSR, PM2.5 and GHG permitting rule updates) on 12/27/2011 (76 FR 80747).</p>
<p>§110(a)(2)(B)</p> <p>Ambient air quality monitoring & data analysis system</p>	<p><i>provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to (i) monitor, compile, and analyze data on ambient air quality, and (ii) upon request, make such data available to the Administrator;</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468.035 (a-e, m) Functions of the Department: Authority to conduct & supervise inquiries and programs to assess and communicate air conditions and to obtain necessary resources (assistance, materials, supplies, etc.) to meet these responsibilities</p> <p><u>Oregon Administrative Rules:</u></p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>OAR 340-212 Stationary Source Testing and Monitoring</p> <p>NOTE: A comprehensive air quality monitoring plan, intended to meet the requirements of 40 CFR part 58, was submitted by DEQ on December 27, 1979 (40 CFR 52.1970) and was approved by the EPA on March 4, 1981 (46 FR 15136). This air quality monitoring plan has been subsequently updated, with the most recent submittal dated July 1, 2012 and approved by the EPA on October 25, 2012. This plan includes, among other things, the locations for the lead (Pb) monitoring network. Oregon provides an annual air quality data report to the public on the DEQ website at http://www.deq.state.or.us/aq/forms/annrpt.htm .</p>
<p>§110(a)(2)(C) Program to enforce control measures, regulate modification & construction of stationary sources and a permit program</p>	<p><i>include a program to provide for the enforcement of the measures described in subparagraph (A) and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D of this subchapter;</i></p>	<p><i>Two elements identified in section 110(a)(2) include requirements that are not governed by the 3-year submission deadline of section 110(a)(1). The requirements pertain to part D, of title I of the CAA, which addresses plan requirements for nonattainment areas. Therefore, the following section 110(a)(2) elements are considered by EPA to be outside the scope of infrastructure SIP actions: (1) section 110(a)(2)(C) to the extent it refers to permit programs (known as "nonattainment new source review") required under part D; and (2) section 110(a)(2)(I) in its entirety. EPA does not expect infrastructure SIP submittals to include regulations or emission limits developed specifically for attaining the relevant standard. Those submittals are due at the time the nonattainment area planning requirements are due (18 months following designation).</i></p> <p><u>Oregon Revised Statutes:</u></p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>ORS 183.415 Notice of right to hearing</p> <p>ORS 183.745 Civil penalty procedures; notice; hearing; judicial review; exemptions; recording; enforcement</p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468.035 (j, k) Functions of the Department</p> <p style="padding-left: 40px;">-j Shall seek enforcement of state air quality pollution laws</p> <p style="padding-left: 40px;">-k Shall compel compliance with any rule, standard, order, permit or condition</p> <p>ORS 468.065 Issuance of Permits; Consent; Fees; Use: Provides authority and requirements to ODEQ for issuing permits, the content of those permits, fee schedules, and reporting.</p> <p>ORS 468.070 Denial, Modification, Suspension or Revocation of Permits: Provides authority to deny, modify, suspend or revoke a permit if it finds a material misrepresentation or false statement in the application; failure to comply with the permit; or violation of an applicable law, rule, standard or order. ODEQ may also modify a permit if it is necessary for the proper administration, implementation or enforcement of the provisions in applicable laws.</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>ORS 468.090-.140 Enforcement: Provides DEQ with authority to investigate complaints, investigate and inspect sources for compliance, access records, commence enforcement procedures, and impose civil penalties.</p> <p>ORS 459A.590 Use, management, disposal and resource recovery; rules</p> <p>ORS 459A.595 Use for dust suppression or as herbicide</p> <p>ORS 468.920-.963 Environmental Crimes: Authorizes and provides categories related to criminal enforcement and associated fines.</p> <p>ORS 468.996-.997 Civil Penalties: Provides additional penalties for persons who intentionally or recklessly violate provisions of specific chapters of ORS, including 468 and 468A or any rule, standard, or order pursuant to ORS 468 and 468A “which results in or creates the imminent likelihood for an extreme hazard to the public health or which causes extensive damage to the environment.”</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules Requires controls necessary to achieve ambient air quality standards and prevent significant impairment of visibility.</p> <p>ORS 468A.035 General comprehensive plan Requires DEQ to develop a general comprehensive plan for the control or abatement of air pollution.</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>ORS 468A.040 Permits; Rules EQC may require permits for air contamination sources, etc.</p> <p>ORS 468A.045 Activities Prohibited Without Permit; Limit on Activities With Permit: Prohibits any person from discharging, emitting or allowing to be discharged or emitted any air contaminant for which a permit is required. Prohibits construction, installation, modification, operation, increase in emissions, etc. of any air contamination source for which a permit is required.</p> <p>ORS 468A.050 Classification of Air Contamination Sources; Registration and Reporting; Registration and Reporting of Sources; Rules; Fees</p> <p>ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal: Provides authority to EQC (or DEQ) to establish notice requirements prior to construction of new sources, issue orders to prohibit the construction of a new source, and lays out an appeal process.</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules</p> <p>ORS 468A.310 Federal operating permit program approval; rules; content of plan</p> <p>ORS 468A.990 Penalties for air pollution offenses: Establishes that violations of any rule or standard or order issued by a regional authority relating to air pollution is a Class A misdemeanor and that each day of violation of constitutes a separate offense.</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-012 Enforcement Procedure and Civil Penalties: Establishes enforcement actions to encourage compliance with environmental regulations and to protect public health & the environment</p> <p>OAR 340-202 Ambient Air Quality Standards and PSD Increments: Defines ambient air quality standards for all NAAQS. Specifies PSD increments & ceilings. -0210 Ambient Air Increments</p> <p>OAR 340-210 Stationary Source Notification Requirements: Establishes registration requirements for stationary air contaminant sources not subject to ADCP or title V permits and regulates construction & modification of these sources and air pollution control equipment</p> <p>OAR 340-214 Stationary Source Reporting Requirements: Establishes reporting requirements for stationary sources, and requires recordkeeping on the nature, type and amount of emissions. -0120 Enforcement of Reporting requirements -0350 Enforcement action criteria for excess emissions</p> <p>OAR 340-216 Air Contaminant Discharge Permits (ACDP): Federally-enforceable state operation permit program. This rule also serves as the administrative permit mechanism used to implement the major and minor new source review programs. The SIP-approved minor NSR program applies major source NSR-PSD requirements to any source with emissions over the significant emission rate.</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>OAR 340-224 Major New Source Review Regulates construction & modification of proposed major sources within nonattainment & maintenance areas and federal major sources & modifications within attainment & unclassified areas.</p> <p>NOTE: EPA most recently approved revisions to Oregon's PSD program on December 27, 2011 (76 FR 80747).</p>
<p>§110(a)(2)(D)(i)(I) Interstate transport as it relates to significant contribution to nonattainment and interference with maintenance</p>	<p><i>contain adequate provisions</i> <i>(i) prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will</i> <i>(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any such national primary or secondary ambient air quality standard, or</i></p>	<p><u>CAA section 110(a)(2)(D)(i)(I) Interstate Transport as it relates to significant contribution to nonattainment and interference with maintenance:</u></p> <p><i>In accordance with the panel of the U.S. Court of Appeals for the D.C. Circuit opinion, the EPA at this time is not treating the 110(a)(2)(D)(i)(I) SIP submission from the State of Oregon as a required SIP submission. See EME Homer City generation, L.P. v. EPA, 696 F .3d 7. Unless the EME Homer City decision is reversed or otherwise modified by the Supreme Court, states are not required to submit 110(a)(2)(D)(i)(I) SIPs until the EPA has quantified their obligations under that section. The portions of the SIP submission relating to 110(a)(2)(D)(i)(II) and 110(a)(2)(D)(ii), in contrast, are required and therefore, the State of Oregon is submitting for purposes of 110(a)(2)(D)(i)(II) and 110(a)(2)(D)(ii) below. For more information, please visit: http://www.gpo.gov/fdsys/pkg/FR-2013-02-26/pdf/2013-04293.pdf</i></p> <p>NOTE: Finding of Failure to Submit Infrastructure SIPs for 2008 Pb NAAQS included a finding of failure to submit for Oregon, but did not find that Oregon failed to submit for section 110(a)(2)(D)(i)(I) for the 2008 Pb NAAQS:</p>
<p>§110(a)(2)(D)(i)(II) Interstate transport as it relates to PSD and visibility</p>	<p><i>(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C of this subchapter to prevent significant deterioration</i></p>	<p><u>CAA section 110(a)(2)(D)(i)(II) Interstate transport as it relates to PSD:</u></p>

Section 110(a) Element	Summary of Element	How Addressed
	<i>of air quality or to protect visibility,</i>	<p><u>Oregon Revised Statutes</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p><u>Oregon Administrative Rules:</u> <i>Oregon's Administrative Rules are consistent with federal requirements per Appendix N of 40 CFR 50 pertaining to the notification of interstate pollution abatement.</i></p> <p>OAR 340-200 General Air Pollution Definitions and Procedures: Defines general air pollution terms. -0020 General Air Quality Definitions (6) "Affected States" Specifies neighboring states.</p> <p>OAR 340-202 Ambient Air Quality and PSD Increments: Defines ambient air quality standards for all NAAQS. Specifies <u>PSD</u> increments & ceilings. -0130 Ambient Air Quality Standard for Lead -0220 Ambient Air Ceilings</p> <p>NOTE: EPA most recently approved revisions to Oregon's PSD program on December 27, 2011 (76 FR 80747).</p>
§110(a)(2)(D)(ii) Interstate and international pollution	<i>(ii) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement);</i>	<p><u>Oregon Revised Statutes</u></p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p><u>Oregon Administrative Rules:</u></p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>OAR 340-209 Public Participation: specifies the requirements for notifying the public of certain permit actions and providing an opportunity for the public to participate in those permit actions.</p> <p>-0060 Persons Required to be Notified: includes state notification</p> <p>NOTE: State regulations are consistent with Federal requirements in Appendix N of 40 CFR part 50 pertaining to the notification of interstate pollution abatement.</p>
<p>§110(a)(2)(E)(i) Adequate personnel, funding and authority to carry out plan</p>	<p><i>provide (i) necessary assurances that the state (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the state or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under state (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of federal or state law from carrying out such implementation plan or portion thereof);</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468.035 Functions of Department (d, h) Authority to employ personnel, purchase supplies, enter into contracts, and to receive, appropriate and expend federal and other funds for purposes of air pollution research and control</p> <p>ORS 468A.045 Functions of Director; Delegation Power to hire, assign, reassign, and coordinate personnel of the department</p> <p><u>Grant Programs:</u></p> <p>DEQ received CAA section 105 grants from EPA and DEQ matches through the state's General Fund. In addition, for near roadway NO2 monitoring site establishment, DEQ received a one-time CAA section 103 grant from EPA for (Grant number 00J58401). DEQ's Performance and Partnership Agreement with EPA contains more information.</p> <p><u>Interagency Agreements:</u></p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>Intergovernmental Agreement between DEQ and LRAPA (DEQ Agreement # 003-12)</p> <p>DEQ's Performance and Partnership Agreement with EPA</p>
<p>§110(a)(2)(E)(ii) Comply with state boards</p>	<p><i>(ii) requirements that the state comply with the requirements respecting state boards under section 128 of this title, and</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-200-0100: Purpose</p> <p>OAR 340-200-0110: Public Interest Representation</p> <p>OAR 340-200-0120: Disclosure of Potential Conflicts of Interest</p> <p>NOTE: EPA approved OAR 340-200-0100 through OAR 340-200-0120 as meeting the requirements of CAA section 128 on January 22, 2003 (68 FR 2891).</p>
<p>§110(a)(2)(E)(iii) oversee local & regional gov/agencies</p>	<p><i>(iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the state has responsibility for ensuring adequate implementation of such plan provision;</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>ORS 468.035 (c) Functions of Department: Authority to advise, consult, and cooperate with other states, state and federal agencies, or political subdivisions on all air quality control matters.</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.010 Policy: Calls for joint responsibility for “a coordinated statewide program of air quality control and to allocate [responsibility] between the state and the units of local government”</p> <p>ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules Requires controls necessary to achieve ambient air quality standards and prevent significant impairment of visibility.</p> <p>ORS 468A.040 Permits; Rules: Provides that the EQC may require permits for air contamination sources, type of air contaminant, or specific areas of the State.</p> <p>ORS 468A.050 Classification of Air Contamination Sources; Registration and Reporting; Registration and Reporting of Sources; Rules; Fees</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules</p> <p>ORS 468A.100-180 Regional Air Quality Control Authorities: Describes the establishment, role, and function of Regional Authorities.</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p><u>Oregon Administrative Rules</u></p> <p>OAR 340-200 General Air Pollution Procedures and Definitions -0010 Specifies that Lane Regional Air Protection Agency (LRAPA) has authority in Lane County -0020 defines a “Regional Agency”. -0040 describes inclusion of the regional agency’s actions into the SIP</p> <p>OAR 340-204 Designation of Air Quality Areas Includes Designation of Control Areas within Lane County.</p> <p>OAR 340-216 Air Contaminant Discharge Permits Relating to ACDP includes authorities for LRAPA and inclusion in the SIP.</p>
<p>§110(a)(2)(F) Stationary source emissions monitoring and reporting system</p>	<p><i>require, as may be prescribed by the Administrator</i> <i>(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps by owners or operators of stationary sources to monitor emissions from such sources,</i> <i>(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and</i> <i>(iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection;</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rule and Standards Gives Environmental Quality Commission (EQC) authority to adopt rules and standards to perform function vested by law</p> <p>ORS 468.035 (b, d) Functions of Department Authority to conduct & supervise inquiries and programs to assess and communicate air conditions and to obtain necessary resources (assistance, materials, supplies, etc.) to meet these responsibilities</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>ORS 468A.025 (4) Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules Commission shall adopt rules, require permit conditions for operation and maintenance of pollution control equipment, and require typically achievable control technology for new, modified and existing sources of air contaminants or precursors for stationary sources</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules Authority to establish a measurement and testing program pursuant to rules adopted by the EQC.</p> <p>ORS 468A.310 Federal operating permit program approval; rules; content of plan</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-212 Stationary Source Testing and Monitoring Requires facilities to monitor & report emissions, including requirements for monitoring methods & design, and Monitoring & Quality Improvement plans, etc.</p> <p>OAR 340-214 Stationary Source Reporting Requirements Requires stationary sources to maintain written records to determine compliance with emission rules, limitations or control measures for any regulated air pollutant and provides requirements for reporting and recordkeeping.</p> <p>OAR 340-222 Stationary Source Plant Site Emission Limits -0080 Plant Site Emission Limit Compliance: Specifies permittee must monitor and maintain records to</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>demonstrate compliance. Specifies frequency and method of monitoring for PSELs.</p> <p>OAR 340-225 Air Quality Analysis Requirements (stationary source: mostly about modeling, but one section about monitoring)</p> <p>OAR 340-236 Emission Standards for Specific Industries: Emissions Monitoring & Reporting -0120-0130 Aluminum Plants -0220 Laterite Ore Production of Ferronickel -0410-0440 Hot Mix Asphalt Plants</p>
<p>§110(a)(2)(G) Authority to declare air pollution emergency and notify public</p>	<p><i>provide for authority comparable to that in section 303 of this title and adequate contingency plans to implement such authority;</i></p>	<p><i>The EPA October 14, 2011 Pb infrastructure guidance states that the EPA expects that an emergency episode associated with Pb emission would be unlikely and, if it were to occur, would be the result of a malfunction or other emergency situation at a relatively large source of Pb. Accordingly, the EPA believes the central components of a contingency plan would be to reduce emissions from the source at issue and public communication as needed.</i></p> <p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468.115 Enforcement in Cases of Emergency Authorizes the DEQ Director, at the direction of the Governor, to enter a cease & desist order for polluting activities that present an imminent and substantial danger to</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>public health.</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.310 Federal operating permit program approval; rules; content of plan</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-206 Air Pollution Emergencies Air pollution emergency episode procedures. Authorizes the DEQ Director to declare an air pollution alert or warning, or to issue an advisory to notify the public. The Department shall notify the Governor when declaring an emergency. This section describes the existing emergency episode procedures in place.</p> <p>OAR 340-214 Stationary Source Reporting Requirements -0300-0360 Requires reporting of emergencies and excess emissions and reporting requirements (adequate contingency plans to implement such authority).</p>
<p>§110(a)(2)(H) Future SIP revisions</p>	<p><i>provide for revision of such plan</i></p> <p><i>(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and</i></p> <p><i>(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468A.035 General Comprehensive Plan: Requires DEQ to develop a general comprehensive plan for the control or abatement of air pollution.</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules</p>

Section 110(a) Element	Summary of Element	How Addressed
	<i>attain the national ambient air quality standard which it implements, or to otherwise comply with any additional requirements established under this Act;</i>	<p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-200 General Air Pollution Procedures and Definitions</p> <p>-0040 State of Oregon Clean Air Act Implementation Plan Provides for revisions to Oregon's SIP and submittal of revisions to the EPA - this includes standards submitted by a regional authority and adopted verbatim to DEQ rules.</p>
§110(a)(2)(I) Nonattainment requirements	<i>in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D (relating to nonattainment areas);</i>	<i>Two elements identified in section 110(a)(2) include requirements that are not governed by the 3-year submission deadline of section 110(a)(1). The requirements pertain to part D, of title I of the CAA, which addresses plan requirements for nonattainment areas. Therefore, the following section 110(a)(2) elements are considered by EPA to be outside the scope of infrastructure SIP actions: (1) section 110(a)(2)(C) to the extent it refers to permit programs (known as "nonattainment new source review") required under part D; and (2) section 110(a)(2)(I) in its entirety. EPA does not expect infrastructure SIP submittals to include regulations or emission limits developed specifically for attaining the relevant standard. Those submittals are due at the time the nonattainment area planning requirements are due (18 months following designation).</i>
§110(a)(2)(J) (§ 121 consultation)	<i>meet the applicable requirements of section 121 (relating to consultation), ...</i>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 183.335 Filing and taking effect of rules; filing of executive orders; copies; fees</p> <p>ORS 468.035 (a, c, f-g) Functions of department</p> <p>-a. encourages voluntary cooperation with local govt. and</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>others in restoring & preserving air quality</p> <p>-c. Shall advise, consult, and cooperate with state & federal agencies and political subdivisions in air quality control matters</p> <p>-f. Shall provide advisory technical consultation and services to local & state agencies</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468A.010 (1) b & c Policy Facilitates cooperation between state and local government in air quality control</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-209 Public Participation Provides for notification to, and participation by, the public in certain permit actions.</p> <p>NOTE: On April 22, 2011, the Oregon Environmental Quality Commission adopted revisions updating the PSD program in Oregon. On May 5, 2011, these PSD updates were submitted as part of Oregon's SIP revision. EPA approved the revisions on December 27, 2011 (76 FR 80747).</p>
<p>§110(a)(2)(J) (Section 127 public notification)</p>	<p><i>meet the applicable requirements of... section 127 (relating to public notification)</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468.035 (a, c, f-g) Functions of department</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>-a. encourages voluntary cooperation with local govt. and others in restoring & preserving air quality -e. shall conduct and supervise air pollution control education programs</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-206 Air Pollution Emergencies Provides for public notification for both emergency and non-emergency air quality conditions.</p> <p>OAR 340-209 Public Participation</p> <p>OAR 340-216 Air Contaminant Discharge Permits</p> <p>OAR 340- 252 Transportation Conformity</p> <p>OAR 340-223 Regional Haze Rules</p>
<p>§110(a)(2)(J) PSD & visibility protection</p>	<p><i>meet the applicable requirements of ... part C (relating to prevention of significant deterioration of air quality and visibility protection);</i></p>	<p><i>EPA does not believe that the visibility element of 110(a)(2)(J) is triggered by a NAAQS revision. Therefore, the visibility protection element of 110(a)(2)(J) is not addressed within this crosswalk. For more information, please see 77 FR 6044.</i></p> <p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p>on any proposed rule or standard prior to adoption</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules Requires controls necessary to achieve ambient air quality standards and prevent significant impairment of visibility.</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-202 Ambient Air Quality Standards and PSD Increments -0200-0220 PSD Increments Specifies ambient air increments & ceilings.</p> <p>OAR 340-204 Designation of Air Quality Areas -0050-0060 Designation & re-designation of PSD areas</p> <p>OAR 340-224 Major New Source Review -0070 Prevention of Significant Deterioration (PSD) requirements for proposed new federal major sources or modifications in attainment or unclassified areas.</p> <p>OAR 340-225 Air Quality Analysis Requirements -0050-0060 In PSD areas: Requirements for analysis and demonstrating compliance with standards & increments.</p> <p>NOTE: EPA most recently approved revisions to Oregon's PSD program on December 27, 2011 (76 FR 80747).</p>
§110(a)(2)(K)	<i>provide for:</i>	<u>Oregon Revised Statutes:</u>

Section 110(a) Element	Summary of Element	How Addressed
Air quality modeling/data	<p><i>(i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and</i></p> <p><i>(ii) the submission, upon request, of data related to such air quality modeling to the Administrator;</i></p>	<p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468.035 (b) Functions of department -b May conduct studies, investigations, etc. to determine air quality.</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-225 Air Quality Analysis Requirements (includes modeling) -0040 Air Quality Models Refers to modeled estimates of ambient concentrations. -0045 Requirements for Analysis in Maintenance Areas -0050 Requirements for Analysis in PSD Class II and Class III Areas -0060 Requirements for Demonstrating Compliance with Standards and Increments in PSD Class I Areas -0070 Requirements for Demonstrating Compliance with AQRV Protection</p>
§110(a)(2)(L) Major Stationary source permitting fees	<p><i>require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this Act, a fee sufficient to cover</i></p> <p><i>(i) the reasonable costs of reviewing and acting upon any application for such a permit, and</i></p> <p><i>(ii) if the owner or operator receives a permit for such source, the reasonable costs of</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption.</p> <p>ORS 468.065 Issuance of Permits: Content; Fees; use Commission may establish a schedule of fees for permits based upon cost of filing & investigating application, issuing</p>

Section 110(a) Element	Summary of Element	How Addressed
	<p><i>implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V;</i></p>	<p>or denying permit, carrying out Title V requirements and determining compliance.</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.040 Permits; Rules: Provides that the EQC may require permits for air contamination sources, type of air contaminant, or specific areas of the State.</p> <p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-216 Air Contaminant Discharge Permits: Requires payment of permit fees.</p> <ul style="list-style-type: none"> -0020 (Table 2) ACDP Fee Schedule -0090 (Table 1) Sources Subject to ADCP and Fees
<p>§110(a)(2)(M) Consultation/Participation by affected local entities</p>	<p><i>provide for consultation and participation by local political subdivisions affected by the plan.</i></p>	<p><u>Oregon Revised Statutes:</u></p> <p>ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration</p> <p>ORS 468.020 Rules and Standards Requires public hearing on any proposed rule or standard prior to adoption</p> <p>ORS 468.035 (a, c, f-g) Functions of Department</p> <ul style="list-style-type: none"> -a. encourages voluntary cooperation with local govt. and others in restoring & preserving AQ -c. Shall advise, consult, and cooperate with state & federal agencies and political subdivisions in AQ control matters -f. Shall provide advisory technical consultation and services to local & state agencies -g. Shall develop & conduct demonstration programs

Section 110(a) Element	Summary of Element	How Addressed
		<p>with local govt.</p> <p>ORS 468A Air Quality, Public Health and Safety, Air Pollution Control</p> <p>ORS 468A.010 (1) b & c Policy Calls for joint responsibility for “a coordinated statewide program of air quality control and to allocate [responsibility] between the state and the units of local government.”</p> <p>ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules Requires controls necessary to achieve ambient air quality standards and prevent significant impairment of visibility.</p> <p>ORS 468A.035 General Comprehensive Plan: Requires DEQ to develop a general comprehensive plan for the control or abatement of air pollution.</p> <p>ORS 468A.040 Permits; Rules: Provides that the EQC may require permits for air contamination sources, type of air contaminant, or specific areas of the State.</p> <p>ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal</p> <p>ORS 468A.070 Measurement and Testing of Contamination Sources; Rules</p> <p>ORS 468A.100-180 Regional Air Quality Control Authorities Describes the establishment, role, and function of Regional Authorities.</p>

Section 110(a) Element	Summary of Element	How Addressed
		<p><u>Oregon Administrative Rules:</u></p> <p>OAR 340-200 General Air Pollution Procedures and Definitions</p> <ul style="list-style-type: none"> -0010 Specifies that Lane Regional Air Protection Agency (LRAPA) has authority in Lane County. -0020 defines a “Regional Agency”. -0040 describes inclusion of the regional agency’s actions into the SIP. <p>OAR 340-204 Designation of Air Quality Areas Includes Designation of Control Areas within Lane County.</p> <p>OAR 340-216 Air Contaminant Discharge Permits Relating to ACDP includes authorities for LRAPA and inclusion in the SIP.</p>