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 the Department of Environmental Quality 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 ~~February 16, 2012~~ December 6, 2012.

(3) Notwithstanding any other requirement contained in the SIP, the Department 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 the Department 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, the Department 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

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 204

DESIGNATION OF AIR QUALITY AREAS

340-204-0010

Definitions

The definitions in OAR 340-200-0020 and this rule apply to this division. If the same term is defined in this rule and 340-200-0020, the definition in this rule applies to this division. Definitions of boundaries in this rule also apply to OAR 340 division 200 through 268 and throughout the State of Oregon Clean Air Act Implementation Plan adopted under 340-200-0040.

(1) “AQCR” means Air Quality Control Region.

(2) “AQMA” means Air Quality Maintenance Area.

(3) “CO” means Carbon Monoxide.

(4) “CBD” means Central Business District.

(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).

(6) “Eugene-Springfield UGB” means the area within the bounds beginning at the Willamette River at a point due east from the intersection of East Beacon Road and River Loop No.1; thence southerly along the Willamette River to the intersection with Belt Line Road; thence easterly along Belt Line Road approximately one-half mile to the intersection with Delta Highway; thence northwesterly and then northerly along Delta Highway and on a line north from the Delta Highway to the intersection with the McKenzie River; thence generally southerly and easterly along the McKenzie River approximately eleven miles to the intersection with Marcola Road; thence southwesterly along Marcola Road to the intersection with 42nd Street; thence southerly along 42nd Street to the intersection with the northern branch of US Highway 126; thence easterly along US Highway 126 to the intersection with 52nd Street; thence north along 52nd Street to the intersection with High Banks Road; thence easterly along High Banks Road to the intersection with 58th Street; thence south along 58th Street to the intersection with Thurston Road; thence easterly along Thurston Road to the intersection with the western boundary of Section 36, T17S, R2W; thence south to the southwest corner of Section 36, T17S, R2W; thence west to the Springfield City Limits; thence following the Springfield City Limits southwesterly to the intersection with the western boundary of Section 2, T18S, R2W; thence on a line southwest to the Private Logging Road approximately one-half mile away; thence southeasterly along the Private Logging Road to the intersection with Wallace Creek; thence southwesterly along Wallace Creek to the confluence with the Middle Fork of the Willamette River; thence generally northwesterly along the Middle Fork of the Willamette River approximately seven and one-half miles to the intersection with the northern boundary of Section 11, T18S, R3W; thence west to the northwest corner of Section 10, T18S, R3W; thence south to the intersection with 30th Avenue; thence westerly along 30th Avenue to the intersection with the Eugene City Limits; thence following the Eugene City Limits first southerly then westerly then northerly and finally westerly to the intersection with the northern boundary of Section 5, T18S, R4W; thence west to the intersection with Greenhill Road; thence north along Greenhill Road to the intersection with Barger Drive; thence east along Barger Drive to the intersection with the Eugene City Limits (Ohio Street); thence following the Eugene City Limits first north then east then north then east then south then east to the intersection with Jansen Drive; thence east along Jansen Drive to the intersection with Belt Line Road; thence northeasterly along Belt Line Road to the intersection with Highway 99; thence northwesterly along Highway 99 to the intersection with Clear Lake Road; thence west along Clear Lake Road to the intersection with the western boundary of Section 9, T17S, R4W; thence north to the intersection with Airport Road; thence east along Airport Road to the intersection with Highway 99; thence northwesterly along Highway 99 to the intersection East Enid Road; thence east

along East Enid Road to the intersection with Prairie Road; thence southerly along Prairie Road to the intersection with Irvington Road; thence east along Irvington Road to the intersection with the Southern Pacific Railroad Line; thence southeasterly along the Southern Pacific Railroad Line to the intersection with Irving Road; thence east along Irving Road to the intersection with Kalmia Road; thence northerly along Kalmia Road to the intersection with Hyacinth Road; thence northerly along Hyancinth Road to the intersection with Irvington Road; thence east along Irvington Road to the intersection with Spring Creek; thence northerly along Spring Creek to the intersection with River Road; thence northerly along River Road to the intersection with East Beacon Drive; thence following East Beacon Drive first east then south then east to the intersection with River Loop No.1; thence on a line due east to the Willamette River and the point of beginning.

(7) “Grants Pass CBD” means the area within the City of Grants Pass enclosed by “B” Street on the north, 8th Street to the east, “M” Street on the south, and 5th Street to the west.

(8) Grants Pass Control Area means the area of the state beginning at the northeast corner of Section 35, T35S, R5W; thence south to the southeast corner of Section 11, T37S, R5W; thence west to the southwest corner of Section 9, T37S, R6W; thence north to the northwest corner of Section 33, T35S, R6W; thence east to the point of beginning.

(9) “Grants Pass UGB” as shown on the Plan and Zoning maps for the City of Grants Pass as of Feb. 1, 1988 is the area within the bounds beginning at the NW corner of Sec. 7, T36S, R5W; thence south to the SW corner of Sec. 7; thence west along the southern boundary of Sec. 12, T36S, R5W approx. 2000 feet; thence south approx. 100 feet to the northern right of way of the Southern Pacific Railroad Line (SPRR Line); thence southeasterly along said right of way approx. 800 feet; thence south approx. 400 feet; thence west approx. 1100 feet; thence south approx. 700 feet to the intersection with the Hillside Canal; thence west approx. 100 feet; thence south approx. 550 feet to the intersection with Upper River Road; thence southeasterly along Upper River Road and continuing east along Old Upper River Road approx. 700 feet; thence south approx. 1550 feet; thence west approx. 350 feet; thence south approx. 250 feet; thence west approx. 1000 feet; thence south approx. 600 feet to the north end of Roguela Lane; thence east approx. 400 feet; thence south approx. 1400 feet to the intersection with Lower River Road; thence west along Lower River Road approx. 1400 feet; thence south approx. 1350 feet; thence west approx. 25 feet; thence south approx. 1200 feet to the south bank of the Rogue River; thence northwesterly along said bank approx. 2800 feet; thence on a line southwesterly and parallel to Parkhill Place approx. 600 feet; thence northwesterly at a 90 degree angle approximately 300 feet to the intersection with Parkhill Place; thence southwesterly along Parkhill Place approx. 250 feet; thence on a line southeasterly forming a 90 degree angle approximately 300 feet to a point even with Leonard Road; thence west approx. 1500 feet along Leonard Road; thence north approx. 200 feet; thence west to the west side of Schroeder Lane; thence north approx. 150 feet; thence west approx. 200 feet; thence south to the intersection with Leonard Road; thence west along Leonard Road approx. 450 feet; thence north approx. 300 feet; thence east approx. 150 feet; thence north approx. 400 feet; thence west approx. 500 feet; thence south approx. 300 feet; thence west to the intersection with Coutant Lane; thence south along Coutant Lane to the intersection with Leonard Road; thence west along Leonard Road to the intersection with Buena Vista Lane; thence north along the west side of Buena Vista Lane approx. 200 feet; thence west approx. 150 feet; thence north approx. 150 feet; thence west approx. 200 feet; thence north approx. 400 feet; thence west approx. 600 feet to the intersection with the western boundary of Sec. 23, T36S, R6W; thence south to the intersection with Leonard Road; thence west along Leonard Road approx. 300 feet; thence north approx. 600 feet to the intersection with Darneille Lane; thence northwesterly along Darneille Lane approx. 200 feet; thence west approx. 300 feet; thence south approx. 600 feet to the intersection with Leonard Road; thence west along Leonard Road approx. 700 feet; thence south approx. 1350 feet; thence east approx. 1400 feet to the intersection with Darneille Lane; thence south along Darneille Lane approx. 600 feet; thence west approx. 300 feet; thence south to the intersection with Redwood Avenue; thence east along Redwood Avenue to the intersection with Hubbard Lane and the western boundary of Sec. 23, T36S, R6W; thence south along Hubbard Lane approx. 1850 feet; thence west approx. 1350 feet ; thence south to the south side of U.S. Highway 199; thence westerly along U.S. 199 approx. 1600 feet to the intersection with the north-south midpoint of Sec. 27, T36S, R6W; thence south approx. 2200 feet; thence east approx. 1400 feet; thence north approx. 1000 feet; thence east approx. 300 feet; thence north approx. 250 feet to the intersection with the Highline Canal; thence northerly along the Highline Canal approx. 900 feet; thence east to the intersection with Hubbard Lane; thence north along Hubbard Lane approximately 600 feet; thence east approx. 200 feet; thence north approx. 400 feet to a point even with Canal Avenue; thence east approx. 550 feet; thence north to the south side of U.S. 199; thence easterly along the southern edge of U.S. 199 to the intersection with Willow Lane; thence south along Willow Lane to the intersection with Demaray Drive; thence easterly along Demaray Drive and continuing along the southern edge of U.S. 199 to the intersection with Dowell Road; thence south along Dowell Road approx. 550 feet; thence easterly approx. 750 feet; thence north to the intersection with the South Canal; thence easterly along the South Canal to the intersection with Schutzwohl Lane; thence south approx. 1300 feet to a point even with West Harbeck Road; thence east approx. 2000 feet to the intersection with Allen Creek; thence southerly along Allen Creek approx. 1400 feet to a

point even with Denton Trail to the west; thence west to the intersection with Highline Canal; thence southerly along Highline Canal to the intersection with the southern boundary of Sec. 25, T36S, R6W; thence east to the intersection with Allen Creek; thence southerly along Allen Creek to the intersection with the western boundary of Sec. 31, T36S, R5W; thence south to the SW corner of Sec. 31; thence east to the intersection with Williams Highway; thence southeasterly along Williams Highway approx. 1300 feet; thence east approx. 200 feet; thence north approx. 400 feet; thence east approx. 700 feet; thence north to the intersection with Espey Road; thence west along Espey Road approx. 150 feet; thence north approx. 600 feet; thence east approx. 300 feet; thence north approx. 2000 feet; thence west approx. 2100 feet; thence north approx. 1350 feet; thence east approx. 800 feet; thence north approx. 2800 feet to the east-west midline of Sec. 30, T36S, R5W; thence on a line due NE approx. 600 feet; thence north approx. 100 feet; thence east approx. 600 feet; thence north approx. 100 feet to the intersection with Highline Canal; thence easterly along Highline Canal approx. 1300 feet; thence south approx. 100 feet; thence east to the intersection with Harbeck Road; thence north along Harbeck Road to the intersection with Highline Canal; thence easterly along Highline Canal to a point approx. 250 feet beyond Skyway Road; thence south to the intersection with Skyway Road; thence east to the intersection with Highline Canal; thence southeasterly along Highline Canal approx. 1200 feet; thence on a line due SW to the intersection with Bluebell Lane; thence southerly along Bluebell Lane approx. 150 feet; thence east to the intersection with Sky Crest Drive; thence southerly along Sky Crest Drive to the intersection with Harper Loop; thence southeasterly along Harper Loop to the intersection with the east-west midline of Sec. 29, T36S, R5W; thence east approx. 400 feet; thence south approx. 1300 feet to a point even with Troll View Road to the east; thence east to the intersection with Hamilton Lane; thence north along Hamilton Lane to the intersection with the Highline Canal; thence northeasterly along the Highline Canal to the northern boundary of Sec. 28, T36S, R5W; thence east approx. 1350 feet to the transmission line; thence north to the intersection with Fruitdale Drive; thence southwesterly along Fruitdale Drive approx. 700 feet; thence north to the northern edge of U.S. 199; thence easterly along the northern edge of U.S. 199 approx. 50 feet; thence north to the north bank of the Rogue River; thence northeasterly along the north bank of the Rogue River approx. 2100 feet to a point even with Ament Road; thence north to Ament Road and following Ament Road to U.S. Interstate Highway 5 (U.S. I-5); thence continuing north to the 1200 foot contour line; thence following the 1200 foot contour line northwesterly approx. 7100 feet to the city limits and a point even with Savage Street to the west; thence north following the city limits approx. 400 feet; thence west to the intersection with Beacon Street; thence north along Beacon Street and the city limits approx. 250 feet; thence east along the city limits approx. 700 feet; thence north along the city limits approx. 2200 feet; thence southwesterly along the city limits approximately 800 feet to the intersection with the 1400 foot contour line; thence northerly and northwesterly along the 1400 foot contour line approx. 900 feet to the intersection with the northern boundary of Sec. 9, T36S, R5W; thence west along said boundary approx. 100 feet to the NW corner of Sec. 9; thence south along the western boundary of Sec. 9 approx. 700 feet; thence west approx. 1400 feet; thence north approx. 2400 feet; thence west approx. 1350 feet; thence north approx. 1100 feet to the city limits; thence following the city limits first west approx. 1550 feet, then south approx. 800 feet, then west approx. 200 feet, then south approx. 200 feet, then east approx. 200 feet, then south approx. 300 feet, and finally westerly approx. 1200 feet to the intersection with the western boundary of Sec. 5, T36S, R5W; thence south along said boundary to the northern side of Vine Avenue; thence northwesterly along the northern side of Vine Avenue approx. 3150 feet to the intersection with the west fork of Gilbert Creek; thence north to the intersection with the southern right of way of U.S. I-5; thence northwesterly along said right of way approx. 1600 feet; thence south to the intersection with Old Highland Avenue; thence northwesterly along Highland Avenue approx. 650 feet; thence west approx. 350 feet; thence south approx. 1400 feet; thence east approx. 700 feet; thence south approx. 1000 feet; thence on a line SW approx. 800 feet; thence south approx. 1400 feet to the intersection with the northern boundary of Sec. 7, T36S, R5W; thence west to the NW corner of Sec. 7, the point of beginning.

(10) Klamath Falls Control Area means the area of the state beginning at the northeast corner of Section 8, T38S, R10E, thence south to the southeast corner of Section 5, T40S, R10E; thence west to the southwest corner of Section 3, T40S, R8E; thence north to the northwest corner of Section 10, T38S, R8E; thence east to the point of beginning.

(11) "Klamath Falls Nonattainment Area" means the area of the state beginning at the northwest corner of Section 31, T37S, R9E; thence east approximately two miles to the northeast corner of Section 32; thence south approximately four miles to the southeast corner of Section 17, T38S, R9E; thence east approximately one mile to the southwest corner of Section 15,; thence north approximately one mile to the northwest corner of Section 15; thence east approximately 2 miles to the northeast corner of Section 14; thence south approximately one mile to the northwest corner of section 24; thence east approximately one mile to the northeast corner of Section 24; thence south approximately three miles to the southeast corner of Section 36; thence east

approximately four miles to the northeast corner of Section 3, T39S, R10E; thence south approximately three miles to the southeast corner of Section 15; thence west approximately two miles to the southwest corner of Section16; thence south approximately two miles to the southeast corner of Section 29; thence west approximately five miles to the southwest corner of Section 27, T39S, R9E; thence north approximately one mile to the northeast corner of Section 27; thence west approximately four miles to the southwest corner of Section 24, T39S R8E; thence north approximately two miles to the northeast corner of Section 13; thence west approximately one mile to the southwest corner of Section 11; thence north approximately four miles to the northwest corner of Section 26 T38S, R8E; thence west one mile to the southwest corner of Section 22; thence north approximately one mile to the northwest corner of Section 22; thence west approximately one mile to the southwest corner of Section 16; thence north approximately one mile to the northeast corner of Section 16; thence west approximately one mile to the southwest corner of Section 8; thence north approximately two miles to the northwest corner of Section 5; thence east to the northeast corner of Section 1; thence north approximately one mile to the point of beginning

(12~~1~~) "Klamath Falls UGB" means the area within the bounds beginning at the southeast corner of Section 36, Township 38 South, Range 9 East; thence northerly approximately 4500 feet; thence westerly approximately 1/4 mile; thence northerly approximately 3/4 mile into Section 25, T38S, R9E; thence westerly approximately 1/4 mile; thence northerly approximately 1/2 mile to the southern boundary of Section 24, T38S, R9E; thence westerly approximately 1/2 mile to the southeast corner of Section 23, T38S, R9E; thence northerly approximately 1/2 mile; thence westerly approximately 1/4 mile; thence northerly approximately 1/2 mile to the southern boundary of Section 14, T38S, R9E; thence generally northwesterly along the 5000 foot elevation contour line approximately 3/4 mile; thence westerly 1 mile; thence north to the intersection with the northern boundary of Section 15, T38S, R9E; thence west 1/4 mile along the northern boundary of Section 15, T38S, R9E; thence generally southeasterly following the 4800 foot elevation contour line around the old Oregon Institute of Technology Campus to meet with the westerly line of Old Fort Road in Section 22, T38S, R9E; thence southwesterly along the westerly line of Old Fort Road approximately 1 and 1/4 miles to Section 27, T38S, R9E; thence west approximately 1/4 mile; thence southwesterly approximately 1/2 mile to the intersection with Section 27, T38S, R9E; thence westerly approximately 1/2 mile to intersect with the Klamath Falls City Limits at the northerly line of Loma Linda Drive in Section 28, T38S, R9E; thence northwesterly along Loma Linda Drive approximately 1/4 mile; thence southwesterly approximately 1/8 mile to the Klamath Falls City Limits; thence northerly along the Klamath Falls City Limits approximately 1 mile into Section 21, T38S, R9E; thence westerly approximately 1/4 mile; thence northerly approximately 1 mile into Section 17, T38S, R9E; thence westerly approximately 3/4 mile into Section 17, T38S, R9E; thence northerly approximately 1/4 mile; thence westerly approximately 1 mile to the west boundary of Highway 97 in Section 18, T38S, R9E; thence southeasterly along the western boundary of Highway 97 approximately 1/2 mile; thence southwesterly away from Highway 97; thence southeasterly to the intersection with Klamath Falls City Limits at Front Street; thence westerly approximately 1/4 mile to the western boundary of Section 19, T38S, R9E; thence southerly approximately 1 and 1/4 miles along the western boundary of Section 19, T38S, R9E and the Klamath Falls City Limits to the south shore line of Klamath Lake; thence northwesterly along the south shore line of Klamath Lake approximately 1 and 1/4 miles across Section 25, T38S, R9E and Section 26, T38S, R9E; thence westerly approximately 1/2 mile along Section 26, T38S, R9E; thence southerly approximately 1/2 mile to Section 27, T38S, R9E to the intersection with eastern boundary of Orindale Draw, thence southerly along the eastern boundary of Orindale Draw approximately 1 and 1/4 miles into Section 35, T38S, R9E; thence southerly approximately 1/2 mile into Section 2, T39S, R8E; thence easterly approximately 1/4 mile; thence northerly approximately 1/4 mile to the southeast corner of Section 35, T38S, R8E and the Klamath Falls City Limits; thence easterly approximately 1/2 mile to the northern boundary of Section 1, T38S, R8E; thence southeasterly approximately 1/2 mile to Orindale Road; thence north 500 feet along the west side of an easement; thence easterly approximately 1 and 1/4 miles through Section 1, T38S, R8E to the western boundary of Section 6, T39S, R9E; thence southerly approximately 3/4 mile to the southwest corner of Section 6, T39S, R9E; thence easterly approximately 1/8 mile to the western boundary of Highway 97; thence southwesterly along the Highway 97 right-of-way approximately 1/4 mile; thence westerly approximately 1/2 mile to Agate Street in Section 7, T39S, R8E; thence northerly approximately 1/4 mile; thence westerly approximately 3/4 mile to Orindale Road in Section 12, T39S, R8E; thence northerly approximately 1/4 mile into Section 1, T39S, R8E; thence westerly approximately 3/4 mile to the Section 2, T39S, R8E boundary line; thence southerly approximately 3/4 mile along the Section 2, T39S, R8E boundary line to the northwest corner of Section 12, T39S, R8E; thence westerly approximately 1/8 mile into Section 11, T39S, R8E; thence southerly approximately 1/8 mile; thence northeasterly approximately 3/4 mile to the southern boundary of Section 12, T39S, R8E at Balsam Drive; thence southerly approximately 1/4 mile into Section

12, T39S, R8E; thence easterly approximately 1/4 mile to Orindale Road; thence southeasterly approximately 500 feet to Highway 66; thence southwesterly approximately 1/2 mile along the boundary of Highway 66 to Holiday Road; thence southerly approximately 1/2 mile into Section 13, T39S, R8E; thence northeasterly approximately 1/4 mile to the eastern boundary of Section 13, T39S, R8E; thence northerly approximately 1/4 mile along the eastern boundary of Section 13, T39S, R8E; thence westerly approximately 1/4 mile to Weyerhaeuser Road; thence northerly approximately 1/8 mile; thence easterly approximately 1/8 mile; thence northerly approximately 1/8 mile; thence westerly approximately 1/8 mile to Farrier Avenue; thence northerly approximately 1/4 mile; thence easterly approximately 1/4 mile to the eastern boundary of Section 13, T39S, R8E; thence northerly approximately 1/8 mile along the eastern boundary of Section 13, T39S, R8E; thence easterly approximately 1/4 mile along the northern section line of Section 18, T39S, R8E; thence southerly approximately 1/4 mile; thence easterly approximately 1/2 mile to the boundary of Highway 97; thence southerly approximately 1/3 mile to the Burlington Northern Right-of-Way; thence northeasterly approximately 1 and 1/3 miles along the high water line of the Klamath River to the Southside Bypass in Section 8, T39S, R9E; thence southeasterly along the Southside Bypass to the Southern Pacific Right-of-Way in Section 9, T39S, R9E; thence southerly approximately 1/2 mile along the Southern Pacific Right-of-Way; thence southwesterly approximately 1/4 mile along the Midland Highway; thence southeasterly approximately 1/4 mile to the old railroad spur; thence easterly 1/4 mile along the old railroad spur; thence southerly approximately 1/4 mile in Section 16, T39S, R9E; thence westerly approximately 1/3 mile; thence southerly approximately 1/4 mile; thence easterly approximately 1/16 mile in Section 21, T39S, R9E; thence southerly approximately 1/8 mile to the Lost River Diversion Channel; thence southeasterly approximately 1/4 mile along the northern boundary of the Lost River Diversion Channel; thence easterly approximately 3/4 mile along Joe Wright Road into Section 22, T39S, R9E; thence southeasterly approximately 1/8 mile on the eastern boundary of the Southern Pacific Right-of-Way; thence southeasterly approximately 1 mile along the western boundary of the Southern Pacific Right-of-Way across Section 22, T39S, R9E and Section 27, T39S, R9E to a point 440 yards south of the northern boundary of Section 27, T39S, R9E; thence easterly to Kingsley Field; thence southeasterly approximately 3/4 mile to the southern boundary of Section 26, T39S, R9E; thence east approximately 1/2 mile along the southern boundary of Section 26, T39S, R9E to a pond; thence north-northwesterly for 1/2 mile following the Klamath Falls City Limits; thence north 840 feet; thence east 1155 feet to Homedale Road; thence north along Homedale Road to a point 1/4 mile north of the southern boundary of Section 23, T39S, R9E; thence west 1/4 mile; thence north 1 mile to the Southside Bypass in Section 14, T39S, R9E; thence east 1/2 mile along the Southside Bypass to the eastern boundary of Section 14, T39S, R9E; thence north 1/2 mile; thence east 900 feet into Section 13, T39S, R9E; thence north 1320 feet along the USBR 1-C 1-A to the southern boundary of Section 12, T39S, R9E; thence north 500 feet to the USBR A Canal; thence southeasterly 700 feet along the southern border of the USBR A Canal back into Section 13, T39S, R9E; thence southeast 1600 feet to the northwest parcel corner of an easement for the Enterprise Irrigation District; thence east-northeast 2200 feet to the eastern boundary of Section 13, T39S, R9E; thence north to the southeast corner of Section 12, T39S, R9E; thence along the Enterprise Irrigation Canal approximately 1/2 mile to Booth Road; thence east 1/2 mile to Vale Road; thence north 1 mile to a point in Section 6, T39S, R10E that is approximately 1700 feet north of the southern boundary of Section 6, T39S, R10E; thence west approximately 500 feet; thence south approximately 850 feet; thence west approximately 200 feet; thence north approximately 900 feet; thence west approximately1600 feet to the western boundary of Section 6, T39S, R10E; thence north approximately 1/2 mile to the southeast corner of Section 36, T38S, R9E, the point of beginning.

(1~~3~~2) “LaGrande UGB” means the area within the bounds beginning at the point where U.S. Interstate 84 (I-84) intersects Section 31, Township 2 South, Range 38 East; thence east along I-84 to the Union County Fairgrounds; thence north and then east on a line encompassing the Union County Fairgrounds to the intersection with Cedar Street; thence further east approximately 500 feet, encompassing two (2) residential properties; thence on a line south to the intersection with the northern bank of the Grande Ronde River; thence westerly along the northern bank of the Grande Ronde River to the intersection with the western edge of Mount Glenn Road and Riverside Park; thence north along the western edge of Mount Glenn Road and Riverside Park to the intersection with Fruitdale Road; thence east along Fruitdale Road and the northern boundary of Riverside Park to the eastern boundary of Riverside Park; thence south along the eastern boundary of Riverside Park to the north bank of the Grande Ronde River; thence on a line southeast to the intersection with the northern edge of I-84; thence easterly along the northern edge of I-84 to May Street; thence easterly along May Street to the intersection with State Highway 82; thence northeasterly along State Highway 82 to the a point approximately 1/4 mile from the eastern edge of Section 4, T3S, R38E; thence south to the intersection with Section 9, T3S, R38E, and the southern edge of Buchanan Avenue; thence west along the southern edge of Buchanan Avenue to the intersection with the northern edge of I-84; thence on a line south to the southern edge of I-84; thence southeasterly along the southern edge of I-84 approximately 2500 feet; thence on a line due west approximately 1400 feet; thence on a line due south to the intersection with the Union Pacific Railroad Line; thence southeasterly along the Union Pacific Railroad Line to the intersection with Gekeler Lane; thence west along Gekeler Lane to the intersection with U.S. Highway 30; thence southeast along U.S. Highway 30 to the intersection with the western boundary of Section 15, T3S, R38E; thence on a line west following existing property boundaries approximately 2900 feet; thence on a line north following existing property boundaries approximately 250 feet; thence on a line east following existing property boundaries approximately 650 feet; thence

north on a line to the intersection with Gekeler Lane; thence west along Gekeler Lane to the intersection with 20th Avenue; thence south along 20th Avenue to the intersection with Foothill Road; thence southeasterly along Foothill Road approximately 2900 feet; thence on a line west following existing property boundaries approximately 1250 feet; thence on a line south following existing property boundaries approximately 1250 feet; thence on a line west following existing property boundaries approximately 1250 feet; thence on a line north following existing property boundaries approximately 450 feet to the intersection with the southernmost part of the La Grande City Limits; thence westerly and northwesterly along the southernmost part of the La Grande City Limits approximately 1100 feet to the intersection with the 3000 foot elevation contour line; thence westerly following the 3000 foot elevation contour line and existing property boundaries approximately 2200 feet; thence on a line north following existing property boundaries approximately 1900 feet; thence on a line west following existing property boundaries approximately 500 feet; thence on a line north to the La Grande City Limits; thence west along the La Grande City Limits and following existing property boundaries approximately 650 feet; thence on a line south following existing property boundaries approximately 900 feet; thence on a line west following existing property boundaries approximately 1250 feet; thence on a line north to the intersection with the La Grande City Limits; thence west along the southern boundary of the La Grande City Limits to the intersection with the western boundary of the La Grande City Limits; thence north along the western boundary of the La Grande City Limits and following existing property lines approximately 500 feet; thence on a line west following existing property boundaries approximately 200 feet; thence on a line north following existing property boundaries approximately 700 feet; thence east to the first 3000 foot elevation contour line west of the La Grande City Limits; thence northerly following that 3000 foot elevation contour line to the intersection with Deal Canyon Road; thence easterly along Deal Canyon Road to the intersection with the western boundary of the La Grande City Limits; thence northerly along the western boundary of the La Grande City Limits to the intersection with U.S. Highway 30; thence northwesterly along U.S. Highway 30 and following existing property boundaries approximately 1400 feet; thence on a line west to the intersection with the western boundary of Section 6, T3S, R38E; thence north along the western boundaries of Section 6, T3S, R38E and Section 31, T2S, R38E to the point of beginning.

(14~~3~~) "Lakeview UGB" means the area beginning at the corner common to sections 21, 22, 27, and 28, T39S, R20E; thence north on the section line between section 21 and 22 to the section corner common to section 15, 16, 21, and 22; thence west along the section line between section 21 and 16 to the section corner common to sections 16, 17, 20, and 21; thence north along the section line between section 16 and 17 approximately 3550 feet to the east branch of Thomas Creek; thence northwesterly along the east branch of Thomas Creek to the center line of Highway 140; thence east along the center line of Highway 140 to the section corner common to sections 8, 9, 16, and 17, T39S, R20E; thence north along the section line between sections 8 and 9 to the section corner common to sections 4, 5, 8, and 9, T39S, R20E; thence north along the section line between section 4 and 5 to the section corner common to section 4 and 5, T39S, R20E and sections 32 and 33, T38S, R20E; thence east along the section line between sections 4 and 33 to the section corner common to sections 3 and 4, T39S, R20E and sections 33 and 34, T38S, R20E; thence south along the eastern boundary of section 4 approximately 4,1318.6 feet; thence S 89 degrees, 11 minutes W 288.28 feet to the east right of way line of the old Paisley/Lakeview Highway; thence S 21 degrees, 53 minutes E along the eastern right of way of the old Paisley/Lakeview Highway 288.4 feet; thence S 78 degrees, 45 minutes W 1375 feet; thence S 3 degrees, 6 minutes, and 30 seconds W 200 feet; thence S 77 degrees, 45 minutes W 136 feet to the east right of way line of U.S. Highway 395; thence southeasterly along the east right of way line of U.S. Highway 395 53.5 feet; thence N 77 degrees, 45 minutes E 195.6 feet; thence S 38 degrees, 45 minutes E 56.8 feet; thence S 51 degrees, 15 minutes W 186.1 feet to the east right of way of U.S. Highway 395; thence southeast along the eastern right of way line of U.S. Highway 395 2310 feet; thence N 76 degrees, 19 minutes 544.7 feet; thence S 13 degrees, 23 minutes, 21 seconds E 400 feet; thence N 63 degrees, 13 minutes E 243.6 feet to the western line of the old American Forest Products Logging Road; thence southeast along the old American Forest Products Logging Road to the western line of the northeast quadrant of the northwest quadrant of section 10, T39S, R20E; thence southeast to a point on the south line of the northeast quadrant of the northwest quadrant of Section 10, T39S, R20E (this point also bears N 89 degrees, 33 minutes E 230 feet from the center line of U.S. Highway 395); thence south on a line parallel to the east right of way line of U.S. Highway 395 to the south line of the northwest quadrant of section 10, T39S, R20E; thence south 491 feet to the east right of way of U.S. Highway 395; thence southeasterly following the east right of way of U.S. Highway 395 255 feet to the south line of the northeast quadrant of the northeast quadrant of the southwest quadrant of section 10, T39S, R20E; thence east along that south line to the center line of section 10, T39S, R20E; thence continuing east along the same south line to the eastern boundary of section 10, T39S, R20E; thence south along the eastern boundary of section 10 to the section corner common to sections 10, 11, 14, and 15, T39S, R20E; thence south along the section line between section 14 and 15 to the section corner common to sections 14, 15, 22, and 23, T39S, R20E; thence west along the section line between sections 15 and 22 to the northwest corner of the northeast quadrant of the northeast quadrant of section 22, T39S, R20E; thence south along the eastern line of the western half of the eastern half of section 22 to the southern boundary of section 22, T39S, R20E; thence west along the southern boundary of section 22 to the point of beginning.

(154) "Maintenance Area" means any area that was formerly nonattainment for a criteria pollutant but has since met EPA promulgated standards and has had a maintenance plan to stay within the standards approved by the EPA pursuant to 40 CFR 51.110 (July, 1993).

(165) "Medford-Ashland Air Quality Maintenance Area" (AQMA) means the area defined as beginning at a point approximately two and quarter miles northeast of the town of Eagle Point, Jackson County, Oregon at the northeast corner of Section 36, Township 35 South, Range 1 West (T35S, R1W); thence South along the Willamette Meridian to the southeast corner of Section 25, T37S, R1W; thence southeast along a line to the southeast corner of Section 9, T39S, R2E; thence south-southeast along line to the southeast corner of Section 22, T39S, R2E; thence South to the southeast corner of Section 27, T39S, R2E; thence southwest along a line to the southeast corner of Section 33, T39S, R2E; thence West to the southwest corner of Section 31, T39S, R2E; thence northwest along a line to the northwest corner of Section 36, T39S, R1E; thence West to the southwest corner of Section 26, T39S, R1E; thence northwest along a line to the southeast corner of Section 7, T39S, R1E; thence West to the southwest corner of Section 12, T39S, R1W, T39S, R1W; thence northwest along a line to southwest corner of Section 20, T38S, R1W; thence West to the southwest corner of Section 24, T38S, R2W; thence northwest along a line to the southwest corner of Section 4, T38S, R2W; thence West to the southwest corner of Section 6, T38S, R2W; thence northwest along a line to the southwest corner of Section 31, T37S, R2W; thence North and East along the Rogue River to the north boundary of Section 32, T35S, R1W; thence East along a line to the point of beginning.

(176) "Medford-Ashland CBD" means the area beginning at the intersection of Crater Lake Highway (Highway 62) south on Biddle Road to the intersection of Fourth Street, west on Fourth Street to the intersection with Riverside Avenue (Highway 99), south on Riverside Avenue to the intersection with Tenth Street, west on Tenth Street to the intersection with Oakdale Avenue, north on Oakdale Avenue to the intersection with Fourth Street, east on Fourth Street to the intersection with Central Avenue, north on Central Avenue to the intersection with Court Street, north on Court Street to the intersection with Crater Lake Highway (Highway 62) and east on Crater Lake Highway to the point of beginning, with extensions along McAndrews Road east from Biddle Road to Crater Lake Avenue, and along Jackson Street east from Biddle Road to Crater Lake Avenue.

NOTE: This definition also marks the area where indirect sources are required to have indirect source construction permits in the Medford area. See OAR 340-254-0040.

(187) "Medford UGB" means the area beginning at the line separating Range 1 West and Range 2 West at a point approximately 1/4 mile south of the northwest corner of Section 31, T36S, R1W; thence west approximately 1/2 mile; thence south to the north bank of Bear Creek; thence west to the south bank of Bear Creek; thence south to the intersection with the Medford Corporate Boundary; thence following the Medford Corporate Boundary west and southwesterly to the intersection with Merriman Road; thence northwesterly along Merriman Road to the intersection with the eastern boundary of Section 10, T36S, R2W; thence south along said boundary line approximately 3/4 mile; thence west approximately 1/3 mile; thence south to the intersection with the Hopkins Canal; thence east along the Hopkins Canal approximately 200 feet; thence south to Rossanely Drive; thence east along Rossanley Drive approximately 200 feet; thence south approximately 1200 feet; thence west approximately 700 feet; thence south approximately 1400 feet; thence east approximately 1400 feet; thence north approximately 100 feet; thence east approximately 700 feet; thence south to Finley Lane; thence west to the end of Finley Lane; thence approximately 1200 feet; thence west approximately 1300 feet; thence north approximately 150 feet; thence west approximately 500 feet; thence south to Highway 238; thence west along Highway 238 approximately 250 feet; thence south approximately 1250 feet to a point even with the end of Renault Avenue to the east; thence east approximately 2200 feet; thence south approximately 1100 feet to a point even with Sunset Court to the east; thence east to and along Sunset Court to the first (nameless) road to the south; thence approximately 850 feet; thence west approximately 600 feet; thence south to Stewart Avenue; thence west along Stewart Avenue approximately 750 feet; thence south approximately 1100 feet; thence west approximately 100 feet; thence south approximately 800 feet; thence east approximately 800 feet; thence south approximately 1000 feet; thence west approximately 350 feet to a point even with the north-south connector street between Sunset Drive and South Stage Road; thence south to and along said connecting road and continuing along South Stage Road to Fairlane Road; thence south to the end of Fairlane Road and extending beyond it approximately 250 feet; thence east approximately 250 feet; thence south approximately 250 feet to the intersection with Judy Way; thence east on Judy Way to Griffin Creek Road; thence north on Griffin Creek Road to South Stage Road; thence east on South Stage Road to Orchard Home Drive; thence north on Orchard Home Drive approximately 800 feet; thence east to Columbus Avenue; thence south along Columbus Avenue to South Stage Road; thence east along South Stage Road to the first road to the north after Sunnyview Lane; thence north approximately 300 feet; thence east approximately 300 feet; thence north approximately 700 feet; thence east to King's Highway; thence north along King's Highway to Experiment Station Road; thence east along Experiment Station Road to Marsh Lane; thence east along Marsh Lane to the northern boundary of Section 6, T38S, R1W; thence east along said boundary approximately 1100 feet; thence north approximately 1200 feet; thence east

approximately 1/3 mile; thence north approximately 400 feet; thence east approximately 1000 feet to a drainage ditch; thence following the drainage ditch southeasterly approximately 500 feet; thence east to the eastern boundary of Section 31, T37S, R1W; thence south along said boundary approximately 1900 feet; thence east to and along the loop off of Rogue Valley Boulevard, following that loop to the Southern Pacific Railroad Line (SPRR); thence following SPRR approximately 500 feet; thence south to South Stage Road; thence east along South Stage Road to SPRR; thence southeasterly along SPRR to the intersection with the west fork of Bear Creek; thence northeasterly along the west fork of Bear Creek to the intersection with U.S. Highway 99; thence southeasterly along U.S. Highway 99 approximately 250 feet; thence east approximately 1600 feet; thence south to East Glenwood Road; thence east along East Glenwood Road approximately 1250 feet; thence north approximately 1/2 mile; thence west approximately 250 feet; thence north approximately 1/2 mile to the Medford City Limits; thence east along the city limits to Phoenix Road; thence south along Phoenix Road to Coal Mine Road; thence east along Coal Mine Road approximately 9/10 mile to the western boundary of Section 35, T37S, R1W; thence north to the midpoint of the western boundary of Section 35, T37S, R1W; thence west approximately 800 feet; thence north approximately 1700 feet to the intersection with Barnett Road; thence easterly along Barnett Road to the southeast corner of Section 27, T37S, R1W; thence north along the eastern boundary line of said section approximately 1/2 mile to the intersection with the 1800 foot contour line; thence east to the intersection with Cherry Lane; thence following Cherry Lane southeasterly and then northerly to the intersection with Hillcrest Road; thence east along Hillcrest Road to the southeast corner of Section 23, T37S, R1W; thence north to the northeast corner of Section 23, T37S, R1W; thence west to the midpoint of the northern boundary of Section 22; T37S, R1W; thence north to the midpoint of Section 15, T37S, R1W; thence west to the midpoint of the western boundary of Section 15, T37S, R1W; thence south along said boundary approximately 600 feet; thence west approximately 1200 feet; thence north approximately 600 feet; thence west to Foothill Road; thence north along Foothill Road to a point approximately 500 feet north of Butte Road; thence west approximately 300 feet; thence south approximately 250 feet; thence west on a line parallel to and approximately 250 feet north of Butte Road to the eastern boundary of Section 8, T37S, R1W; thence north approximately 2200 feet; thence west approximately 1800 feet; thence north approximately 2000 feet; thence west approximately 500 feet; thence north to Coker Butte Road; thence east along Coker Butte Road approximately 550 feet; thence north approximately 1250 feet; thence west to U.S. Highway 62; thence north approximately 3000 feet; thence east approximately 400 feet to the 1340 foot contour line; thence north approximately 800 feet; thence west approximately 200 feet; thence north approximately 250 feet to East Vilas Road; thence east along East Vilas Road approximately 450 feet; thence north approximately 2000 feet to a point approximately 150 feet north of Swanson Creek; thence east approximately 600 feet; thence north approximately 850 feet; thence west approximately 750 feet; thence north approximately 650 feet; thence west approximately 2100 feet; thence on a line southeast approximately 600 feet; thence east approximately 450 feet; thence south approximately 1600 feet; thence west approximately 2000 feet to the continuance of the private logging road north of East Vilas Road; thence south along said logging road approximately 850 feet; thence west approximately 750 feet; thence south approximately 150 feet; thence west approximately 550 feet to Peace Lane; thence north along Peace Lane approximately 100 feet; thence west approximately 350 feet; thence north approximately 950 feet; thence west approximately 1000 feet to the western boundary of Section 31, T36S, R1W; thence north approximately 1300 feet along said boundary to the point of beginning.

(19~~8~~) “Nonattainment Area” means any area that has been designated as not meeting the standards established by the U.S. Environmental Protection Agency (EPA) pursuant to 40 CFR 51.52 (July, 1993) for any criteria pollutant.

(20~~19~~) “O3” means Ozone.

(21~~0~~) “Oakridge UGB” means the area enclosed by the following: Beginning at the northwest corner of Section 17, T21S, R3E and the city limits; thence south along the western boundary of Section 17, T21S, R3E along the city limits approximately 800 feet; thence southwesterly following the city limits approximately 750 feet; thence west along the city limits approximately 450 feet; thence northwesterly along the city limits approximately 450 feet; thence on a line south along the city limits approximately 250 feet; thence on a line east along the city limits approximately 100 feet; thence southwesterly along the city limits approximately 200 feet; thence on a line east along the city limits approximately 400 feet; thence on a line south along the city limits to the channel of the Willamette River Middle Fork; thence south-easterly up the Willamette River Middle Fork along the city limits approximately 7200 feet; thence exiting the Willamette River Middle Fork with the city limits in a northerly manner and forming a rough semicircle with a diameter of approximately one-half mile before rejoining the Willamette River Middle Fork; thence diverging from the city limits upon rejoining the Willamette River Middle Fork and moving southeasterly approximately 5600 feet up the Willamette River Middle Fork to a point on the river even with the point where Salmon Creek Road intersects with U.S. Highway 58; thence on a line east from the channel of the Willamette River Middle Fork across the intersection of Salmon Creek Road and U.S. Highway 58 to the intersection with the Southern Pacific Railroad Line; thence northerly along the Southern Pacific Railroad Line to the intersection with the northern boundary of Section 22, T21S, R3E; thence west along the northern boundary of Section 22, T21S, R3E to the intersection with Salmon Creek Road; thence on a line north to the intersection with the Southern Pacific Railroad Line; thence east along the

Southern Pacific Railroad Line approximately 600 feet; thence on a line north to the intersection with High Prairie Road; thence on a line west approximately 400 feet; thence on a line north to the intersection with the northern boundary of Section 15, T21S, R3E; thence west along the northern boundary of Section 15, T21S, R3E to the intersection with the southeastern corner of Section 9, T21S, R3E; thence north along the eastern boundary of Section 9, T21S, R3E approximately 1300 feet; thence on a line west approximately 1100 feet; thence on a line south to the intersection with West Oak Road; thence northwesterly along West Oak Road approximately 2000 feet; thence on a line south to the intersection with the northern boundary line of the city limits; thence westerly and northwesterly approximately 8000 feet along the city limits to the point of beginning.

(221) "Particulate Matter" has the meaning given that term in OAR 340-200-0020(82).

(232) PM10: has the meaning given that term in OAR 340-200-0020(90).

(243) "PM2.5" has the meaning given that term in OAR 340-200-0020(91).

(254) "Portland AQMA" means the area within the bounds beginning at the point starting on the Oregon-Washington state line in the Columbia River at the confluence with the Willamette River, thence east up the Columbia River to the confluence with the Sandy River, thence southerly and easterly up the Sandy River to the point where the Sandy River intersects the Clackamas County-Multnomah County line, thence west along the Clackamas County-Multnomah County line to the point where the Clackamas County-Multnomah County line is intersected by H. Johnson Road (242nd), thence south along H. Johnson Road to the intersection with Kelso Road (Boring Highway), thence west along Kelso Road to the intersection with Deep Creek Road (232nd), thence south along Deep Creek Road to the point of intersection with Deep Creek, thence southeasterly along Deep Creek to the confluence with Clackamas River, thence easterly along the Clackamas River to the confluence with Clear Creek, thence southerly along Clear Creek to the point where Clear Creek intersects Springwater Road then to Forsythe Road, thence easterly along Forsythe Road to the intersection with Bradley Road, thence south along Bradley Road to the intersection with Redland Road, thence west along Redland Road to the intersection with Ferguson Road, thence south along Ferguson Road to the intersection with Thayler Road, thence west along Thayler Road to the intersection with Beaver Creek Road, thence southeast along Beaver Creek Road to the intersection with Henrici Road, thence west along Henrici Road to the intersection with State Highway 213 (Mollala Avenue), thence southeast along State Highway 213 to the point of intersection with Beaver Creek, thence westerly down Beaver Creek to the confluence with the Willamette River, thence southerly and westerly up the Willamette River to the point where the Willamette River intersects the Clackamas County-Yamhill County line, thence north along the Clackamas County-Yamhill County line to the point where it intersects the Washington County-Yamhill County line, thence west and north along the Washington County-Yamhill County line to the point where it is intersected by Mount Richmond Road, thence northeast along Mount Richmond Road to the intersection with Patton Valley Road, thence easterly and northerly along Patton Valley Road to the intersection with Tualatin Valley State Highway, thence northerly along Tualatin Valley State Highway to the intersection with State Highway 47, thence northerly along State Highway 47 to the intersection with Dilley Road, thence northwesterly and northerly along Dilley Road to the intersection with Stringtown Road, thence westerly and northwesterly along Stringtown Road to the intersection with Gales Creek Road, thence northwesterly along Gales Creek Road to the intersection with Tinmmerman Road, thence northerly along Tinmmerman Road to the intersection with Wilson River Highway, thence west and southwesterly along Wilson River Highway to the intersection with Narup Road, thence north along Narup Road to the intersection with Cedar Canyon Road, thence westerly and northerly along Cedar Canyon Road to the intersection with Banks Road, thence west along Banks Road to the intersection with Hahn Road, thence northerly and westerly along Hahn Road to the intersection with Mountaindale Road, thence southeasterly along Mountaindale Road to the intersection with Glencoe Road, thence east-southeasterly along Glencoe Road to the intersection with Jackson Quarry Road, thence north-northeasterly along Jackson Quarry Road to the intersection with Helvetia Road, thence easterly and southerly along Helvetia Road to the intersection with Bishop Road, thence southerly along Bishop Road to the intersection with Phillips Road, thence easterly along Phillips Road to the intersection with the Burlington Northern Railroad Track, thence northeasterly along the Burlington Northern Railroad Line to the intersection with Rock Creek Road, thence east-southeasterly along Rock Creek Road to the intersection with Old Cornelius Pass Road, thence northeasterly along Old Cornelius Pass Road to the intersection with Skyline Boulevard, thence easterly and southerly along Skyline Boulevard to the intersection with Newberry Road, thence northeasterly along Newberry Road to the intersection with State Highway 30 (St. Helens Road), thence northeast on a line over land across State Highway 30 to the Multnomah Channel, thence east-southeasterly up the Multnomah Channel to the diffluence with the Willamette River, thence north-northeasterly down the Willamette River to the confluence with the Columbia River and the Oregon-Washington state line (the point of beginning).

(265) "Portland Metropolitan Service District Boundary" or "Portland Metro" means the boundary surrounding the urban growth boundaries of the cities within the Greater Portland Metropolitan Area. It is defined in the Oregon Revised Statutes (ORS) 268.125 (1989).

(276) "Portland Vehicle Inspection Area" means the area of the state included within the following census tracts, block groups, and blocks as used in the 1990 Federal Census. In Multnomah County, the following tracts, block groups, and blocks are included: Tracts 1, 2, 3.01, 3.02, 4.01, 4.02, 5.01, 5.02, 6.01, 6.02, 7.01, 7.02, 8.01, 8.02, 9.01, 9.02, 10, 11.01, 11.02, 12.01, 12.02, 13.01, 13.02, 14, 15, 16.01, 16.02, 17.01, 17.02, 18.01, 18.02, 19, 20, 21, 22.01, 22.02, 23.01, 23.02, 24.01, 24.02, 25.01, 25.02, 26, 27.01, 27.02, 28.01, 28.02, 29.01, 29.02, 29.03, 30, 31, 32, 33.01, 33.02, 34.01, 34.02, 35.01, 35.02, 36.01, 36.02, 36.03, 37.01, 37.02, 38.01, 38.02, 38.03, 39.01, 39.02, 40.01, 40.02, 41.01, 41.02, 42, 43, 44, 45, 46.01, 46.02, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56 57, 58, 59, 60.01. 60.02, 61, 62, 63, 64.01, 64.02, 65.01, 65.02, 66.01, 66.02, 67.01, 67.02, 68.01, 68.02, 69, 70, 71, 72.01, 72.02, 73, 74, 75, 76, 77, 78, 79, 80.01, 80.02, 81, 82.01, 82.02, 83.01, 83.02, 84, 85, 86, 87, 88, 89, 90, 91, 92.01, 92.02, 93, 94, 95, 96.01, 96.02, 97.01, 97.02, 98.01, 98.02, 99.01, 99.02, 99.03, 100, 101, 102, 103.01, 103.02, 104.02, 104.04, 104. 05, 104.06, 104.07; Block Groups 1, 2 of Tract 105; Blocks 360, 361, 362 of Tract 105; that portion of Blocks 357, 399 of Tract 105 beginning at the intersection of the Oregon-Washington State Line ("State Line") and the northeast corner of Block Group 1 of Tract 105, thence east along the State Line to the intersection of the State Line and the eastern edge of Section 26, Township 1 North, Range 4 East, thence south along the section line to the centerline of State Highway 100 to the intersection of State Highway 100 and the western edge of Block Group 2 of Tract 105. In Clackamas County, the following tracts, block groups, and blocks are included: Tracts 201, 202, 203.01, 203.02, 204.01, 204.02, 205.01, 205.02, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216.01, 216.02, 217, 218, 219, 220, 221.01, 221.02, 222.02, 223, 224, 225, 226, 227.01, 227.02, 228, 229, 230, 231, 232, 233, 234.01, 234.02, , 235, 236, 237; Block Groups 1, 2 of Tract 241; Block Groups 1, 2, 3, 4 of Tract 242; Block Groups 1, 2 of Tract 243.02. In Yamhill County, the following tract is included: Tract 301, except those areas in Tract 301 that lie within the Newberg City Limits defined as of July 12, 1996, and the following blocks within Tract 301: 102B, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121D, 122B, 122C, 123, 126, and 127B. In Washington County the following tracts, block groups, and blocks are included: Tracts 301, 302, 303, 304.01, 304.02, 305.01, 305.02, 306, 307, 308.01, 308.02, 309, 310.03, 310.04, 310.05, 310.06, 311, 312, 313, 314.01, 314.02, 315.01, 315.04, 315.05, 315.06, 315.07, 315.08, 316.03, 316.04, 316.05, 316.06, 316.07, 317.02, 317.03, 317.04, 318.01, 318.02, 318.03, 319.01, 319.03, 319.04, 320, 321.01, 321.02, 322, 323, 324.02, 324.03, 324.04, 325, 326.01, 326.02, 328, 329, 330, 331, 332, 333; Block Groups 1, 2 of Tract 327; Block Group 1 of Tract 334; Block Group 2 of Tract 335; Block Group 1 of Tract 336. In Columbia County the following tracts, block groups, and blocks are included: Tract 9710.98; Block Groups 2, 3 of Tract 9709.98; Blocks 146B, 148, 152 of Tract 9709.98.

(287) "Rogue Basin" means the area bounded by the following line: Beginning at the NE corner of T32S, R2E, W.M., thence south along range line 2E to the SE corner of T39S; thence west along township line 39S to the NE corner of T40S, R7W; thence south to the SE corner of T40S, R7W; thence west to the SE corner of T40S, R9W; thence north on range line 9W to the NE corner of T39S, R9W; thence east to the NE corner of T39S, R8W; thence north on range line 8W to the SE corner of Section 1, T33S, R8W on the Josephine-Douglas County line; thence east on the Josephine-Douglas and Jackson-Douglas County lines to the NE corner of T32S, R1W; thence east along township line 32S to the NE corner of T32S, R2E to the point of beginning.

(289) "Salem-Keizer Area Transportation Study" or "SKATS" means the area within the bounds beginning at the intersection of U.S. Interstate Highway 5 (I-5) with Battle Creek Road SE and Wiltsey Road, south along I-5 to the intersection with the western boundary of Section 24, T8S, R3W; thence due south on a line to the intersection with Delaney Road; thence easterly along Delaney Road to the intersection with Sunnyside Road; thence north along Sunnyside Road to the intersection with Hylo Road SE; thence west along Hylo Road SE to the intersection with Liberty Road; thence north along Liberty Road to the intersection with Cole Road; thence west along Cole Road to the intersection with Bates Road; thence northerly and easterly along Bates Road to the intersection with Jory Hill Road; thence west along Jory Hill Road to the intersection with Stone Hill Avenue; thence north along Stone Hill Avenue to the intersection with Vita Springs Road; thence westerly along Vita Springs Road to the Willamette River; thence northeasterly downstream the Willamette River to a point adjacent to where the western boundary of Section 30, T7S, R3W intersects the Southern Pacific Railroad Line; thence westerly along the Southern Pacific Railroad Line to the intersection with State Highway 51; thence northeasterly along State Highway 51 to the intersection with Oak Grove Road; thence northerly along Oak Grove Road to the intersection with State Highway 22; thence west on State Highway 22 to the intersection with Oak Grove Road; thence north along Oak Grove Road to the intersection with Orchard Heights Road; thence east and north along Orchard Heights Road to the intersection with Eagle Crest Drive; thence northerly along Eagle Crest Drive to the intersection with Hunt Road; thence north along Hunt Road to the intersection with Fourth Road; thence east along Fourth Road to the intersection with Spring Valley Road; thence north along Spring Valley to the intersection with Oak Knoll Road; thence east along Oak Knoll Road to the intersection with Wallace Road; thence south along Wallace Road to the intersection with Lincoln Road; thence east

along Lincoln Road on a line to the intersection with the Willamette River; thence northeasterly downstream the Willamette River to a point adjacent to where Simon Street starts on the East Bank; thence east and south along Simon Street to the intersection with Salmon; thence east along Salmon to the intersection with Ravena Drive; thence southerly and easterly along Ravena Drive to the intersection with Wheatland Road; thence northerly along Wheatland Road to the intersection with Brooklake Road; thence southeast along Brooklake Road to the intersection with 65th Avenue; thence south along 65th Avenue to the intersection with Labish Road; thence east along Labish Road to the intersection with the West Branch of the Little Pudding River; thence southerly along the West Branch of the Little Pudding River to the intersection with Sunnyview Road; thence east along Sunnyview Road to the intersection with 63rd Avenue; thence south along 63rd Avenue to the intersection with State Street; thence east along State Street to the intersection with 62nd Avenue; thence south along 62nd Avenue to the intersection with Deer Park Drive; thence southwest along Deer Park Drive to the intersection with Santiam Highway 22; thence southeast along Santiam Highway 22 to the point where it intersects the Salem Urban Growth Boundary (SUGB); thence following the southeast boundary of the SUGB generally southerly and westerly to the intersection with Wiltsey Road; thence west along Wiltsey Road to the intersection with I-5 (the point of beginning).

(~~23~~2309) "UGB" means Urban Growth Boundary.

(3~~1~~10) "Umpqua Basin" means the area bounded by the following line: Beginning at the SW corner of Section 2, T19S, R9W, on the Douglas-Lane County lines and extending due south to the SW corner of Section 14, T32S, R9W, on the Douglas-Curry County lines, thence easterly on the Douglas-Curry and Douglas-Josephine County lines to the intersection of the Douglas, Josephine, and Jackson County lines; thence easterly on the Douglas-Jackson County line to the intersection of the Umpqua National Forest boundary on the NW corner of Section 32, T32S, R3W; thence northerly on the Umpqua National Forest boundary to the NE corner of Section 36, T25S, R2W; thence west to the NW corner of Section 36, T25S, R4W; thence north to the Douglas-Lane County line; thence westerly on the Douglas-Lane County line to the starting point.

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.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 18-1996, f. & cert. ef. 8-19-96; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0500; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 18-2011, f. & cert. ef. 12-21-11

340-204-0030

Designation of Nonattainment Areas

The following areas are designated as Particulate Matter Nonattainment Areas:

(1) The Oakridge Nonattainment Area for PM10 is the Oakridge UGB as defined in OAR 340-204-0010.

(2) The Klamath Falls Nonattainment Area for PM2.5 is as follows: Townships and ranges defined by T37S R9E Sections 31-32. T38S R8E Sections 1-5, 8-16, 22-26, 35-36. T38S R9E Sections 5-8, 14-15, 17-36. T39S R8E Sections 1-2, 11-13, 24. T39S R9E Sections 1-27. T39S R10E Sections 3-10, 15-20, 29-30.

(3) The Oakridge Nonattainment Area for PM2.5 is defined as a line from Township 21 South, Range 2 East, Section 11 (northwest corner), east to Township 21 South, Range 3 East, Section 11 (northeast corner), south to Township 21 South, Range 3 East, Section 23 (southeast corner), west to Township 21 South, Range 2 East, Section 23 (southwest corner) connecting back to Township 21 South, Range 2 East, Section 11 (northwest corner).

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 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 18-1996, f. & cert. ef. 8-19-96; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0520; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 4-2007, f. & cert. ef. 6-28-07; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 18-2011, f. & cert. ef. 12-21-11

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 225

AIR QUALITY ANALYSIS REQUIREMENTS

340-225-0090

Requirements for Demonstrating a Net Air Quality Benefit

Demonstrations of net air quality benefit for offsets must include the following:

(1) Ozone areas (VOC and NOx emissions). For sources capable of impacting a designated ozone nonattainment or maintenance area;

(a) Offsets for VOC and NOx are required if the source will be located within the designated area or within the Ozone Precursor Distance.

(b) The amount and location of offsets must be determined in accordance with this subsection:

(A)For new or modified sources locating within a designated nonattainment area, the offset ratio is 1.1:1. These offsets must come from within either the same designated nonattainment area as the new or modified source or another ozone nonattainment area (with equal or higher nonattainment classification) that contributes to a violation of the NAAQS in the same designated nonattainment area as the new or modified source.

(B) For new or modified sources locating within a designated maintenance area, the offset ratio is 1.1:1. These offsets may come from within either the designated area or the ozone precursor distance.

(C) For new or modified sources locating outside the designated area, but within the ozone precursor distance, the offset ratio is 1:1. These offsets may come from within either the designated area or the ozone precursor distance.

(D) Offsets from outside the designated area but within the Ozone Precursor Distance must be from sources affecting the designated area in a comparable manner to the proposed emissions increase. Methods for determining offsets are described in the Ozone Precursor Offsets definition (OAR 340-225-0020(11)).

(c) In lieu of obtaining offsets, the owner or operator may obtain an allocation at the rate of 1:1 from a growth allowance, if available, in an applicable maintenance plan.

(d) Sources within or affecting the Medford Ozone Maintenance Area are exempt from the requirement for NOx offsets relating to ozone formation.

(e) Sources within or affecting the Salem Ozone Maintenance Area are exempt from the requirement for VOC and NOx offsets relating to ozone formation.

(2) Non-Ozone areas (PM2.5, PM10, SO2, CO, NOx, and Lead emissions):

(a) For a source locating within a designated nonattainment area, the owner or operator must comply with paragraphs (A) through (E) of this subsection:

(A) Obtain offsets from within the same designated nonattainment area for the nonattainment pollutant(s);

(B) Except as provided in paragraphs (C) of this subsection, provide a minimum of 1:1 offsets for each nonattainment pollutant and precursor with emission increases over the Netting Basis;

(C) For PM2.5; inter-pollutant offsets are allowed as follows:

(i) 1 ton of direct PM2.5 may be used to offset 40 tons of SO2;

(ii) 1 ton of direct PM2.5 may be used to offset 100 tons of NOx;

(iii) 40 tons of SO2 may be used to offset 1 ton of direct PM2.5;

(iv) 100 tons of NOx may be used to offset 1 ton of direct PM2.5.

(D) Except as provided in section (7) of this rule, Pprovide a net air quality benefit within the designated nonattainment area. "Net Air Quality Benefit" means:

(i) Offsets obtained result in a reduction in concentration at a majority of the modeled receptors and the emission increases from the proposed source or modification will result in less than a significant impact level increase at all modeled receptors; or

(ii) For a small scale local energy project and any infrastructure related to that project located in the same area, a reduction of the nonattainment pollutant emissions equal to the ratio specified in this subsection, provided that the proposed major source or major modification would not cause or contribute to a violation of the national ambient air quality standard or otherwise pose a material threat to compliance with air quality standards in the nonattainment area.

(E) Provide offsets sufficient to demonstrate reasonable further progress toward achieving the NAAQS.

(b) For a source locating outside a designated nonattainment area but causing a significant air quality impact on the area, the owner or operator must provide offsets sufficient to reduce the modeled impacts below the significant air quality impact level (OAR 340-200-0020) at all receptors within the designated nonattainment area. These offsets may come from within or outside the designated nonattainment area. This requirement only applies to the emissions remaining after first deducting the offsets obtained in accordance with section (7) of this rule.

(c) For a source locating inside or causing a significant air quality impact on a designated maintenance area, the owner or operator must either provide offsets sufficient to reduce modeled impacts below the significant air quality impact level (OAR 340-200-0020) at all receptors within the designated maintenance area or obtain an allocation from an available growth allowance as allowed by an applicable maintenance plan. These offsets may come from within or outside the designated maintenance area. This requirement only applies to the emissions remaining after first deducting the offsets obtained in accordance with section (7) of this rule.

(A) Medford-Ashland AQMA: Proposed new major PM10 sources or major PM10 modifications locating within the AQMA that are required to provide emission offsets under OAR 340-224-0060(2)(a) must provide reductions in PM10 emissions equal to 1.2 times the emissions increase over the netting basis from the new or modified source, and must provide a net air quality benefit within the AQMA. "Net Air Quality Benefit" means:

(i) A reduction in concentration at a majority of the modeled receptors and less than a significant impact level increase at all modeled receptors; or

(ii) For a small scale local energy project and any infrastructure related to that project located in the same area, a reduction of the maintenance pollutant emissions equal to the ratio specified in this paragraph, provided that the proposed major source or major modification would not cause or contribute to a violation of the national ambient air quality standard or otherwise pose a material threat to compliance with air quality standards in the maintenance area.

(B) Medford-Ashland AQMA: Proposed new major PM10 sources or major PM10 modifications located outside the Medford-Ashland AQMA that cause a significant air quality impact on the AQMA must provide reductions in PM10

emissions sufficient to reduce modeled impacts below the significant air quality impact level (OAR 340-200-0020) at all receptors within the AQMA.

(3) Except as provided in paragraph (2)(a)(C) of this rule, the emission reductions used as offsets must be of the same type of pollutant as the emissions from the new source or modification. Sources of PM10 must be offset with particulate in the same size range.

(4) The emission reductions used as offsets must be contemporaneous, that is, the reductions must take effect before the time of startup but not more than two years before the submittal of a complete permit application for the new source or modification. This time limitation may be extended through banking, as provided for in OAR 340 division 268, Emission Reduction Credit Banking. In the case of replacement facilities, the Department may allow simultaneous operation of the old and new facilities during the startup period of the new facility, if net emissions are not increased during that time period. Any emission reductions must be federally enforceable at the time of the issuance of the permit.

(5) Offsets required under this rule must meet the requirements of Emissions Reduction Credits in OAR 340 division 268.

(6) Emission reductions used as offsets must be equivalent in terms of short term, seasonal, and yearly time periods to mitigate the effects of the proposed emissions.

(7) Offsets obtained in accordance with OAR 340-240-0550 and 340-240-0560 for sources locating within or causing significant air quality impact on the Klamath Falls PM2.5 nonattainment or PM10 maintenance areas are exempt from the requirements of paragraph (2)(a)(E) and sub-sections 2(b) and 2(c) of this rule provided that the proposed major source or major modification would not cause or contribute to a new violation of the national ambient air quality standard. This exemption only applies to the direct PM2.5 or PM10 offsets obtained from residential wood-fired devices in accordance with OAR 340-240-0550 and 340-240-0560. Any remaining emissions from the source that are offset by emission reductions from other sources are subject to the requirements of paragraph (2)(a)(E) or sub-sections (2)(b) or (2(c) of this rule, as applicable.

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

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0260; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1970; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0111; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-224-0090 & 340-240-0260; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 12-2002(Temp), f. & cert. ef. 10-8-02 thru 4-6-03; Administrative correction 11-10-03; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction, 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 240

RULES FOR AREAS WITH UNIQUE AIR QUALITY NEEDS

340-240-0010

Purpose

The purpose of this ~~Division~~ division is to ~~deal specifically with the unique~~address the air quality control needs of the Medford-Ashland AQMA and Grants Pass UGB (OAR 340-240-0100 through 340-240-0270), the La Grande UGB (340-240-0300 through 340-240-0360, ~~and~~ the Lakeview UGB (340-240-0400 through 340-240-0440), and the Klamath Falls Nonattainment Area (340-240-0500 through 340-240-0630).

[NOTE: These rules are 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 4-1978, f. & ef. 4-7-78; DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 23-1991, 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 340-030-0005

340-240-0030

Definitions

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply to this division. If the same term is defined in this rule and 340-200-0020 or 340-204-0010, the definition in this rule applies to this division.

(1) "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid or particulate matter, or any combination thereof.

(2) "Air Conveying System" means an air moving device, such as a fan or blower, associated ductwork, and a cyclone or other collection device, the purpose of which is to move material from one point to another by entrainment in a moving airstream.

(3) "Average Operating Opacity" means the opacity of emissions determined using EPA Method 9 on any three days within a 12-month period which are separated from each other by at least 30 days; a violation of the average operating opacity limitation is judged to have occurred if the opacity of emissions on each of the three days is greater than the specified average operating opacity limitation.

(4) "Charcoal Producing Plant" means an industrial operation which uses the destructive distillation of wood to obtain the fixed carbon in the wood.

(5) "Collection Efficiency" means the overall performance of the air cleaning device in terms of ratio of weight of material collected to total weight of input to the collector.

(6) "Department" means Department of Environmental Quality.

(7) "Design Criteria" means the numerical as well as verbal description of the basis of design, including but not necessarily limited to design flow rates, temperatures, humidities, contaminant descriptions in terms of types and chemical species, mass emission rates, concentrations, and specification of desired results in terms of final emission rates and concentrations, and scopes of vendor supplies and owner-supplied equipment and utilities, and a description of any operational controls.

(8) "Domestic Waste" means combustible household waste, other than wet garbage, such as paper, cardboard, leaves, yard clippings, wood, or similar materials generated in a dwelling housing four (4) families or less, or on the real property on which the dwelling is situated.

(9) "Dry Standard Cubic Foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions.

(10) "Emission" means a release into the outdoor atmosphere of air contaminants.

(11) "EPA Method 9" means the method for Visual Determination of the Opacity of Emissions From Stationary Sources described as Method (average of 24 consecutive observations) in the Department Source Sampling Manual (January, 1992).

(12) "Facility" means an identifiable piece of process equipment. A stationary source may be comprised of one or more pollutant-emitting facilities.

(13) “Fireplace” is defined in OAR 340-262-0450

(143) "Fuel Burning Equipment" means a device that burns a solid, liquid, or gaseous fuel, the principal purpose of which is to produce heat or power by indirect heat transfer. All stationary gas turbines are considered Fuel Burning Equipment. Marine installations and internal combustion engines are not considered Fuel Burning Equipment.

(154) "Fuel Moisture Content By Weight Greater Than 20 Percent" means bark, hogged wood waste, or other wood with an average moisture content of more than 20 percent by weight on a

wet basis as used for fuel in the normal operation of a wood-fired veneer dryer as measured by ASTM D4442-84 during compliance source testing.

(165) "Fuel Moisture Content By Weight Less Than 20 Percent" means pulverized ply trim, sanderdust, or other wood with an average moisture content of 20 percent or less by weight on a wet basis as used for fuel in the normal operation of a wood-fired veneer dryer as measured by ASTM D4442-84 during compliance source testing.

(176) "Fugitive Emissions" means dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof not easily given to measurement, collection and treatment by conventional pollution control methods.

(187) "Grants Pass Urban Growth Area" and "Grants Pass Area" means the area within the Grants Pass Urban Growth Boundary as shown on the Plan and Zoning Maps for the City of Grants Pass as of 1 February 1988.

(1918) "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.

(20) “Klamath Falls Nonattainment Area” means the area as defined in OAR 340-204-0010.

(2119) "La Grande Urban Growth Area" means the area within the La Grande Urban Growth Boundary as shown on the Plan and Zoning Maps for the City of La Grande as of 1 October 1991.

(220) "Lakeview Urban Growth Area" means the area within the Lakeview Urban Growth Boundary as shown on the Plan and Zoning Maps for the Town of Lakeview as of 25 October 1993.

(231) "Liquefied petroleum gas" has the meaning given by the American Society for Testing and Materials in ASTM D1835-82, "Standard Specification for Liquid Petroleum Gases."

(242) "Lowest Achievable Emission Rate" or "LAER" is defined in OAR 340-200-0020.

(253) "Maximum Opacity" means the opacity as determined by EPA Method 9 (average of 24 consecutive observations).

(264) "Medford-Ashland Air Quality Maintenance Area" (AQMA) means the area defined as beginning at a point approximately two and quarter miles northeast of the town of Eagle Point, Jackson County, Oregon at the northeast corner of Section 36, Township 35 South, Range 1 West (T35S, R1W); thence South along the Willamette Meridian to the southeast corner of Section 25, T37S, R1W; thence southeast along a line to the southeast corner of Section 9, T39S, R2E; thence south-southeast along line to the southeast corner of Section 22, T39S, R2E; thence South to the southeast corner of Section 27, T39S, R2E; thence southwest along a line to the southeast corner of Section 33, T39S, R2E; thence West to the southwest corner of Section 31, T39S, R2E; thence northwest along a line to the northwest corner of Section 36, T39S, R1E;

thence West to the southwest corner of Section 26, T39S, R1E; thence northwest along a line to the southeast corner of Section 7, T39S, R1E; thence West to the southwest corner of Section 12, T39S, R1W, T39S, R1W; thence northwest along a line to southwest corner of Section 20, T38S, R1W; thence West to the southwest corner of Section 24, T38S, R2W; thence northwest along a line to the southwest corner of Section 4, T38S, R2W; thence West to the southwest corner of Section 6, T38S, R2W; thence northwest along a line to the southwest corner of Section 31, T37S, R2W; thence North and East along the Rogue River to the north boundary of Section 32, T35S, R1W; thence East along a line to the point of beginning.

(275) "Modified Source" means any source with a major modification as defined in OAR 340-200-0020.

(286) "Natural gas" means a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal component is methane.

(297) "New Source" means any source not in existence prior to April 7, 1978 or any source not having a Permit as of April 7, 1978.

(3028) "Odor" means that property of an air contaminant that affects the sense of smell.

(3129) "Offset" is defined in OAR 340-200-0020.

(320) "Opacity" means the degree to which an emission reduces transmission of light and obscures the view of an object in the background as measured in accordance with the Department's Source Sampling Manual (January, 1992). Unless otherwise specified by rule, opacity must be measured in accordance with EPA Method 9. For all standards, the minimum observation period must be six minutes, though longer periods may be required by a specific rule or permit condition. Aggregate times (e.g. 3 minutes in any one hour) consist of the total duration of all readings during the observation period that exceed the opacity percentage in the standard, whether or not the readings are consecutive. Alternatives to EPA Method 9, such as a continuous opacity monitoring system (COMS), alternate Method 1 (LIDAR), or EPA Methods 22, or 203, may be used if approved in advance by the Department, in accordance with the Source Sampling Manual.

(331) "Open Burning" means burning conducted in such a manner that combustion air and combustion products may not be effectively controlled including, but not limited to, burning conducted in open outdoor fires, burn barrels, and backyard incinerators.

(342) "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binders.

(353) "Particulate Matter" means all solid or liquid material, other than uncombined water, emitted to the ambient air as measured in accordance with the Department Source Sampling Manual. Particulate matter emission determinations must consist of the average of three separate consecutive runs. For sources tested using DEQ Method 5 or DEQ Method 7, each run must have

a minimum sampling time of one hour, a maximum sampling time of eight hours, and a minimum sampling volume of 31.8 dscf. For sources tested using DEQ Method 8, each run must have a minimum sampling time of 15 minutes and must collect a minimum particulate sample of 100 mg. Wood waste boilers and charcoal producing plants must be tested with DEQ Method 5; veneer dryers, wood particle dryers, fiber dryers and press/cooling vents must be tested with DEQ Method 7; and air conveying systems must be tested with DEQ Method 8 (January, 1992).

(364) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the federal government and any agencies thereof.

(375) "Press/Cooling Vent" means any opening through which particulate and gaseous emissions from plywood, particleboard, or hardboard manufacturing are exhausted, either by natural draft or powered fan, from the building housing the process. Such openings are generally located immediately above the board press, board unloader, or board cooling area.

(386) "Rebuilt Boiler" means a physical change after April 29, 1988, to a wood-waste boiler or its air-contaminant emission control system which is not considered a "modified source" and for which the fixed, depreciable capital cost of added or replacement components equals or exceeds fifty percent of the fixed depreciable cost of a new component which has the same productive capacity.

(393) "Refuse" means unwanted material.

(340) "Refuse burning equipment" means a device designed to reduce the volume of solid, liquid, or gaseous refuse by combustion.

(41) "Wood Fuel-Fired Device" means a device or appliance designed for wood fuel combustion, including cordwood stoves, wood stoves and fireplace stove inserts, fireplaces, wood fuel-fired cook stoves, pellet stoves and combination fuel furnaces or boilers, which burn wood fuels.

(4237) "Source" means any structure, building, facility, equipment, installation or operation, or combination thereof, which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person, or by persons under common control.

(4338) "Standard Conditions" means a temperature of 6068° Fahrenheit (15.620° Celsius) and a pressure of 14.7 pounds per square inch absolute (1.03 Kilograms per square centimeter).

(44) "Standard cubic foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions. When applied to combustion flue gases from fuel or refuse burning, "standard cubic foot" also implies adjustment of gas volume to that which would result at a concentration of 12% carbon dioxide or 50% excess air.

(4539) "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.

(460) "Veneer Dryer" means equipment in which veneer is dried.

(471) "Wood-fired Veneer Dryer" means a veneer dryer which is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam or natural gas or propane combustion.

(482) "Wigwam Fired Burner" means a burner which consists of a single combustion chamber, has the general features of a truncated cone, and is used for the incineration of wastes.

(493) "Wood Waste Boiler" means equipment which uses indirect heat transfer from the products of combustion of wood waste to provide heat or power.

[**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.]

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468.020 & 468A.025
Hist.: DEQ 4-1978, f. & ef. 4-7-78; DEQ 9-1979, f. & ef. 5-3-79; DEQ 3-1980, f. & ef. 1-28-80; DEQ 14-1981, f. & ef. 5-6-81; DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0010; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2005, f. & cert. ef. 1-4-05

Klamath Falls Nonattainment Area

340-240-0500

Applicability

OAR 340-240-0500 through 340-240-0630 apply in the Klamath Falls Nonattainment Area beginning January 1, 2013.

[**NOTE:** These rules are 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

340-240-0510

Opacity Standard

(1) Except as provided in section (2) of this rule, no person conducting a commercial or industrial activity may cause or permit the emission of any air contaminant into the atmosphere from any stationary source including fuel or refuse burning equipment, that exhibits equal to or greater than 20% opacity for a period or periods aggregating more than three minutes in any one hour.

(2) Exceptions to section (1) of this rule:

(a) This rule does not apply to fugitive emissions.

(b) This rule does not apply where the presence of uncombined water is the only reason for failure of any source to meet the requirements of this rule.

(c) For wood-fired boilers that were constructed or installed prior to June 1, 1970 and not modified since that time, visible emissions during grate cleaning operations must not equal or exceed 40% opacity for a period or periods aggregating more than three minutes in any one hour.

(A) Beginning June 30, 2013, this exception will only apply if the owner or operator conducts the grate cleaning in accordance with a grate cleaning plan that has been approved by DEQ.

(B) The owner or operator must prepare a grate cleaning plan in consultation with DEQ and submit the plan to DEQ by June 1, 2013.

(3) Opacity is determined in accordance with EPA Method 9 of Appendix A to 40 CFR Part 60 or a continuous opacity monitoring system (COMS) installed and operated in accordance with Performance Specification 1 of Appendix B to 40 CFR Part 60.

[**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 468.020 & ORS 468A.025.

340-240-0520

Control of Fugitive Emissions

(1) All sawmills, plywood mills and veneer manufacturing plants, particleboard and hardboard plants, asphalt plants, rock crushers, animal feed manufacturers, and other major industrial facilities as identified by the Department, must prepare and implement site-specific plans for the

control of fugitive emissions. The plan must be submitted to the Department for approval in accordance with paragraph (5) below.

(2) Fugitive emission-control plans must identify reasonable measures to prevent particulate matter from becoming airborne, and avoid the migration of material onto the public road system. Such reasonable measures may include, but are not limited to the following:

(a) Paving all roads and areas on which vehicular traffic occurs at the facility;

(b) Scheduled application of water, or other suitable chemicals on unpaved roads, log storage or sorting yards, materials stockpiles, and other surfaces which can create airborne dust. Dust suppressant material must not adversely affect water quality;

(c) Periodic sweeping or cleaning of paved roads and other areas as necessary to prevent migration of material onto the public road system;

(d) Full or partial enclosure of materials stockpiled or other best management practices in cases where application of oil, water, or chemicals are not sufficient to prevent particulate matter from becoming airborne;

(e) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials;

(f) Adequate containment during sandblasting or other similar operations;

(g) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne; and

(h) Procedures for the prompt removal of earth or other material from paved streets.

(3) Reasonable measures may include landscaping and using vegetation to reduce the migration of material onto public and private roadways or from becoming airborne.

(4) The facility owner or operator must supervise and control fugitive emissions and material that may become airborne caused by the activity of outside contractors delivering or removing materials at the site.

(5) For existing sources, the site-specific fugitive emissions control plan must be submitted to the Department by July 1, 2013. For sources that obtain their initial permit after December 14, 2012, the site-specific fugitive emission control plan must be submitted within 60 days after permit issuance. For portable sources that move into the nonattainment area after December 14, 2012, the site-specific fugitive emission control plan must be submitted with the relocation notification. Unless otherwise notified by the Department, the fugitive emission control plan will be approved by default within 30 days after the plan is submitted to the Department. The Department may request revisions to the plan at any time if fugitive emissions are not adequately controlled as demonstrated by visible emissions.

[**NOTE:** These rules are 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

340-240-0530

Requirement for Operation and Maintenance Plans

(1) With the exception of basic and general permit holders, a permit holder must prepare and implement Operation and Maintenance Plans for non-fugitive sources of particulate matter.

(2) The purposes of the operation and maintenance plans are to:

(a) Reduce the number of upsets and breakdowns in particulate control equipment;

(b) Reduce the duration of upsets and downtimes; and

(c) Improve the efficiency of control equipment during normal operations.

(3) The operation and maintenance plans should consider, but not be limited to, the following:

(a) Personnel training in operation and maintenance;

(b) Preventative maintenance procedures, schedule and records;

(c) Logging of the occurrence and duration of all upsets, breakdowns and malfunctions which result in excessive emissions;

(d) Routine follow-up evaluation of upsets to identify the cause of the problem and changes needed to prevent a recurrence;

(e) Periodic source testing of pollution control units as required by the permit;

(f) Inspection of internal wear points of pollution control equipment during scheduled shutdowns; and

(g) Inventory of key spare parts.

(4) Existing sources must submit an Operation and Maintenance Plan to the Department by July 1, 2013. Sources obtaining an initial permit after December 14, 2012 must submit the Operation and Maintenance Plan within 60 days of permit issuance. The Department will notify sources within 30 days of plan submittal only if the Operation and Maintenance Plan is not approved. The Department may request revisions to the plan at any time if plans are not sufficient.

[**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 & 468A
Stats. Implemented: ORS 468.020 & 468A.025

340-240-0540

Compliance Schedule for Existing Industrial Sources

(1) Except as provided in sections (2) and (3) of this rule, compliance with applicable requirements of OAR 340-240-0500 through 340-240-0540 for a source that is built and located in the Klamath Falls Nonattainment Area prior to December 14, 2012 must be demonstrated by the owner or operator of the source as expeditiously as possible, but in no case later than the following schedule:

(a) No later than June 15, 2013, the owner or operator must submit Design Criteria and a Notice of Intent to Construct for emission-control systems for complying with OAR 340-240-0510 through 340-240-0540 for Department review and approval; If the Department disapproves the Design Criteria, the owner or operator must revise the Design Criteria to meet the Department's objections and submit the revised Design Criteria to the Department no later than one month after receiving the Department's disapproval;

(b) No later than three months after receiving the Department's approval of the Design Criteria, the owner or operator must submit to the Department copies of purchase orders for any emission-control devices;

(c) No later than eight months after receiving the Department's approval of the Design Criteria, the owner or operator must submit to the Department vendor drawings as approved for construction of any emission-control devices and specifications of any other major equipment in the emission-control system in sufficient detail to demonstrate that the requirements of the Design Criteria will be satisfied;

(d) No later than nine months after receiving the Department's approval of the Design Criteria, the owner or operator must begin construction of any emission-control devices;

(e) No later than fourteen months after receiving the Department's approval of Design Criteria, the owner or operator must complete construction in accordance with the Design Criteria;

(f) No later than October 15, 2014, the owner or operator must demonstrate compliance with the applicable requirements identified in OAR 340-240-0500 through 0540. Compliance with 340-240-0510 must be demonstrated by conducting a source test. Compliance with 340-240-0520 and 0530 must be demonstrated by implementing the approved plans.

(2) Section (1) of this rule does not apply if the owner or operator of the source has demonstrated by September 15, 2014 that the source is capable of being operated and is operated in continuous compliance with applicable requirements of OAR 340-240-0500 through 340-240-0540 and the Department has agreed with the demonstration in writing. The Department may grant an extension until April 15, 2015 for a source to demonstrate compliance under this section. The applicable requirements will be incorporated in the Permit issued to the source.

(3) The Department may adjust the schedule specified in subsections (1)(a) through (e) of this rule if necessary to ensure timely compliance with subsection (1)(f) of this rule or if necessary to conform to an existing compliance schedule with an earlier compliance demonstration date.

[**NOTE:** These rules are 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

340-240-0550

Requirements for New Sources When Using Residential Wood Fuel-Fired Device Offsets

(1) All new or modified sources subject to OAR 340-224-0050 or 340-224-0060 may opt to use wood fuel-fired device emission reductions from within the nonattainment or maintenance area to satisfy the offset requirements of OAR 340-225-0090(2):

(a) Offsets for decommissioning fireplaces and non-certified woodstoves (including fireplace inserts) are obtained at a ratio of at least 1:1 (i.e., one ton of emission reductions from fireplaces and non-certified wood stoves offsets one ton of emissions from a proposed new or modified industrial point source proposed to be located inside or impacting the non-attainment area or maintenance area);

(b) Offsets must be obtained from within the Klamath Falls Nonattainment Area and Maintenance Area; and

(c) The emission reductions offsets must be approved by the Department and comply with OAR 340-240-0560.

(2) The net air quality benefit analysis specified in OAR 340-225-0090(2)(a)(E) is not applicable to offsets meeting the criteria in (a) through (c) of section (1) of this rule.

[**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 & 468A
Stats. Implemented: ORS 468.020 & 468A.025

Real and Permanent $PM_{2.5}$ and PM_{10} Offsets

340-240-0560

(1) Annual emissions reductions offsets ($PM_{2.5}$ and PM_{10}) are determined as follows:

(a) For **fireplaces**, the emission reductions offsets for decommissioning the fireplace and replacing it with a:

(A) certified fireplace insert is 0.02 tons for each replaced device;

(B) pellet stove insert is 0.03 tons for each replaced device; or

(C) alternative non-wood burning heating system is 0.04 tons for each replaced device.

Note: As used in this rule, "Certified" includes catalytic and non-catalytic designs, unless otherwise specified.

(b) For **non-certified fireplace inserts**, the emission reduction for replacing the heating device with a:

(A) certified fireplace insert is 0.02 tons for each replaced device;

(B) pellet stove is 0.04 tons for each replaced device; or

(C) alternative non-wood burning heating system is 0.04 tons for each replaced device

(c) For **conventional (non-certified) woodstoves**, the emission reduction for replacing the heating device with a:

(A) certified woodstove (including both catalytic and non-catalytic designs) or certified fireplace insert is 0.03 tons for each replaced device; or

(B) pellet stove is 0.05 tons for each replaced device; or

(C) alternative non-wood burning heating system is 0.06 tons for each replaced device

(d) For **certified woodstoves** (including both catalytic and non-catalytic designs), the emission reduction for replacing the heating device with a:

(A) pellet stove is 0.03 tons for each replaced device; or

(B) alternative non-wood burning heating system is 0.04 tons for each replaced device

(2) For the emission reductions identified in section (1) to be considered permanent, the person responsible for taking credit for the emission reductions must obtain and maintain the following records for at least 5 years from the date that the proposed industrial point source commences operation:

(a) the address of the residence where the emission reduction occurred;

(b) the date that the emission reduction was achieved;

(c) purchase and installation records for certified woodstoves, certified inserts, or alternative non-wood burning heating systems;

(d) records for permanently decommissioning fireplaces, if applicable; and

(f) disposal records for non-certified woodstoves or fireplace inserts removed.

(3) The records identified in section (2) may be provided by a third party authorized and monitored by the DEQ to procure the emission reductions identified in section (1).

(4) All emission reductions must be achieved prior to startup of the proposed source using the emission reductions as offsets in the permitting action specified in OAR 340-224-0050 or 340-224-0060.

[**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 & 468A
Stats. Implemented: ORS 468.020 & 468A.025

Klamath Falls Nonattainment Area Contingency Measures

340-240-0570

Applicability

OAR 340-240-0570 through 340-240-0630 apply to the Klamath Falls Nonattainment Area for $PM_{2.5}$ should the area not achieve attainment by the applicable attainment date established pursuant to 42 U.S.C. 7502(a)(2).

[**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.480

340-240-0580

Existing Industrial Sources Control Efficiency

The owner or operator of an Oregon Title V Operating Permit program source, as defined in OAR 340-200-0020 may not remove or modify existing control devices unless the new control device has the same or better $PM_{2.5}$ control efficiency as the old device.

[**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.480

340-240-0610

Continuous Monitoring for Industrial Sources

(1) The owner or operator of an Oregon Title V Operating Permit program source, as defined in OAR 340-200-0020 must install and operate instrumentation for measuring and recording emissions or the parameters that affect the emission of particulate matter from wood-fired boilers by June 1, 2015, to ensure that the sources and the air pollution control equipment are operated at all times at their full efficiency and effectiveness so that the emission of particulate matter is kept at the lowest practicable level. Continuous monitoring equipment and operation must be in accordance with the Department's Continuous Monitoring Manual.

(2) At a minimum, the monitoring required under paragraph (1) of this section must include:

(a) Continuous monitoring of control device parameters for any wood- fired boiler.

(b) Continuous monitoring of opacity for any wood- fired boiler not controlled by a wet scrubber.

[**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.]

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468.020 & 468A.025

340-240-0620

Contingency Measures: New Industrial Sources

New industrial sources must comply with OAR 340-240-0570 through 340-240-0610 immediately upon receiving an Air Contaminant Discharge Permit or an Oregon Title V Operating Permit.

[**NOTE:** These rules are 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 & 468A
Stats. Implemented: ORS 468A.025

340-240-0630

Contingency Enhanced Curtailment of Use of Solid Fuel Burning Devices and Fireplaces

(1) Beginning on November 1 of each year and continuing through and including February 28 of the following year, no fireplace, as defined by OAR 340-362-0450, may emit more than 5.1 grams per kilogram of particulate emissions. A fireplace shall be deemed in compliance with this emission standard if it has been certified either in accordance with ASTM international standard test method E2558 or by the Department pursuant to OAR 340-262-0500. A fireplace that is not certified as described in this rule shall be presumed not to comply with this rule.

(2) The Department may approve exemptions from compliance with section (1) of this rule on days when the Department or the Klamath County Health Department has issued a local Klamath Falls Advisory Call indicating that it is a good ventilation day (a "green day") that are also state holidays or days that the county has designated as a "special occasion day". Any person who wishes to receive such an exemption must file an exemption application with the Department and the Department must have approved the exemption request prior to the green day.

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.010 to 468A.025

DIVISION 262

HEAT SMART PROGRAM FOR RESIDENTIAL WOODSTOVES AND OTHER SOLID FUEL HEATING DEVICES

340-262-1000

Wood Burning Contingency Measures for PM2.5 Nonattainment Areas

(1) Applicability

This rule applies to any area classified as a nonattainment area for PM2.5 that does not achieve attainment by the applicable Clean Air Act deadline.

(2) No owner of a residential solid fuel burning device shall allow the appliance to burn creating opacity greater than 20% opacity for more than three minutes in any 60-minute period including startup time.

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.020, 468A.025 & 468A.460 - 468A.515

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 264

RULES FOR OPEN BURNING

340-264-0040

Exemptions, Statewide

Except for the provisions contained in OAR 340-264-0050 and 340-264-0060, this Division does not apply to:

(1) Recreational fires and ceremonial fires, for which a fire is appropriate.

(2) Barbecue equipment used in connection with any residence.

(3) Fires set or permitted by any public agency when such fire is set or permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or a hazard to public health or safety, or for instruction of employees in the methods of fire fighting, which in the opinion of the public agency is necessary. Every effort will be made by the public agency to conduct this burning during good smoke dispersal conditions and specifically avoiding periods during Air Pollution Advisories. The agency will adjust its schedule for setting such fires for better smoke dispersal if necessary. Open burning fires otherwise exempt from the requirements of this division are still subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshall.

(4) Agricultural open burning pursuant to ORS 468A.020. Agricultural open burning is still subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Open field burning, propane flaming, and stack and pile burning in the Willamette Valley between the crests of the Cascade and Coast Ranges pursuant to OAR chapter 340, division 266, Rules for Field Burning.

(6) Slash burning on forest land or within one-eighth mile of forest land permitted under the Oregon Smoke Management Program regulated by the Department of Forestry pursuant to ORS 477.515.

(7) Fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction.

(8) Fires set for the purpose of disposal of dry tumbleweed plants (typically Russian Thistle and Tumbleweed Mustard plants) that have been broken off, and rolled about, by the wind.

(9) Agricultural burning for disease or pest control when the fire is set or authorized in writing by the Department of Agriculture.

(10) When caused by an authorized representative of the Department of Agriculture, open burning of carcasses of animals that have died or been destroyed because of an animal disease emergency.

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, 468A & 477
Stats. Implemented: ORS 468A.~~555~~025
Hist.: DEQ 123, f. & ef. 10-20-76; DEQ 23-1979, f. & ef. 7-5-79; DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 6-1992, f. & cert. ef. 3-11-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0035; DEQ 21-2000, f. & cert. ef. 12-15-00; DEQ 12-2008, f. & cert. ef. 9-17-08

340-264-0078

Open Burning Control Areas

Generally, areas around the more densely populated locations in the state and valleys or basins that restrict atmospheric ventilation are designated "Open Burning Control Areas". The practice of open burning may be more restrictive in open burning control areas than in other areas of the state. The specific open burning restrictions associated with these open burning control areas are listed in OAR 340-264-0100 through 340-264-0170 by county. The general locations of open burning control areas are depicted in **Figures 2** through **5**. The open burning control areas of the state are defined as follows:

(1) All areas in or within three miles of the incorporated city limit of all cities with a population of 4,000 or more.

(2) The Coos Bay Open Burning Control Area is located in Coos County with boundaries as generally depicted in **Figure 3** of this rule. The area is enclosed by a line beginning at a point approximately 4-1/2 miles WNW of the City of North Bend, at the intersection of the north boundary of T25S, R13W, and the coastline of the Pacific Ocean; thence east to the NE corner of T25S, R12W; thence south to the SE corner of T26S, R12W; thence west to the intersection of the south boundary of T26S, R14W and the coastline of the Pacific Ocean, thence northerly and easterly along the coastline of the Pacific Ocean to its intersection with the north boundary of T25S, R13W, the point of beginning.

(3) The Rogue Basin Open Burning Control Area is located in Jackson and Josephine Counties with boundaries as generally depicted in Figure 4. The area is enclosed by a line beginning at a point approximately 4-1/2 miles NE of the City of Shady Cove at the NE corner of T34S, R1W, Willamette Meridian, thence south along the Willamette Meridian to the SW corner of T37S, R1W; thence east to the NE corner of T38S, R1E; thence south to the SE corner of T38S, R1E; thence east to the NE corner of T39S, R2E; thence south to the SE corner of T39S, R2E; thence west to the SW corner of T39S, R1E; thence NW along a line to the NW corner of T39S, R1W; thence west to the SW corner of T38S, R2W; thence north to the SW corner of T36S, R2W; thence west to the SW corner of T36S, R4W; thence south to the SE corner of T37S, R5W; thence west to the SW corner of T37S, R6W; thence north to the NW corner of T36S, R6W; thence east to the SW corner of T35S, R1W; thence north to the NW corner of T34S, R1W; thence east to the point of beginning.

(4) The Umpqua Basin Open Burning Control Area is located in Douglas County with boundaries as generally depicted in **Figure 5**. The area is enclosed by a line beginning at a point approximately four miles ENE of the City of Oakland, Douglas County, at the NE corner of T25S, R5W, Willamette Meridian, thence south to the SE corner of T25S, R5W; thence east to the NE Corner of T26S, R4W; thence south to the SE corner of T27S, R4W; thence west to the SE corner of T27S, R5W; thence south to the SE corner of T30S, R5W; thence west to the SW corner of T30S, R6W; thence north to the NW corner of T29S, R6W; thence west to the SW corner of T28S, R7W thence north to the NW corner of T27S, R7W; thence east to the NE corner of T27S, R7W; thence north to the NW corner of T26, R6W; thence east to the NE corner of T26S, R6W; thence north to the NW corner of T25S, R5W; thence east to the point of beginning.

(5) The boundaries of the Willamette Valley Open Burning Control Area are generally depicted in Figures 1 and 2. The area includes all of Benton, Clackamas, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties and that portion of Lane County east of Range 7 West.

(6) The Klamath Basin Open Burning Control Area is located in Klamath County with boundaries generally depicted in Figure 6. The area is enclosed by a line beginning at the corner common to northwest corner of Section 31, Township 37 South, Range 9 East of the Willamette Meridian and southwest corner of Section 30 T37S, R9E W.M.; thence east approximately two miles to the northeast corner of Section 32; thence south approximately four miles to the southeast corner of Section 17, T38S, R9E W.M.; thence east approximately one mile to the southwest corner of Section 15,; thence north approximately one mile to the northwest corner of Section 15; thence east approximately 2 miles to the northeast corner of Section 14; thence south approximately one mile to the northwest corner of section 24; thence east approximately one mile to the northeast corner of Section 24; thence south approximately three miles to the southeast corner of Section 36; thence east approximately four miles to the northeast corner of Section 3, T39S, R10E W.M.; thence south approximately three miles to the southeast corner of Section 15; thence west approximately two miles to the southwest corner of Section16; thence south approximately two miles to the southeast corner of Section 29; thence west approximately five miles to the southwest corner of Section 27, T39S, R9E; thence north approximately one mile to the northeast corner of Section 27; thence west approximately four miles to the

southwest corner of Section 24, T39S R8E; thence north approximately two miles to the northeast corner of Section 13; thence west approximately one mile to the southwest corner of Section 11; thence north approximately four miles to the northwest corner of Section 26 T38S, R8E; thence west one mile to the southwest corner of Section 22; thence north approximately one mile to the northwest corner of Section 22; thence west approximately one mile to the southwest corner of Section 16; thence north approximately one mile to the northeast corner of Section 16; thence west approximately one mile to the southwest corner of Section 8; thence north approximately two miles to the northwest corner of Section 5; thence east to the northeast corner of Section 1; thence north approximately one mile to the point of beginning.

(7~~6~~) "Special Open Burning Control Areas" are established around cities within the Willamette Valley Open Burning Control Area. The boundaries of these special open burning control areas are determined as follows:

(a) Any area in or within three miles of the boundary of any city of more than 1,000 but less than 45,000 population;

(b) Any area in or within six miles of the boundary of any city of 45,000 or more population;

(c) Any area between areas established by this rule where the boundaries are separated by three miles or less;

(d) Whenever two or more cities have a common boundary, the total population of these cities will determine the applicability of subsection (a) or (b) of this section and the municipal boundaries of each of the cities must be used to determine the limit of the special open burning control area.

(8~~7~~) A domestic burning ban area around the Portland metropolitan area is generally depicted in **Figure 1A**. This area encompasses parts of the special control area in Clackamas, Multnomah and Washington Counties. Specific boundaries are listed in OAR 340-264-0120(5), 340-264-0130(5) and 340-264-0140(5). Domestic burning is prohibited in this area except as allowed pursuant to OAR 340-264-0180.

[**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.]

[ED. NOTE: The Figure(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.~~555~~025
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0115; DEQ 21-2000, f. & cert. ef. 12-15-00 Renumbered from 340-264-0200.

340-264-0080

County Listing of Specific Open Burning Rules

Except as otherwise provided, in addition to the general requirements and prohibitions listed in OAR 340-264-0050 and 340-264-0060, specific prohibitions of Agricultural, Commercial, Construction, Demolition, Domestic, and Industrial open burning are listed in separate rules for each county. The following list identifies the rule containing prohibitions of specific types of open burning applicable to a given county:

(1) Baker County -- OAR 340-264-0100.

(2) Benton County -- OAR 340-264-0110.

(3) Clackamas County -- OAR 340-264-0120.

(4) Clatsop County -- OAR 340-264-0100.

(5) Columbia County -- OAR 340-264-0150.

(6) Coos County -- OAR 340-264-0170.

(7) Crook County -- OAR 340-264-0100.

(8) Curry County -- OAR 340-264-0100.

(9) Deschutes County -- OAR 340-264-0100.

(10) Douglas County -- OAR 340-264-0170.

(11) Gilliam County -- OAR 340-264-0100.

(12) Grant County -- OAR 340-264-0100.

(13) Harney County -- OAR 340-264-0100.

(14) Hood River County -- OAR 340-264-0100.

(15) Jackson County -- OAR 340-264-0170.

(16) Jefferson County -- OAR 340-264-0100.

(17) Josephine County -- OAR 340-264-0170.

(18) Klamath County -- OAR 340-264-~~0100~~0175.

(19) Lake County -- OAR 340-264-0100.

(20) Lane County -- OAR 340-264-0160.

(21) Lincoln County -- OAR 340-264-0100.

(22) Linn County -- OAR 340-264-0110.

(23) Malheur County -- OAR 340-264-0100.

(24) Marion County -- OAR 340-264-0110.

(25) Morrow County -- OAR 340-264-0100.

(26) Multnomah County -- OAR 340-264-0130.

(27) Polk County -- OAR 340-264-0110.

(28) Sherman County -- OAR 340-264-0100.

(29) Tillamook County -- OAR 340-264-0100.

(30) Umatilla County -- OAR 340-264-0100.

(31) Union County -- OAR 340-264-0100.

(32) Wallowa County -- OAR 340-264-0100.

(33) Wasco County -- OAR 340-264-0100.

(34) Washington County -- OAR 340-264-0140.

(35) Wheeler County-- OAR 340-264-0100.

(36) Yamhill County -- OAR 340-264-0110.

[**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.~~555~~025
Hist.: DEQ 123, f. & ef. 10-20-76; DEQ 23-1979, f. & ef. 7-5-79; DEQ 1-1981(Temp), f. & ef. 1-9-81; DEQ 7-1981(Temp), f. & ef. 2-17-81; DEQ 8-1981(Temp), f. & ef. 3-13-81; DEQ 27-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0045; DEQ 21-2000, f. & cert. ef. 12-15-00

Open Burning Requirements

340-264-0100

Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler Counties

Open burning requirements for the counties of Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler:

(1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.

(2) Agricultural open burning is allowed subject to OAR 340-264-0050(5) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning:

(a) Commercial open burning is prohibited within Lincoln County except as provided in OAR 340-264-0180.

(b) Commercial open burning is allowed outside of open burning control areas subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. Commercial open burning, unless authorized pursuant to 340-264-0180, is prohibited within three miles of the corporate city limits of the following open burning control areas. In addition, commercial open burning is prohibited in any area meeting the test in 340-264-0078(1):

(c) In Baker County, the City of Baker City;

(d) In Clatsop County, the Cities of Astoria, Seaside and Warrenton;

(e) In Crook County, the City of Prineville;

(f) In Curry County, the City of Brookings;

(g) In Deschutes County, the Cities of Bend and Redmond;

(h) In Hood River County, the City of Hood River;

(i) In Jefferson County, the City of Madras;

~~(j) In Klamath County, the City of Klamath Falls;~~

(j~~k~~) In Malheur County, the City of Ontario;

(~~l~~k) In Tillamook County, the City of Tillamook;

(l~~m~~) In Umatilla County, the Cities of Hermiston, Milton-Freewater and Pendleton;

(m~~n~~) In Union County, the City of La Grande;

(~~o~~n) In Wasco County, the City of The Dalles.

(4) Construction and Demolition open burning outside of an open burning control area is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-264-0050, 340-264-0060, and 340-264-0070. Construction and Demolition open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited within three miles of the corporate city limits of the following open burning control areas. In addition, construction and demolition burning is prohibited in any area meeting the standard in OAR 340-264-0078(1):

(a) In Baker County, the City of Baker City;

(b) In Clatsop County, the Cities of Astoria, Seaside and Warrenton;

(c) In Crook County, the City of Prineville;

(d) In Curry County, the City of Brookings;

(e) In Deschutes County, the Cities of Bend and Redmond;

(f) In Hood River County, the City of Hood River;

(g) In Jefferson County, the City of Madras;

~~(h) In Klamath County, the City of Klamath Falls;~~

(h~~i~~) In Lincoln County, the Cities of Lincoln City and Newport;

(i~~j~~) In Malheur County, the City of Ontario;

(j~~k~~) In Tillamook County, the City of Tillamook;

(k~~l~~) In Umatilla County, the Cities of Hermiston, Milton-Freewater and Pendleton;

(l~~m~~) In Union County, the City of La Grande;

(m~~n~~) In Wasco County, the City of The Dalles.

(5) Domestic open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, and OAR 340-264-0050, 340-264-0060 and 340-264-0070.

(6) Slash burning on forest land within open burning control areas not regulated by the Department of Forestry under the Smoke Management Plan is prohibited, except as provided in OAR 340-264-0180.

[**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.~~555~~025
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 6-1992, f. & cert. ef. 3-11-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0055; DEQ 21-2000, f. & cert. ef. 12-15-00

340-264-0175

Klamath County

Open burning requirements for Klamath County:

(1) Open burning control areas:

(a) The Klamath Basin open burning control area as generally described in OAR 340-264-0078(6) and depicted in **Figure 6** is located in Klamath County;

(2) Industrial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.

(3) Agricultural open burning is allowed subject to OAR 340-264-0050(5) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(4) Commercial open burning is prohibited within the Klamath Basin open burning control areas and within three miles of the corporate city limits of other areas that meet the standard in OAR 340-264-0078(1), unless authorized pursuant to 340-264-0180. Commercial open burning is allowed in all other areas of this county subject to 340-264-0050, 340-264-0060 and 340-264-0070 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Construction and Demolition open burning is prohibited within the Klamath Basin open burning control areas and within three miles of the corporate city limits of other areas that meet the standard within OAR 340-264-0078(1), unless authorized pursuant to 340-264-0180. Construction and Demolition open burning is allowed in other areas of these counties subject to 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(6) Domestic open burning is allowed subject to OAR 340-264-0050, 340-264-0060, 340-264-0070 and section (7) of this rule, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(7) Slash burning on forest land within open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

[**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.]

[ED. NOTE: The figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025

Summary of public comment and agency responses
Klamath Falls $PM_{2.5}$ Attainment Plan and Rules
Sept. 18, 2012

This document summarizes public comment received and DEQ's responses on the Klamath Falls $PM_{2.5}$ Attainment Plan and Rules. DEQ had a public comment period July 20 through Sept. 4, 2012. DEQ held two public hearings in Klamath Falls, Oregon, on Aug. 21, 2012.

Comments are summarized by issue category. All persons who provided comments are listed at the back of this document. At the end of this document a table assigns numbers to individuals who submitted comments. These commenter numbers follow each comment summarized below. The full public record is available for review by the public at the Portland DEQ office at 811 SW 6th Ave. Copies are available upon request.

1. Industrial sources

a. In general

1) Comment: Strict enforcement of the $PM_{2.5}$ standard, requiring restrictions on industry will be bad for businesses, the struggling economy, and jobs in Klamath Falls. The $PM_{2.5}$ standard is an arbitrary number that is killing business in the area. Businesses are leaving the area for more "business friendly" locations. Commenters strongly oppose DEQ's plans to make air quality restrictions even more stringent in Klamath County. (2, 16, 18, 19, 20)

Response: DEQ is responsible for collaborating with communities that violate federal air pollution health standards to develop a plan that must decrease the pollution to safe levels. In working with the Klamath Falls Air Quality Advisory Committee and other community members during the last two years, DEQ has extensively considered impacts on local businesses and the economy. The proposed plan elements minimize local economic impacts as much as possible, and include increased flexibility for new or expanded industries by allowing emission offsets from woodstove change outs. When an area is designated as nonattainment, federal requirements automatically apply for industrial sources, such as requiring the most stringent control equipment for new or expanding sources or reasonable control measures, such as opacity standards, operation and maintenance plans, and fugitive plans, for existing sources. While DEQ recognizes that these restrictions may prevent some industries from expanding or moving to Klamath Falls, they are designed to help clean up the air and ensure the health of all residents. Despite the existing stringent requirements, DEQ is aware of at least two proposals from new businesses planning to locate in the Klamath Falls area. In addition, if DEQ does not adopt a plan the federal restrictions become more stringent, such as a higher offset ratio requirement for industry, and the area could even risk losing federal highway funds, both of which could have negative economic impacts.

As required by the Clean Air Act, the U.S. Environmental Protection Agency has established the $PM_{2.5}$ standard to protect public health based on its review of current health studies. The $PM_{2.5}$ particulate standard is not an arbitrary number. It was developed by an independent panel of scientists who evaluated all relevant medical and scientific data and recommended a concentration, which was then vetted through an extensive public review process.

2) Comment: DEQ provided data showing that local industry has only a one percent contribution to the $PM_{2.5}$ levels in the Klamath Falls nonattainment area. However, the draft attainment plan is requiring a 50% reduction for opacity

and grain loading standards. This could cause significant capital expenditures for some facilities. It is contrary to the reported community desire that industry restrictions will be relative to their contribution and the agency's sensitivity to fiscal impacts on businesses still recovering from the economic downturn. (25)

Response: It is true that local industry contributes to about one percent of the total $PM_{2.5}$ at Peterson School based on modeling DEQ conducted. The modeling also showed that the concentrations of emissions dropped off substantially after the property line, but there still were significant ambient emissions near the facility. DEQ expects all sources of pollution to be addressed throughout the nonattainment area, and not just at Peterson School. To minimize economic impacts on industry, DEQ proposes to remove the contingency plan elements that set a lower grain loading standard and require monitoring of operating conditions at wood products dryers. DEQ proposes to maintain the industrial contingency measure requiring monitoring at large facility wood fired boilers. The requirements proposed in DEQ rules are consistent with reducing industrial contributions in proportion to their contributions and should not be overly burdensome to any source in the Klamath Basin.

b. Permitting

1) Comment: Just because industry meets the air quality standards doesn't mean they meet all the (ambient) standards. (5)

Response: In a nonattainment area such as Klamath Falls, DEQ considers both industrial contributions to pollutant levels in the entire airshed and compliance with ambient standards in the immediate vicinity of the facility. Under DEQ's statewide permitting regulations, industrial facilities in Klamath Falls have, or will have permit requirements that prohibit them from violating ambient standards for pollutants such as PM_{10}, NOx, SOx, and CO based on modeling or estimates of the maximum emissions at the plant site. In addition, DEQ modeled emissions from all existing industrial sources in the Klamath nonattainment area and determined these sources did not exceed the standard within the nonattainment area other than that at Peterson School. $PM_{2.5}$ is closely linked to PM_{10}, and as permits are renewed, $PM_{2.5}$ requirements will be incorporated into permit. In the interim, PM_{10} is the surrogate for $PM_{2.5}$.

2) Comment: Require emission levels for any new business that burns wood or fossil fuels as part of its operations to not exceed the $PM_{2.5}$ standard (16)

Response: DEQ requires any facility that burns wood or fossil fuels that exceeds 10 MMBTU per hour to obtain a permit to construct or operate. Permit conditions require these facilities to comply with specific emission-related controls including PM. Currently the permits have requirements for PM_{10} that are being used as a surrogate for $PM_{2.5}$ until the $PM_{2.5}$ specific emission-related controls can be included in permits, which is expected at the facility's next permit renewal.

c. Biomass facilities

1) Comment: DEQ is pushing for a biomass facility that will create air quality concerns, yet trying to address air pollution at the same time. (1)

Response: In the case of both the proposed biomass facilities, the Oregon Energy Facility Siting Council has the authority to approve its location in Klamath Falls. DEQ has a limited role in the location of new energy facilities. DEQ does not advocate for new facility placement or decide where facilities choose to locate. After a facility has been granted permission to build in an area by the Energy Facility Siting Council and local city and county land-use

authorities, DEQ's responsibility is to ensure that the facility follows state and federal environmental laws and regulations, including an evaluation of whether any additional requirements are necessary to ensure a violation of an ambient air quality standard will not be caused substantially by emissions from the source. For the biomass facility that has been issued a permit, DEQ evaluated the source's emissions, the impact the emissions will have on the ambient air quality, and the proposed pollution control equipment. DEQ concluded that additional requirements, beyond what is required by the regulations, was not necessary. If a facility shows that it can comply with existing air quality regulations and DEQ determines that additional requirements are not necessary, DEQ is legally required to issue a permit.

2) Comment: There is concern about truck traffic going to a biomass plant and the pollution it would generate. Trucks should not be able to pollute more than they are allowed under state or federal rules. A solution would be to have all trucks going to biomass plant be permitted (with a tag) and every 90 days require them to pass opacity testing. There should also be weight limit sensors on these trucks so they don't tear up the road. (11)

Response: Overall, DEQ found that trucks in the Klamath Falls area do not contribute significantly to $PM_{2.5}$ levels. Using upper end estimates for the number of trucks, DEQ determined that the emission contribution from all vehicles in Klamath Falls was less than 12 percent of the total emissions on the worst days and truck traffic to the plant would be a small fraction of that total. However, DEQ appreciates the concerns about increased truck traffic expected in connection with the proposed biomass facility, Klamath Bioenergy, LLC, and recognizes that localized diesel emissions can increase health risks. DEQ shall consider promoting clean diesel measures with local point sources and communicate weight restriction concerns to the Oregon Department of Transportation, which has authority in this area. DEQ has rules regarding opacity and engine emissions for trucks and should any of these trucks exceed the standards, the public can contact DEQ at 1-888-997-7888 or by visiting DEQ's website at http://www.deq.state.or.us/aq/vip/purpose.htm#smoking.

3) Comment: Instead of placing the burden for reducing pollution on individuals, DEQ should tighten regulations on industry. The biomass plant that is outside the nonattainment area should not have to be subject to less regulation. (10, 21)

Response: The proposed biomass plant Klamath Falls Bioenergy, LLC, is subject to DEQ's permitting requirements although not to the most stringent requirements that would apply if it were located inside the nonattainment area . This includes operating requirements to ensure it meets the required emission standards and a requirement that the facility's emissions cannot impact the nonattainment area.

4) Comment: According to a state of Massachusetts study, the greenhouse gases generated from building a local biomass plant in Massachusetts would negate any job or energy benefits created by the plant. The biomass plant will emit 30% more carbon dioxide than coal plants and 60% more than natural gas plants. (4)

Response: DEQ acknowledges the submission of the Massachusetts study. While DEQ cannot estimate the greenhouse gas contribution versus the job or energy benefits generated by the proposed biomass plant in Klamath Falls, as it has not yet been built, DEQ will require the facility to follow local permitting requirements. This includes requirements to report any CO2 emissions if they are over a certain threshold. At this time, EPA has exempted new biomass facilities from greenhouse gas permitting, and is evaluating them to determine if they are

carbon neutral.

5) Comment: There is concern that the addition of biomass plants will increase probability of poor air quality and increase emissions in Klamath Falls. The American Lung Association opposes biomass plants because their emissions pose unacceptable health risks. There is a wealth of information and studies regarding the plants' emission problems. (4, 9, 21)

Response: The proposed biomass plants in Klamath Falls will have $PM_{2.5}$ emissions. The biomass plant that is locating just outside the nonattainment area, Klamath Falls Bioenergy, LLC, has had its potential emissions modeled and DEQ has evaluated its emissions. Based on its evaluation, DEQ concluded this potential facility meets the applicable standards and requirements and has issued a permit. The emissions from this facility have a minimal impact on the Klamath Falls airshed and will not hinder progress towards attaining the $PM_{2.5}$ standard. The biomass plant proposed for inside the nonattainment area has not yet submitted an application for a permit, and DEQ will evaluate its emissions and its impact once the information is submitted. This facility will need to offset any $PM_{2.5}$ emission increases with decreases from other facilities or woodstoves.

6) Comment: The biomass plant pollution should be sampled within the stack, not above it, even by 1 inch where fresh air can be entrained into the stack and change the readings. (11)

Response: When source tests are conducted, sampling is done in compliance with EPA and DEQ specifications. This includes sampling within the stack. The Klamath Falls Bioenergy, LLC facility will be equipped with a continuous opacity meter that is located within the exhaust stack.

7) Comment: The biomass plant should be located elsewhere, where the emissions will not have an effect on the basin, for example out on Highway 97, out east near Beatty, or completely outside the basin. (13, 21)

Response: DEQ does not determine where a proposed industrial facility will locate. Specifically for an energy generating facility such as a biomass plant, the Oregon Energy Facility Siting Council has the authority to approve the final location of a biomass plant. The location must also be consistent with local land use and zoning requirements. DEQ's role is to ensure compliance with any applicable air, water and land quality permitting requirements.

8) Comment: Does DEQ really think converting another 2000+ woodstoves to higher efficient devices will solve the problem of addressing emissions from the biomass plant? (20)

Response: Converting significant percentages of old uncertified woodstoves will help solve the exceedances of the ambient air quality standard in Klamath Falls by substantially reducing the concentration of $PM_{2.5}$ emissions in the ambient air, and at the same time keeping residents who heat with wood warm in the winter. The woodstove changeout program is not related to permitting of the Klamath Falls Bioenergy, LLC, plant. The plant has been granted a permit by DEQ because it had met all the applicable legal requirements, including installation of stringent emission controls and a modeling analysis showing that emissions from the facility will not cause or significantly contribute to violations of the $PM_{2.5}$ standard at any location.

2. Monitoring

a. Number of monitors

1) Comment: If you have more monitors in different locations and elevations then the evaluation of compliance with the particulate standard in Klamath Falls would come out much differently. You can't judge conditions by just one monitor and you should take the average of multiple monitors. The current federal method for determining the standard is erroneous and not equitable. (9, 14, 15, 31)

Response: DEQ acknowledges that there is only one monitor to determine compliance; however, the Peterson School location is the most appropriate place for a monitor. EPA has very specific requirements on the location of monitors and how to evaluate the data. For example, the monitor must be located near areas with sensitive populations. Schools represent areas where there are sensitive populations such as children. In addition, DEQ has conducted numerous monitoring studies throughout the years to ensure Peterson School is the most representative location of high particulate impacts for the Klamath Falls area. DEQ has also put in temporary monitors to get a sense of conditions in other locations throughout the area but has retained the Peterson School location for the required federal reference monitor. Even if DEQ were to place additional federal monitors in the area, EPA requirements still mandate that the data be taken from the highest violating monitors, not an average of all the monitors in the area.

2) Comment: If DEQ or EPA is going to operate under the federal Data Quality Act, it should "issue and follow quality guidelines, that ensure the quality, utility, objectivity and integrity of the data and information that the agency disseminates". It should allow people who have degrees and backgrounds in science and these technologies to criticize the methodology being used and allow input to it and correct invalid, incorrect, and specious information. Is there a chance for Klamath Falls citizens to do that with regards to the monitoring process? (15)

Response: EPA has recently proposed revisions and asked for public comment on the $PM_{2.5}$ standard including its monitoring requirements. Klamath Falls residents were welcome to provide comments on EPA's process for monitoring and the data it uses. DEQ annually invites public comment on Oregon's Air Quality Monitoring Plan. DEQ develops each state air monitoring plan based on EPA monitoring requirements, EPA's monitoring reference methods and quality assurance requirements. For information on how to review the monitoring plan or provide comments, contact Anthony Barnack at barnack.anthony@deq.state.or.us

3) Comment: Residents should have clean air all the time, not bad air quality on one day which gets averaged out with the clean days that are monitored. (5)

Response: DEQ agrees with this comment. The proposed $PM_{2.5}$ Attainment Plan is designed to decrease the amount of particulate under conditions that cause unhealthy air days.

b. Location of monitors

4) Comment: We need to put a monitor at the site of poor air quality, not where it is clean, so we know if there is a problem. (6)

Response: DEQ has established the Peterson School monitor as the most appropriate location, based on EPA's specific requirements on the location of monitors. The Peterson School location is one of the most polluted areas in

Klamath Falls and is located near an area with children, a sensitive population.

5) Comment: The Peterson School monitor should be on a trailer, be powered by solar energy, and driven around town to take a one month sampling and moved to different locations. From that sampling, DEQ should take the averages to understand air quality. Under this process there would be 20 sampling stations as opposed to just one. (11)

Response: In the past, DEQ has put in temporary monitors, also known as saturation monitors, to get a sense of conditions in other locations throughout the area. DEQ has retained the Peterson School location for the required federal reference monitor. Even if DEQ were to place additional federal monitors in the area, EPA requirements still mandate that the data be taken from the highest violating monitors, not an average of all the monitors in the area.

3. Residential wood burning

a. In general

1) Comment: A commenter supports wood burning, as it's a renewable fuel, but only if it's done properly. (5)

Response: *DEQ agrees wood can be a renewable fuel that, when burned properly, has much lower emissions than not burning properly in a wood burning appliance.*

2) Comment: Does DEQ seek to have a total ban on fireplaces and wood burning in the county? (12)

Response: No, DEQ does not seek to have a total ban on fireplaces and wood burning in the county. DEQ recognizes that there are many people who rely on wood burning as an alternate source of heat. DEQ does, however, encourage people to limit their use of fireplaces and to employ proper burning practices in the winter months when air quality is forecasted to be poor, to protect the health of Klamath Falls citizens. In addition, DEQ encourages citizens with old, uncertified woodstoves or fireplaces to replace them with newer, more efficient burning devices.

3) Comment: Not allowing citizens to use their woodstove for efficient and low cost fuel and heat during wintertime is ridiculous, when recent surrounding forest fires in Lakeview and in California are burning. This burning is equivalent to every citizen in Klamath county putting an acre and a half of timber in their fireplaces in a two week period. (15)

Response: DEQ and the county only prohibit uncertified woodstove use during red and yellow advisory days, which are days where poor air quality is forecasted. DEQ agrees that the recent forest fires in Lakeview and California are a serious concern. However, the burning of wood in people's homes, if conducted improperly, can create community health issues on critical days in the winter. While summer pollutant spikes from forest fires can be higher than pollution caused by wood burning, winter episodes of high particulate occur throughout the winter months and reach hourly levels in a range that is similar to impacts from forest fires, between 35 and 90 micrograms per cubic meter.

4) Comment: DEQ should require removal and replacement of uncertified stoves for any remodel of a home. (16)

Response: *Requiring uncertified stove removal and replacement during remodeling would further accelerate the rate of woodstove changeout and reduce particulate pollution. DEQ will provide this suggestion to the appropriate county officials for their consideration.*

b. Curtailment program

1) Comment: The area needs enforcement, as the area has made major changes over the past 20 years and can continue to do so. Active enforcement with fines needs to be part of the air quality plan. (5, 28)

Response: DEQ agrees that enforcement of the woodstove curtailment ordinance is critical to meeting the federal particulate standard. The residents of Klamath County have worked hard to clean up their air over the past 20 years, with a long history of identifying and working to solve problems with particulate pollution. One of the key strategies in the attainment plan that will help Klamath Falls comply with the standard is enforcement of the current curtailment program. This includes a focus on habitually violating offenders, increased patrols on red and yellow days, and increased awareness and public outreach regarding the curtailment program.

c. Changeout program

1) Comment: Replacing woodstoves with other alternatives (at DEQ's estimated cost of $41.53/month) is a lot of money for retired or out of work folks. (2)

Response: DEQ recognizes that additional costs from sources of heat other than wood can be a burden for retired or unemployed residents. However, the proposed plan encourages rather than requires woodstove replacement, and allows continued use of wood heating during curtailment periods for those with economic hardships.

2) Comment: The woodstove changeout program should continue, especially if we can get government funding for it, since they are the ones who put Klamath into this status. (5)

Response: DEQ agrees that the woodstove changeout program should continue and will seek funding from federal, state and local sources.

3) Comment: Use money from DEQ permits and fines to fund the changeout program. Have a tiered program to offer full assistance to low income residents and rebates to other residents. (16)

Response: *Permit fees and fines go directly to the State of Oregon's General Fund; DEQ cannot allocate these funds to go directly to woodstove changeouts. However, DEQ does work with companies that must pay fines to try and encourage them to fund a changeout program in lieu of paying a fine through a Supplemental Environmental Project. DEQ agrees a tiered changeout program that offers full assistance to low income residents and rebates to other residents is a system that has worked in the past and would benefit the residents of Klamath Falls.*

d. Education

1) Comment: DEQ should require the County to send out educational materials yearly on proper ways to burn. This should be funded by the DEQ. (16)

Response: *The county currently sends out educational materials on proper ways to burn, and will be increasing its*

efforts to educate the public as one of the strategies recommended in the attainment plan. DEQ currently provides the county financial assistance to help in these efforts.

e. Offsets

1) Comment: The proposed language in Divisions 225-0090 and 240-0550 goes too far in that it does not ensure that emissions from the new or modified major sources wouldn't cause a new violation in the nonattainment area. Rather than a complete exemption from the requirement for a net air quality benefit in paragraph 225-0090 (2)(a)(E) the rule must include a new provision in paragraph (E) similar to the safeguards in the provision for small local energy projects. (17)

Response: DEQ agrees that new or modified major sources should show that offsetting their emissions by changing out woodstoves will not cause or contribute to a new violation of National Ambient Air Quality Standards. DEQ shall revise the proposed regulations to include this provision.

2) Comment: There should be no cap and trade tax that requires business to buy pollution credits to pay for non-compliant woodstoves. This will further discourage businesses to locate here and will cause others to close their doors. (18, 19, 20)

Response: The emission offset requirement differs from a "cap and trade" program. While cap and trade programs apply to all sources, new and existing of a given type within a geographic area, the offset provisions apply only to new 'major' sources of $PM_{2.5}$. In any nonattainment area, such as Klamath Falls, new or expanding major industrial facilities are required to offset their proposed emission increases with an equal reduction in pollution from another source. Typically, a proposed new or expanding facility would obtain these offsetting emission reductions, or "emission offsets" from another local industrial source. However, emission offsets are difficult to obtain and their scarcity can become an obstacle to industrial growth. In Klamath Falls, DEQ is proposing to provide these facilities more flexibility by allowing woodstove emission reductions to be used to offset increases in industrial emissions. Woodstove emissions occur in the heart of residential areas and their reduction would provide a direct health benefit to that community. This would also help ensure that the area continues to make progress towards meeting particulate standards.

DEQ's permitting requirements also ensure that the proposed emission increases from the industrial facility do not cause or contribute to violations of the standards at any location. This approach provides a new solution to the problem of scarce emission offsets and allows more flexibility for a new or expanding business to satisfy DEQ requirements and be built. DEQ's proposed revision helps the Klamath Falls economy by providing additional flexibility to new and expanding businesses while still protecting public health.

4. Forest and agricultural burning

1) Comment: Wildfire smoke or prescribed burning smoke causes health concerns. (4)

Response: Wildfire smoke does cause health concerns. Although DEQ and EPA can often excuse wildfire smoke from the data base for nonattainment area reasons, it can still cause health problems for many people. In 2004, DEQ prepared a Wildfire Natural Events Action Plan. Under this plan, the State Forestry Department helps DEQ determine the type and extent of the smoke impacts in communities such as Klamath Falls. DEQ works with the local county health departments, such as Klamath County Environmental Health Program, to issue messages to the public on how to protect themselves during smoke events. The county can issue statements, work with local schools

and civic organizations to determine which outdoor events should be cancelled and what specific warnings should be given. DEQ is committed to protecting the health of citizens during all smoke events.

2) Comment: Wildfires, controlled slash burning, refuge burning, agricultural burning, all these come into the city because it is the lowest lying area. Specifically, the U.S. Forest Service's slash burns create poor air quality for days at a time. It is not fair to penalize the people of Klamath for all of these other sources of PM; it's unreasonable, not scientific, and it's still unclear that we know how much fires are contributing versus other sources. It's not fair to blame woodstove users. (12, 18)

Response: DEQ agrees it is not reasonable to penalize the residents of Klamath Falls for sources of PM that do not originate in the Klamath Falls nonattainment area. In the case of wildfires, these are beyond the community's control. Wildfires are typically an act of nature and any exceedances of the standard that occur from wildfire smoke can often be excused from the calculations used to determine compliance with the standard. As for other sources of burning, controlled slash burning is done in accordance with the Oregon Smoke Management Plan rules as administered by Oregon Department of Forestry. Refuge and agricultural burning is regulated by the Klamath County Clean Air Ordinance in Klamath County. Burning on refuge or agricultural lands is prohibited on yellow and red days. In California, Siskiyou and Modoc Counties regulate agricultural and forest land burning (including refuge burning) through their smoke management program. These counties have agreed not to allow smoke to enter the Klamath nonattainment area. Although the residents of Klamath Falls can visually see prescribed burning smoke at a distance, it does not necessarily mean that the smoke is significantly impacting the area.

3) Comment: Are federal agencies required to comply with the burn days schedule, such as the forest service and Bureau of Reclamation? (12)

Response: *Federal forest land management agencies are required to comply with the Oregon Smoke Management Plan. This includes avoiding any smoke impacts on the Klamath Falls nonattainment area during any federal land burning.*

4) Comment: Does agricultural burning have to follow the local ordinance of no burning on Red and Yellow days? If this is the case could it be made clearer in the plan? (29)

Response: Yes, agricultural burning is expected to follow red and yellow advisory calls. DEQ will clarify this requirement in the plan.

5. Fugitive dust

1) Comment: There should be no more regulations and/or controls on fugitive dust or dirt from business, private property or farm operations. (18, 19, 20)

Response: The 1991 Klamath Falls PM_{10} plan and the 2002 PM_{10} Maintenance Plan included fugitive dust control because dust can be a significant source of PM_{10}. Because dust is a less significant source of $PM_{2.5}$, the only related regulations proposed in the $PM_{2.5}$ plan require industry to document their best practices to control fugitive emissions (that may include dust controls) and prepare an operations and maintenance plan.

6. Other smoke sources

1) Comment: In the fall and winter there is pollution coming from Medford, and it is visible over the mountains. Why isn't it monitored? (6)

Response: Typical sources of fall and winter pollution would be from forest burning, such as smoke from pile burning that can travel across the mountains and settle into Klamath Falls. All forest burning (federal and private) from the west side of the Cascade mountains is regulated by the Oregon Smoke Management Plan as administered by Oregon Department of Forestry. ODF keeps records of all burning that occurs and uses meteorologists to determine if a burn is permitted. While smoke from prescribed forest burning can often be seen from Klamath Falls, the smoke management plan requires the Department of Forestry to avoid any actual smoke intrusions into the Klamath Falls nonattainment area.

When Klamath Falls has an exceedance of the standard, in nearly all cases it is due to stagnant air movement and night time inversions that trap the air near the surface of the ground. It would be unlikely during these episodes to have significant pollution contributions from outside of the basin.

2) Comment: The California emissions coming across should not be counted; it is wrong to penalize Klamath Falls for California's poor air quality coming into the area. (14)

Response: If the emissions coming from California are caused by a forest fire smoke intrusion, then these exceedances of the standard that occur from wildfire smoke can often be excused from the calculations used to determine compliance with the standard through an exceptional events request.

DEQ conducted additional research to identify background emissions coming from California, by installing a monitor on Stateline Road near Merrill. DEQ found that the background emissions coming from California were low, typically between 5-15 $\mu g/m^3$. These emissions do not appear to have much of an impact on the area. Instead, much of the poor air quality in Klamath can be seen during stagnant weather conditions in the wintertime. Emissions begin to build in the early evening, peak around midnight, and then drop back down the following morning. This is primarily due to woodstove use as people come home, light their woodstoves to heat the home, and then leave the next morning.

3) Comment: DEQ is focusing on wood-burning as the primary contributor to poor air quality that is present for much of the year. The Klamath basin has a very large number of old diesel vehicles belching out black smoke. DEQ should require vehicle emissions testing in the Klamath Basin. Furthermore, the exemption for the vehicles greater than 8500 pounds should be eliminated and the exemption for vehicles more than 20 years old should be changed to vehicles manufactured before 1972, or other such date when vehicle emission standards went into effect. (27)

Response: Overall, DEQ found that diesel emissions in the Klamath Falls area are not a primary contributor to violations of the $PM_{2.5}$ levels. DEQ determined that the emission contribution from all diesel vehicles in Klamath Falls was at most 10 percent of the total emissions on the worst days. However, DEQ recognizes that diesel emissions can increase health risks. DEQ has rules regarding engine emissions for trucks and should any of these trucks exceed the standards, the public can contact DEQ at 1-888-997-7888 or by visiting DEQ's website at http://www.deq.state.or.us/aq/vip/purpose.htm#smoking.

7. Economic

1) Comment: A commenter is concerned that DEQ actions will have negative impacts on the economy, peace and

freedoms in Klamath Falls (1)

Response: DEQ acknowledges concerns about the impacts of efforts to control air pollution. To incorporate diverse interests and community values, DEQ has collaborated extensively with Klamath Falls residents and local elected officials. Through this process, DEQ has developed a plan to address air quality problems using reasonably available methodologies that target the main sources of pollution in the community.

2) Comment: Has DEQ studied the economic impact of the implementation of its new rules, including loss of jobs, cost of compliance, estimated fines, enforcement costs for citizens and industries, and the costs of no new businesses locating in the area? (12)

Response: Yes, DEQ has prepared a fiscal impact statement as part of this rulemaking. This document includes estimations of the economic impact, cost of compliance, and the effects on businesses. The fiscal statement was also considered, discussed and revised by the Klamath Falls Air Quality Advisory Committee at a public meeting.

3) Comment: DEQ comes to the Legislature every biennium and asks for more money. The state is in severe monetary distress and it would make sense to cut back on state employees and spending and encourage job growth and business growth. (12)

Response: DEQ has developed the Klamath Falls Attainment plan to bring the area back into compliance with the federal air quality standards. Klamath Falls will benefit economically from complying with the air quality standard because that will allow the existing more stringent requirements on industry to be lifted. DEQ along with all other state agencies have cut their budgets in response to the economic downturn, including layoffs.

8. General

a. PM standard

1) Comment: The government's idea of what is good for residents of Klamath Falls is messing with our sanity, health and business. (1, 31)

Response: DEQ acknowledges that, for the average resident, the requirements and the response to the requirements can be perplexing. However, DEQ has spent over two years working with residents in the community to develop a workable plan. The plan provides for minimal elements to address the requirements. The ultimate goal is to protect the health of all the residents in Klamath Falls.

2) Comment: A commenter predicts that EPA will change or lower the standard which will put the community back into nonattainment and the problem will be here again. The commenter thinks the current plan is cumbersome and we should draw a line in the sand and asks if the government can guarantee the standard will remain at $PM_{2.5}$ or not change to PM1.5. Many commenters think both the current and any new standard (e.g. PM1.5) will be burdensome to the health and prosperity of residents. (2, 8, 14,15)

Response: EPA reviews the adequacy of the National Ambient Air Quality Standards once every five years as required by law; however, this review does not mean that the standard will change. Periodically, EPA and the Clean Air Scientific Advisory Committee must look at the latest medical research to determine if current standards still

adequately protect public health. If the standards are found to be adequate, EPA proposes no change. If the standards are not adequate, EPA proposes the appropriate change. In EPA's most recent review of the standard, it has proposed to retain the daily fine particulate standard at the current level.

DEQ understands it is challenging and frustrating for communities like Klamath Falls to address the tightening of particulate standards over the past several decades. DEQ believes there are several important things to keep in mind. First, all the effort and actions taken over the years to reduce fine particulate in Klamath Falls have made air quality in the community significantly healthier. This has been of great value to the residents of Klamath Falls, especially children, those with existing medical problems, and the elderly, who are all most at risk from air pollution. Second, the investments made to date in reducing air pollution have made violations of the new fine particulate standard less severe and easier to manage. While Klamath Falls does violate the new $PM_{2.5}$ standard, the solutions and a return to attainment are all within reach, due in large part to the past work of reducing air pollution in the community. Last, it is important to keep in mind that EPA only tightens national ambient air quality standards when there is compelling scientific evidence that the current standards are inadequate to protect public health. Tightening a standard can make things more challenging for a community; however, the main goal is to ensure a healthily community for all citizens. Once adequate standards are set, DEQ works with local communities to consider both the environmental and economic health of a community as action to meet standards are developed.

3) Comment: The commenters disagree with implementation of $PM_{2.5}$ standard. DEQ should not accept any rule or mandate from EPA that is not fully funded. DEQ should not blindly follow EPA in imposing rules or regulations. (16, 18, 20, 31)

Response: DEQ has been delegated by EPA authority to operate the air quality program for the state of Oregon. Should DEQ not accept the air quality program from EPA, the federal government would step in and establish an air quality program in Oregon. Regardless of which agency runs the program, the requirements to bring the area back into attainment would still apply, as the residents of Klamath Falls are breathing unhealthy air.

4) Comment: These rules should not be accepted prior to the full disclosure of the scientific studies that support the current $PM_{2.5}$ standard. These measurements are not nor have they been substantiated to be actual hazards. It would appear that the goal is no particulate matter being the only acceptable level. (31)

Response: The U.S. Environmental Protection Agency has established the $PM_{2.5}$ standard to protect public health based on its review of current health studies. In setting standards, EPA is guided by the Clean Air Scientific Advisory Committee, whose job is to evaluate the latest, peer reviewed medical research on the effects of air pollution and public health and make a recommendation on standards needed to adequately protect the public, including sensitive populations like children. Therefore, the $PM_{2.5}$ particulate standard is not an arbitrary number, but the result of a deliberate, thoughtful, and very complex process of evaluating the science of air pollution and public health. For more information about the Clean Air Scientific Advisory Committee and their work reviewing the $PM_{2.5}$ health effects information, please visit:
http://yosemite.epa.gov/sab/sabpeople.nsf/WebCommittees/CASAC

b. DEQ hearing process

1) Comment: During the open microphone Q&A there were many ideas expressed that may or may not get put into the written record. The commenter would like to recommend that they get recorded and that the transcript be

provided in future meetings. (15)

Response: Thank you for this suggestion. DEQ purposefully does not tape record the information and Q&A session. We want this time to be an informal discussion during which individuals feel comfortable to express themselves and have an interchange of ideas. Many people come to the informational session to find out more about what is going on and are not always interested in testifying or may want to think about their testimony and provide it in writing to DEQ. On the other hand, individuals who want to make a formal statement on the record can and should provide formal testimony. There is no reason why a comment or question asked during the Q&A cannot be asked again during formal testimony.

c. Other

1) Comment: It seems Klamath Falls is constantly being picked on for one cause or another (re: PM, water quality, endangered species, dam removal). Agriculture is another genre that is being restricted every year with more controls. Does DEQ ever question where food might come from if this continued restriction is to persist or is the motive to stop agriculture? (20)

Response: There are no new strategies in this plan that address agriculture. Any air quality-related strategies that address agriculture have been in place for over 20 years. Klamath Falls has been nonattainment in the past, the community has rallied to meet the challenge and ultimately meet the standards, and DEQ expects it will again.

9. Health issues

a. Personal health

*1) Comme*nt: A commenter stated that his wife died due to respiratory failure and heart problems aggravated by particulate pollution in the area. (3)

Response: DEQ acknowledges this commenter's loss and staff members noted that they were sorry to hear of her passing.

2) Comment: Has DEQ quantified the number of persons from the local medical examiner that have died from Klamath County air pollution? Does DEQ think anyone has actually died because of conditions in Klamath Falls? Shouldn't DEQ conduct a study before enforcing air quality standards that are unreasonable? (12)

Response: The National Ambient Air Quality Standards are set by EPA based on recommendations of the Clean Air Act Science Advisory Committee and its review of hundreds of medical studies from around the country. These studies, old and new, clearly and consistently show that high air pollution levels can cause adverse health consequences in many citizens, including respiratory disease, heart attacks, and in some cases premature death.

b. Biomass plant health concerns

*1) Comme*nt: A commenter is concerned that the addition of biomass plants will increase the probability of poor air quality and increase emissions in the Klamath Falls area. (4, 9)

Response: The proposed biomass plants in Klamath Falls will have $PM_{2.5}$ emissions. The owners of the biomass plant that wishes to locate just outside the nonattainment area has modeled its potential emissions and DEQ has evaluated its air quality impacts. Based on its evaluation, DEQ concluded this facility meets the applicable standards and requirements and has issued it a permit. The emissions from this facility have a minimal impact on

the Klamath Falls airshed and will not hinder progress towards attaining the $PM_{2.5}$ standard. The biomass plant proposed for inside the nonattainment area has not yet submitted an application for a permit, and we will evaluate its emissions and its impact once the information is submitted to DEQ. This facility will need to offset any $PM_{2.5}$ emission increases with decreases from other facilities or woodstoves.

c. Wildfire health concerns

*1) Comme*nt: Wildfire smoke or prescribed burning smoke causes health concerns. (4)

Response: Wildfire smoke does cause health concerns. DEQ maintains a Wildfire Natural Events Action Plan to help guide DEQ's response to major smoke intrusions in a community from wildfire smoke. The plan describes coordination actions for DEQ with state and federal forest management agencies, and local city and county health officials. Given the typical magnitude of uncontrollable forest fires, the plan's primary focus is providing the pubic with information about the severity of smoke impacts and how to protect themselves during smoke events. City and county governments can issue updates to the public and work with local schools and civic organizations to determine which outdoor events should be cancelled and what specific warnings should be given. DEQ is committed to protecting public health and also recognizes the practical limits of reducing smoke during wild fire events.

d. General air quality

*1) Comme*nt: A commenter is concerned about the state of air quality throughout the entire basin, recognizing that there can be poor air quality conditions at Peterson School versus cleaner air for areas above the inversion layer. All Klamath citizens should be able to breathe clean air all the time. Supports DEQ's efforts to clean the air. (5)

Response: DEQ agrees that everyone deserves clean air and is especially concerned about residents who are most sensitive to air pollution like children, the elderly and those who have respiratory and heart problems.

*2) Comme*nt: A commenter states that there is a serious air quality problem. (6)

Response: DEQ agrees that the larger area near Peterson School is above the National Ambient Air Quality Standards. These standards are health based standards set by EPA for the entire country.

10. Attainment plan

a. Strategies and contingency measures

1) Comment: Some key recommendations from the Klamath Falls Advisory Committee were not adopted as reduction strategies or contingency measures. These seem to be effective in other areas with similar issues. Please explain why the following were not adopted: (17)

1) Focus enforcement of woodstove curtailment on habitual violators
2) Amend County ordinance to mandate a minimum fine for a second burning violation
3) Prohibit the use of all uncertified woodstoves and inserts

Response: DEQ collaborated with the Klamath County Commission to develop the best, most acceptable strategies for the community. While DEQ recommended strategies to achieve a greater margin of compliance, the commissioners decided that the strategies chosen were sufficient to achieve compliance with the standard. Specifically, (1) The county commissioners determined that they already focused enforcement of woodstove curtailment on habitual violators, and it was not necessary to further emphasize this enforcement strategy. (2) The county commissioners decided that a minimum fine was unnecessary and that compliance was occurring without a minimum fine. (3) The commissioners further determined that prohibiting the use of all uncertified woodstoves and

inserts was overly burdensome. The county commissioners did support seeking more funding to changeout woodstoves on a regular basis and the requirement for ASTM certified fireplaces.

DEQ agrees the proposed strategies are sufficient to meet the federal $PM_{2.5}$ standard, but recognizes that by not adopting full suite of strategies recommended by the advisory committee, the Klamath County Commission elected to reduce the safety margin for compliance with the standard. A smaller safety margin or buffer for compliance increases the chance that the community will not achieve healthy air as scheduled and also experience the additional burdens of the contingency measures.

2) Comment: More emission reductions may be gained by implementing measures, such as increased citations regarding compliance with the existing woodstove ordinance. (17)

Response: DEQ agrees that compliance with the current ordinance is critical to the success of the strategies. County officials have stated their belief that they can obtain compliance without an increase in citations because once a violator knows of the requirement and the potential fine he or she begins to comply with the ordinance. The county's approach is one of issuing a warning letter and then a citation. They view this approach as an individual educational approach. In the last three years of implementation, this approach appears to be working.

3) Comment: When modified, the current strategies for the Klamath County ordinance reduce $PM_{2.5}$ by 9.2 $\mu g/m^3$, instead of by 10.9 $\mu g/m^3$. This increases the final 2014 design value by 2 $\mu g/m^3$. This is an inconsistency in a strategy calculation – can you clarify this calculation? (17)

Response: DEQ agrees with the comments on using a different methodology for calculating the effectiveness of woodstove curtailment. Based on woodstove advisory calls and county enforcement records, DEQ will make a more conservative assumption and change its estimate of curtailment effectiveness from 74 to 69 percent, and update the plan to include the revised values.

4) *Comment*: Our analysis for a fireplace standard calculated a smaller emission reduction (0.2 $\mu g/m^3$) than what is stated in the plan (1.2 $\mu g/m^3$). This difference would increase the final 2014 design value by 1 $\mu g/m^3$. Can you clarify how you arrived at 1.2 $\mu g/m^3$ for the ASTM fireplace standard?

Response: DEQ agrees with the commenter on using its methodology for calculating the number and emissions of fireplaces affected by the ASTM fireplace standard. DEQ overestimated the number of fireplaces that would be affected by this strategy giving us a higher reduction overall. DEQ will change the plan to reflect the revised calculations, which results in a 0.2 $\mu g/m^3$ reduction for this strategy.

5) Comment: If DEQ is taking credit for allowing only ASTM fireplaces as a contingency measure, DEQ rules and the Klamath County ordinance must be aligned. The DEQ rules for the fireplace contingency does not go into effect until March 1, 2015 (OAR 340-240-0630), whereas the county ordinance has it taking effect immediately. This contingency measure must state it will take effect immediately. (17)

Response: DEQ is changing the rule to have the contingency take effect automatically, when contingency measures would be required, which is on March 1, 2015. DEQ will not have the last quarter of 2014 data until after the

quality assurance of this data is determined and will need until March 1 to determine whether Klamath Falls has met the standard. DEQ will also recommend to the county to have its effective date set as March 1 for consistency.

6) Comment: The text in the "Contingency Measures" of the attainment plan states that OAR 340-240-0630 prohibits the use of fireplaces during the winter woodheating season. However, OAR 340-240-0630 prohibits fireplace emissions from exceeding the ASTM standard for fireplaces installed after March 1, 2015, and the County Ordinance prohibits the use of non-ASTM certified fireplaces during the winter season. DEQ needs to resolve the language in the plan, rules, and ordinance to be consistent. (17)

Response: DEQ is including a rule to mirror the Klamath County ordinance in OAR 340-240-0630. DEQ is also modifying the plan to ensure consistency with the rules and ordinance.

7) Comment: In Division 262, if you retain the 20% opacity standard it cannot be considered a contingency measure as it is already implemented in Klamath County ordinance 406.150. However we are supportive of a general 20% opacity standard or 0% (no visible emissions) standard during burn bans. (17)

Response: DEQ plans to retain the 20 percent opacity standard but does not take credit for any new reductions. As the commenter explains, it is already in the Klamath County ordinance.

8) Comment: Strategy 3.2.1.2.10 Wood Burning Survey by inventorying wood burning devices through tax statements will have an inflammatory impact on wood stove owners. The Committee's final report states that this strategy will have no impact on emissions. Cooperation of stove owners is critical to success of the plan and this strategy should not be included in the plan or rules. The role of government should be to solve problems with a minimal intrusion into citizen's lives. (30)

Response: DEQ collaborated with the Klamath County Commission to develop the best, most acceptable strategies for the community. After consulting with the county, DEQ did not include this specific strategy as part of the attainment plan in order for the area to reach compliance with the standard.

9) Comment: The commenter believes that DEQ's plan for new strategies is ill-founded and will ultimately serve little if any beneficial purpose. If adopted, complying with the proposed strategies will result in local industry having to expend an incredible amount of time and expense to comply with these new rules without any significant return in improving air quality, especially since industry is such a tiny part of the $PM_{2.5}$ nonattainment problem. How can the Department propose an array of costly reduction strategies and contingency measures knowing the net result will very likely not significantly improve air quality? The Department should focus its efforts on addressing the significant sources in the Klamath Basin. (23)

Response: It is true that local industry contributes to about one percent of the total $PM_{2.5}$ at Peterson School based on modeling DEQ conducted. The modeling also showed that the concentrations of emissions dropped off substantially outside the facility property line, but there still were significant ambient emissions near the facility. DEQ expects all sources of pollution to be addressed throughout the nonattainment area, and not just at Peterson School. Therefore, DEQ proposes eliminating the older 40 percent opacity standards to phase out devices that were

grandfathered since 1972. The attainment plan requirements proposed in DEQ rules are consistent with reducing industrial contributions in proportion to their contributions and should not be overly burdensome to any source in the Klamath Basin.

In addition, DEQ recognizes those contingency measures that must be implemented immediately should Klamath County not meet the standard in 2014, will be primarily achieved through its controls of woodsmoke emissions via the requirement to only allow ASTM-certified fireplaces to be used in the winter months. Therefore, DEQ will remove the contingency plan elements that set a lower grain loading standard and require monitoring of operating conditions at wood products dryers instead.

b. Conformity

1) Comment: If EPA finds that motor vehicle emissions are a significant contributor to air quality problems, DEQ will need to provide a motor vehicle emissions budget for the nonattainment area with the official submission and remove the finding of insignificance from the final plan. (17)

Response: DEQ will change the plan to provide an emissions budget for regionally significant projects should EPA disagree with the proposed determination of insignificance.

c. Appendices

1) Comment: It is difficult to identify and navigate the contents of the multiple appendices. Please include a table of contents. (17)

Response: DEQ will prepare a table of contents for the appendices

d. General

1) Comment: There should be no change to the current air quality management plan. (18, 19, 20)

Response: DEQ is sensitive to the community's concern about not increasing the number of strategies in the plan; however, there are several federally required elements that must be incorporated into the attainment plan. This includes identifying emission reduction strategies that will ensure the area will meet the $PM_{2.5}$ standard and contingency strategies that will go into effect immediately should the area not meet the standard. These measures are necessary to ensure the residents of Klamath Falls will be breathing clean air.

11. Industrial rules

a. OAR 340-204-0010

1) Comment: The phrase "Condensable water, other than combined water" in definition 22 as proposed by DEQ defines water as a pollutant, which it clearly is not. Further, EPA method 201A clearly states in Section 4.0 that this method cannot be used to measure particulate matter emissions where water droplets are present. 40 CFR 50.5 defines filterable $PM_{2.5}$ as well as other particulate matter definitions. Note that "condensable water" is nowhere to be found in the particulate matter definitions set forth in the federal regulations pertaining to state implementation plans. DEQ should simply adopt the particulate matter definitions in 40CFR Part 51. There needs to be a clear distinction between the definition of $PM_{2.5}$ and the methods used to measure $PM_{2.5}$ emissions. The Department has failed to address measurement of $PM_{2.5}$ emissions that may include entrained water droplets present in the gaseous effluent. (23)

Response: DEQ understands the concern about the difficulties measuring particulate matter in a stack with entrained water droplets. However, DEQ thinks the commenter obtained the definition from Division 200. In this definition, the inclusion is for condensed particulate not condensed or condensable water. EPA Method 201A addresses wet stacks.

2) Comment: Appendix M to 40 CFR Part 51 provides a list of suggested methods for states to implement. A limited number of these tests measure $PM_{2.5}$. Development of methods for determining the presence of entrained water droplets is underway but likely several years off. EPA has concerns about using EPA method 5 to determine an estimate of filterable $PM_{2.5}$ emissions. Monitoring from a wet gas stream is challenging and has not been addressed successfully despite considerable effort. Therefore, particle size distributions after a wet control device are theoretical calculations. This approach for measuring filterable and condensable particulate from stacks containing entrained water droplets should only be used as a stop-gap measure until the Agency develops or approves a wet stack particle sizing method that is scientifically defensible. The Department should adopt the EPA definitions for particulate matter and needs to address measurement of $PM_{2.5}$ emissions from sources with entrained water droplets, and provide some flexibility in the methods to be used for this measurement. (23)

Response: DEQ understands the difficulty of stack sampling for $PM_{2.5}$, especially with entrained water droplets. Quantifying $PM_{2.5}$ emissions is important for establishing Plant Site Emissions Limits and, in this respect, DEQ has considerable flexibility for identifying appropriate test methods for unique sources. However, $PM_{2.5}$ test methods would not be appropriate for determining compliance with DEQ's grain loading standards (i.e., the proposed 0.1 gr/dscf) that are based on total particulate matter. Oregon DEQ Method 5 is required in most cases to determine compliance with the grain loading standards because it measures both the filterable and condensable particulate matter. In some cases, EPA methods for measuring filterable and condensable particulate matter may be suitable alternatives to Oregon DEQ Method 5. Note, DEQ has decided to remove the 0.1 grains per dry standard cubic foot proposed standard in the contingency measure section for those sources that were built prior to 1972, which would eliminate the need for any stack sampling.

b. OAR 340-225-0090

1) Comment: The commenter understands DEQ's desire to allow new sources to establish their own PM10 and $PM_{2.5}$ offsets by replacing fireplaces or uncertified woodstoves within the nonattainment area. However, the commenter objects to the notion that a new source can develop offsets without being subject to meeting the "Net Air Quality Benefit" rules for these types of offsets. If the Department waives "net Air Quality Benefit" for new sources, then the Department should eliminate the "Net Air Quality Benefit" requirement for the use of existing emission reduction credits within the Klamath nonattainment area. (23)

Response: The purpose of this rule is to encourage new sources to use wood stove and fireplace reductions as offsets. Wood stoves are the main source of $PM_{2.5}$ in Klamath Falls. DEQ is proposing an alternate way for facilities to show a "Net Air Quality Benefit". DEQ has already conducted the modeling and accounted for these types of offsets when developing these rules. Additionally, there is a benefit to the overall airshed that would not be captured in the "Net Air Quality Benefit" analysis helping solve the air quality problem. Other credits from industrial sources often come from a single point source and when used may not solve the air quality problem in Klamath Falls. Even with a more flexible offsets approach, DEQ still requires a facility to model their emissions and demonstrate they will not cause or contribute to a violation of standards at any location.

c. OAR 340-240-0500 through 0630

1) Comment: It is wrong for DEQ to propose additional rules that require industry to control added pollution on an expedited schedule because the advisory committee's recommendations have been rejected. There has not been discussion with local Title V permitted sources regarding any additional pollution control equipment. It isn't fair to require opacity limits, fugitive emission plans and operation and maintenance plans in addition to the requirements in the Title V permit. A corrective action should have been taken if Title V facilities were lacking in these areas. The proposed requirements are redundant and inappropriate. (23)

Response: The general approach to regulation of industrial sources under the Clean Air Act has been to phase out older, higher-emitting sources, and replace them with newer, better-controlled emission sources. For large sources, there are specific provisions for requiring better controls when a source is modified. Because the Klamath Falls area is not in attainment of the ambient air quality standards, it is appropriate for some of the older sources that have not had to go through a control technology evaluation, to at least meet the requirements established for sources installed after 1972. The fugitive emission plan and the operation and maintenance plan are required in all Oregon nonattainment areas and are intended to improve management at each facility focusing the facility on these items. Most of the facilities in the Klamath Basin already are already required to meet the opacity limitations.

d. OAR 340-240-510

1) Comment: The attainment plan proposes reducing opacity limits for industry. For the commenter's facility it will include a reduction from 40 percent opacity to 20 percent opacity limit for wood fired boilers. During normal operating, the boilers can meet the limit. However, during the boiler grate cleaning process, opacity has the potential to exceed 20 percent but can be maintained within the current 40 percent limit. Grate cleaning takes 45 minutes with a portion of the time exceeding the 20 percent limit. It occurs twice a day. The proposed rule change will require significant capital expenditure to address a limited annual exposure. This burden is placed on a source that is a portion of the one percent contribution to the total $PM_{2.5}$ levels in the nonattainment area: (25)

Response: Although the impacts of industrial emissions are very low at the DEQ monitoring site, our analysis shows that the impacts from industrial sources could be significant at other locations within the Klamath Falls nonattainment area. DEQ used compliance source test data in the models, so it is important that industrial emissions remain at or below the levels used in the model to ensure that industrial sources will not cause a problem at some other location within the nonattainment area. For all sources, the measured opacity during compliance source tests has been less than 20% opacity. Therefore, DEQ believes that it is important to establish a 20% opacity limit for all sources within the nonattainment area.

DEQ understands the concern for grate cleaning activities and the potential added expense of complying with a 20 percent limit during those operations for older boilers. DEQ agrees that it is questionable whether the facility can meet the 20 percent limit during grate cleaning activities. The commenter notes that grate cleaning takes 45 minutes twice per day and that the boiler is not able to meet the 20 percent opacity limit during that time. However, many facilities across Oregon have a 20% limit and can conduct their operations including grate cleaning within this limitation. To address potentially unique situations, DEQ has modified the rule to add a provision for grate cleaning for pre-1972 boilers. The revised rule will allow a source to have between 20 percent and 40 percent opacity during grate cleaning operations (i.e., retain the current 40 percent opacity standard during grate cleaning), provided the grate cleaning operations are conducted in accordance with a plan approved by DEQ that will minimize the emissions to the extent practicable during the grate cleaning operations.

e. OAR 340-240-520

1) Comment: This proposed rule change requiring a site-specific control plan for fugitive emissions is supported.

However, there is a concern about "Full or partial enclosure of materials stockpiled in cases where application of oil, water or chemicals are not sufficient to prevent particulate matter from becoming airborne." A proposed change in the language should include "Full or partial enclosure of materials stockpiled or other best management practices in cases where application of oil, water, or chemicals are not sufficient to prevent particulate matter from becoming airborne." (25)

Response: DEQ agrees with the suggested change and has incorporated it into the proposed rule.

f. OAR 340-240-530

1) Comment: Commenter agrees with the requirement for an operation and maintenance plan (25)

Response: DEQ agrees with the commenter because it is good practice to maintain emissions at the lowest practicable level at a particular facility.

2) Comment: Under 340-240-0030(43) the definition of "source" is described. What is the definition of "regular permit requirements"? If a source is subject to "regular permit requirements" but does not emit or have the potential to emit particulate matter, would the "source" still be subject to the operation and maintenance requirements? Also, what is meant by "excessive" in "excessive emissions"? Most sources already report on excess emissions. (22)

Response: DEQ agrees that "Regular permit requirements" is not defined. DEQ has modified the proposed rule to clarify that the requirement is to develop and implement operations and maintenance plans, but only for process and control equipment that emits particulate matter than from fugitive emission sources, which are covered under 340-240-0520. Only those particle matter-related requirements would be subject to the operation and maintenance plan. DEQ also added "implement" to the first sentence to ensure that the permittee will not only prepare an operations and maintenance plan, but that they will also implement it. Excessive emissions are the same as excess emissions.

g. OAR 340-240-0540

1) Comment: Using the dates specified in the regulation, the date of October 15, 2014 under 340-240-0540(1)(f) to demonstrate compliance does not provide enough buffer between the requirements listed in a through e above. This could cause some sources to be out of compliance with the regulations. What mechanism will the "source" need to use to demonstrate compliance? (22)

Response: DEQ expects the sources to be in compliance with the standards in this section by Oct. 15, 2014. DEQ changed (e) to be 14 months rather than 16 months to provide a sixty-day compliance determination window.

h. OAR 340-240-590

1) Comment: A commenter states that the current grain loading standard limits will be a 50% reduction of the current permitted limits. Based on past source test results the facility was able to meet the current grain loading standard, but under the proposed limit it would not. Therefore, it would obligate the facility to invest a significant capital expenditure to guarantee compliance with the proposed grain loading limit including ongoing operation and maintenance of the control equipment. This is a burden placed on an industry that one percent of the contribution to total $PM_{2.5}$ levels in the nonattainment area. (25)

Response: DEQ agrees that these are measures that may obligate the facility to invest a significant capital

expenditure to guarantee compliance. EPA is not allowing DEQ to take credit for these contingency measures because contingency measures need to be automatically implemented, and the equipment installations will take time to order, install and test to show compliance with the new standard. Public comments on this plan support limited restrictions on industry. Therefore, DEQ will remove OAR 340-240-0590, which is the grain loading standard of 0.1 grains per dry standard cubic feet and OAR 340-240-0600, which is the compliance schedule for grain loading from the Contingency Section. DEQ will also remove the parameter monitor requirements for the dryers in OAR 340-240-0610, but maintain the Continuous Emissions Monitor requirement for a wood-fired boiler in the Contingency Section. Should Klamath Falls not meet the standard by 2014, DEQ feels that it should have an ability to assure compliance for every 24-hour period with the opacity standard. The only way to assure the opacity standard is continually met is with an opacity meter or parameter monitoring on the wood-fired boilers.

i. OAR 340-240-0610

Comment: CEMS/COMS would be required on each boiler at another significant expenditure. This is a burden placed on an industry that is only responsible for one percent of the contribution to total $PM_{2.5}$ levels in the nonattainment area. Some of the sources listed within the proposed regulation are sources that are subject or could be subject to MACT regulations. To comply with the proposed rule may be impracticable due to measures required under MACT. There is an allowance under 340-240-0610(2)(b) that provides an exception for wood-fired boilers. A similar exception should be available for other sources. One commenter specifically objected to the requirement to put CEMS on natural gas-fired or steam-heated fiber dryers by stating it was not appropriate for Title V sources to spend time and expenses to design, construct and install CEMs units. (22, 23, 25)

Response: Continuous monitoring systems, including continuous emission monitors (CEMS), continuous opacity monitoring systems (COMS) and continuous parameter monitoring systems (CPMS), are a contingency measure and are at an appropriate level considering the source contribution to the airshed. Continuous monitoring systems provide more assurance of compliance at all times, which is very important for an area with a demonstrated air quality problem. Compliance at night is especially important when there could be an inversion and an air quality problem. DEQ has removed the portion of this rule requiring monitoring from a fiber dryer.

12. Other DEQ rules

1) Comment: In OAR 340-240-0570, the phrasing "applicable Clean Air Act deadline" is not defined in the regulations nor does it contain a citation to the controlling authority establishing the attainment date. We suggest revising to "…should the area not achieve attaintment by the applicable attainment date of December 14, 2014." or "should the area not achieve attainment by the applicable attainment date established pursuant to 42 U.S.C. 7502(a)(2)." (17)

Response: DEQ agrees and has revised the rule in response to this comment.

2) Comment: There is a possible typo 340-240-0630: "No fireplace as defined by OAR 340-~~3~~262-0450, installed after March 1, 2015 …."(26)

Response: DEQ agrees and has revised the rule in response to this comment.

13. Nonattainment boundary

1) Comment: The boundary should include a far wider area, such as to Keno, Falcon Heights area, and Merrill, to include more of the population and industry within the basin. All of Klamath County should be governed by the

attainment plan. (10, 21)

Response: DEQ considered including Keno, Merrill, and other areas outside the current nonattainment boundary, but determined through a scientific evaluation that emissions from those areas were not directly contributing to the air quality problem. As part of designating the Klamath Falls as nonattainment, DEQ and EPA worked to identify the nonattainment boundary for the area. This included a review of all the sources contributing to the area, where they were located, and how they affected air quality. EPA finalized and determined the boundary by using the County Air Quality Zone as a guideline since it provided the best representation of those sources that contribute to the $PM_{2.5}$ problem in Klamath Falls.

2) Comment: Is there a quantitative delineation of the air shed and what is its size in square miles? (12)

Response: Yes, the Klamath Falls nonattainment area airshed is 99.5 square miles.

3) Comment: Does the airshed stop at the border of Jackson and Deschutes counties and the California border? Air pollution does not stop at the borders and should technically define the total airshed, including California's Tule Lake basin which is part of the Klamath basin. (12)

Response: It is correct that a designation of a complete airshed would include the Tule Lake basin. The Klamath Basin extends up Klamath Lake and into California including Tule Lake. However, based on the studies DEQ has done, the major impact area in the basin is located east of Washburn way and south of Foothills Boulevard. It is north of the airport and west of highway 140. EPA requires DEQ to set the boundary to include all potential sources of pollution that would impact the monitor set at Peterson School, which is why the current nonattainment boundary was selected.

14. Draft ordinance

Comment: There was a mistake in the published copy of the Proposed Klamath County Ordinance. The mistake occurs in Section 406.250 of the draft ordinance where working days required mistakenly refers to the "ten (10) working days" of the original Ordinance. The Proposed Ordinance should only require a "five (5) working day" period for application and review of Variance Certificates. (24)

Response: DEQ agrees and regrets the mistake. A revised and signed final ordinance will replace the draft proposed ordinance and be formally submitted with the Attainment Plan to the Environmental Quality Commission and EPA.

Comment #	Commenter	Affiliation
1	Anonymous	
2	Lisa Johnson	citizen
3	Delbert Bell	citizen
4	Catherine Cappel	citizen
5	Jaye Weiss	citizen
6	Michael Lamb	citizen
7	Robert Anderson	citizen
8	Bill Brown	Retired educator, former Klamath County Commissioner
9	Hugh Thompson	citizen
10	Pauletta Welker	citizen
11	Greg Beckman	citizen
12	Gail Whitsett	Citizen
13	Mark Gaffney	Citizen
14	Tom Mallams	Citizen
15	Dennis Linthicum	Klamath County Commissioner
16	Dennis Jefcoat	Citizen
17	Debra Suzuki	EPA, Region 10
18	Earl Wesser	citizen
19	Rod Marlin	Citizen
20	Pat Dencer	citizen
21	Adrienne Hedgecock	citizen
22	Bonnie Basden	Jeld-Wen
23	Jess Brown	Collins
24	Dennis Linthicum	Klamath County
25	Glenn Keown	Columbia Forest Products
26	Max Hueftle	Lane Regional Air Protection Agency
27	Ralph Eccles	OHSU Faculty
28	Dave Potter	citizen
29	Jim Carey	Klamath County Public Health
30	Kevin Rafferty	citizen
31	Randy Shaw	Coldwell Banker realtor

State of Oregon
Department of Environmental Quality **Memorandum**

Presiding Officer's Report

Date: Aug. 29, 2012

To: Environmental Quality Commission

From: Rachel Sakata, Air Quality Planning

Subject: Presiding Officer's Report for Rulemaking Hearing
Title of proposal: Klamath Falls $PM_{2.5}$ Attainment Plan and Rules
Hearing date and time: Aug. 21, 2012, 1 to 3 p.m.
Hearing location: Mazama/Scott Room, 3201 Campus Drive, College Union Building, Klamath Falls, Oregon

DEQ convened the hearing at 2:29 p.m. and closed it at 2:41 p.m. Attendees were asked to sign registration forms if they wished to present comments. They were also advised that the hearing was being recorded.

Thirty-six people attended the hearing; four people provided oral comments, one who included some written material to be included in the record, and one person provided written testimony.

Before taking comments, Larry Calkins, natural resources specialist, gave a presentation on the development and contents of the Klamath Falls $PM_{2.5}$ attainment plan, rulemaking proposal and the rulemaking process in general. He informed attendees that the proposed attainment plan and rules were scheduled for commission action in December 2012.

The following is a summary of the oral comments received at the hearing. DEQ will include these comments, along with the written comments, in the summary of comments and agency responses for this proposed rulemaking.

Delbert Bell, retired, provided comments about how the issue is a personal one for him. He testified how his late wife passed away due to respiratory and heart problems, therefore he can associate with many people in Klamath who say they have respiratory problems. Delbert thanked DEQ and Larry Calkins for working to clean up the air.

Catherine Cappel, citizen, provided comments about a recent public radio station program regarding development of a biomass plant in Russell, Massachusetts. She summarized the program, stating that the biomass plant was rejected because a Massachusetts state study indicated the greenhouse gases generated from building the plant would negate any job or energy benefits created by the plant. The program stated that a biomass plant will emit 30 percent more

carbon dioxide than coal plants and 60 percent more than natural gas plants. She submitted the program transcript to DEQ indicating her hope that DEQ would review it before making any decisions. Ms. Cappel was concerned about how Klamath's air quality could be poor when there weren't any wildfires, but there could be smoke from wildfires or from Jeld-Wen's slash burning. She also testified that she had respiratory problems and did not want to see the addition of one or two biomass plants in the community to increase the probability of poor air quality.

Jaye Weiss, citizen, testified that she and her 30 neighbors do not agree with Commissioner Linthicum's comments that the poor air quality monitored in one location should not represent the entire Klamath basin. She wants clean air all the time, not bad air quality on one day which gets averaged out with the clean days. She supports DEQ's efforts to clean the air. Ms. Weiss also testified that it's misleading to say industrial sources will meet all the standards for $PM_{2.5}$, but they may not meet other standards. She reiterated that Klamath citizens should be able to breathe clean air all the time.

Michael Lamb, citizen, testified that there is a serious problem regarding air quality. He thinks DEQ needs to put a monitor at the site of poor air quality, not where it is clean, so DEQ knows if there is a problem. Mr. Lamb commented on the biomass plant and hopes that the science is correct in that the emissions will not be a problem for Klamath. He also supports wood burning, as it's a renewable fuel, but only if it's done properly. He thinks the woodstove changeout program should continue, especially if DEQ can get federal government funding for it, since they are the ones who put Klamath into this status. He testified that the area needs enforcement, as the area has made major changes over the past 20 years and can continue to do so.

Robert Anderson, citizen, provided written comments stating that in the fall and winter there is pollution coming from Medford, and that he can see it coming over the mountains. His question to DEQ was why it wasn't monitored.

DEQ closed the hearing at 2:41 p.m.

State of Oregon
Department of Environmental Quality **Memorandum**

Presiding Officer's Report

Date: Aug. 29, 2012

To: Environmental Quality Commission

From: Rachel Sakata, Air Quality Planning

Subject: Presiding Officer's Report for Rulemaking Hearing
Title of proposal: Klamath Falls $PM_{2.5}$ Attainment Plan and Rules
Hearing date and time: Aug. 21, 2012, 7 to 9 p.m.
Hearing location: Mazama/Scott Room, 3201 Campus Drive, College Union Building, Klamath Falls, Oregon

DEQ convened the hearing at 8:32 p.m. and closed it at 9:01 p.m. Attendees were asked to sign registration forms if they wished to present comments. They were also advised that DEQ will record the hearing.

Twenty people attended the hearing; eight provided oral comments.

Before taking comments, Larry Calkins, natural resources specialist, gave a presentation on the development and contents of the Klamath Falls $PM_{2.5}$ attainment plan, rulemaking proposal and the rulemaking process in general. He informed attendees that the proposed attainment plan and rules were scheduled for commission action in December 2012.

The following is a summary of the oral comments received at the hearing. DEQ will include these comments, along with the written comments, in the summary of comments and agency responses document for this proposed rulemaking.

Bill Brown, retired educator and former Klamath County Commissioner testified. He provided the history of Klamath Falls regarding its economic state in Oregon, the woodsmoke problem in the 70s, and how improvements were put in place in the 1980s and 1990s to clean up the air. He remembered when PM_{10} was an issue, and how in 2007 the standard changed from PM_{10} to $PM_{2.5}$. He mentioned how the air quality zone was expanded, how the monitoring data used to determine compliance was used after the fact (utilizing 2004 data), and that forest fires occurring at the time and really contributed smoke to the area and thinks this may have contributed to the problem. He did not support DEQ's plan for going forward because he didn't think $PM_{2.5}$ was going to be the end. He stated that EPA wanted $PM_{1.5}$, instead of $PM_{2.5}$, and predicts that EPA will change or lower the standard that will put the community back into nonattainment and the problem will be here again. He thinks the plan is cumbersome and DEQ should draw a line in the sand as there is no guarantee the standard won't change again.

Hugh Thompson, citizen, testified that 99 percent of the time there is no pollution, but if you look out at the valley you can see the pollution just lying there. He thinks if DEQ has more monitors in different locations and elevations then the results would come out much differently and shouldn't judge it by just one monitor. As for the biomass facility, the wind is going to blow emissions in Klamath and won't stay out.

Pauletta Welker, citizen, testified that instead of a pollution burden on individuals it should tighten regulations on industry. The biomass plant that is outside the nonattainment area should not have to be subject to less regulation. She suggests DEQ extend the nonattainment boundary to Keno.

Greg Beckman, citizen, testified about his concern regarding truck traffic going to a biomass plant and its potential emissions. He offered solutions to address the truck traffic, specifically to require all trucks going to the biomass plant be permitted, and they must go through opacity testing at an inspection terminal every 90 days. The trucks would also be required to have weight limit sensors and the engines would have to meet federal and state emission requirements. Mr. Beckman also provided comments on the monitoring, by suggesting placement of a monitor on a trailer, powering it by solar energy, and placing it in various locations at one month intervals. This would allow for up to 20 separate sampling locations, in which the results could be averaged. He also suggested the biomass plant emissions be sampled within the stack, not above it, as even one inch above the stack allows fresh air to be entrained into the stack and change the readings.

Gail Whitsett, citizen, testified with a series of questions for the DEQ.

1) Is there a quantitative delineation of the air shed and what is its size in square miles?
2) Does the airshed stop at the border of Jackson and Deschutes counties and the California border? DEQ should technically define the total airshed, which should include California's Tule Lake basin which is part of the Klamath basin.
3) It's not clear that DEQ knows which sources are contributing. Wildfires, controlled slash burning, refuge burning, agricultural burning, all these come into the city because it is the lowest lying area. It is not fair to penalize the people of Klamath for all of these other sources of particulate matter; it's unreasonable and not scientific.
4) It is unreasonable and scientifically inaccurate to have only one location for the monitor to determine compliance for the entire airshed. The monitoring station has no air movement where doing the testing. Would propose at least three monitors in a triangulated area to get a better sense of conditions. This would be more accurate for air quality at a given time.
5) Does DEQ seek to have a total ban on fireplaces and woodburning in the county?
6) Has DEQ quantified the number of persons from the local Medical Examiner that have died from Klamath County air pollution? Do you think anyone has actually died because of conditions in Klamath? Shouldn't DEQ conduct a study before enforcing air quality standards that are unreasonable?

7) Has DEQ studied the economic impact of implementing its new rules? What is the cost in job losses, cost to community in terms of compliance for citizens and industries, and estimated fines and violations? How many companies will not relocate to the basin? How much have local businesses paid in fines for air quality violations?
8) DEQ comes to the Legislature every biennium and asks for more money. The state is in severe monetary distress and it would make sense to cut back on state employees and spending and encourage job growth and business growth.
9) Are federal agencies required to comply with the burn day schedule, such as the Forest Service and Bureau of Reclamation?

Mark Gaffney, citizen, testified that he thinks Oregon needs the biomass plant. He stated that biomass was necessary because fuel loading in the forests has been accumulating, there is not rapid decomposition, and the area is building up to a huge fire event like the recent one in Colorado. He suggested thinning out the forests, conducting some underburning, which will cause smoke, but that it will be less overall than a forest fire. Mr. Gaffney also testified that the biomass should probably be located elsewhere, such as out east near Beatty or on Highway 97 where its emissions will have no effect on the basin.

Tom Mallams, citizen, testified that he believes the particulate matter standard will likely get lowered again, based on past history. He also testified that the California fire emissions should not be counted as part of the PM2.5 estimations in Klamath Falls, as Klamath is being penalized for California's poor air quality coming into the area as background emissions. He indicated that for monitoring, the agencies' approach to monitoring, while mandated, should not require putting the monitor in the worst location. Instead, monitoring should be placed in multiple locations and have the results averaged. Mr. Mallams testified that common sense is lacking in the rules that are being used against the citizens of Klamath Falls and that it does not allow economic growth.

Dennis Linthicum, Klamath County Commissioner, testified about the monitoring, in that there should be multiple monitoring locations that are averaged, instead of just one monitor location at Peterson School. He indicated that if DEQ or EPA are going to operate under the federal Data Quality Act, that legislation would require the agencies to follow quality guidelines that ensure the quality, utility, objectivity and integrity of the data and information that the agency disseminates. He testified that EPA should allow Klamath Falls citizens to correct invalid and incorrect information, and to allow people with scientific backgrounds and degrees to criticize the methodology and provide input. Commissioner Linthicum did not see any avenues for this provision. He also testified by not allowing citizens to use their woodstove for efficient and low cost fuel and heat during wintertime is ridiculous, when recent surrounding forest fires in Lakeview and in California are burning. This burning is equivalent to every citizen in Klamath County putting an acre and a half of timber in their fireplaces in a two-week period. Commissioner Linthicum also stated the particulate matter standard will continue to change and be lowered, at the detriment to the health and prosperity of citizens. He also wanted to be on record that during the open microphone question and answer session there were many ideas getting verbalized that may or may not get put into the written record, and recommended that they get recorded and a transcript provided in future meetings.

DEQ closed the hearing at 9:01 p.m.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Relationship to Federal Requirements

Klamath Falls $PM_{2.5}$ Attainment Plan

Answers to the following questions identify how the proposed rulemaking relates to federal requirements and the justification for differing from, or adding to, federal requirements. This statement is required by OAR 340-011-0029(1).

1. Is the proposed rulemaking different from, or in addition to, applicable federal requirements? If so, what are the differences or additions?

This rulemaking imposes additional requirements to implement the applicable federal requirements for compliance with particulate standards. Section 110 of the Clean Air Act, 42 U.S.C. §7410 requires DEQ to adopt a State Implementation Plan (SIP) showing sufficient reductions in $PM_{2.5}$ that will bring the Klamath Falls non-attainment area in compliance with the National Ambient Air Quality Standards (NAAQS) by December 2014. The plan must also show the area will continue to meet NAAQS in the future and provide contingency measures in case it fails. Federal requirements mandate adoption of a SIP that demonstrates the area will reach attainment of the standard; however, the specific strategies to achieve the standard are not mandated.

The Klamath Falls SIP is a comprehensive mixture of emission reduction strategies consisting of local ordinances, DEQ regulations, and non-regulatory elements including incentives and education. Residential wood combustion is the most significant contributor to $PM_{2.5}$ in Klamath Falls. The strategies targeting reduction in woodstove emissions include: increased restrictions on wood burning when weather conditions could lead to accumulation of particulate matter in the Klamath Falls area, requiring removal of an uncertified woodstove upon sale of a home, tightening enforcement of wood stove curtailment, amending the county building code to set a new residential construction requirement for clean fireplaces and expanding educational efforts to reduce $PM_{2.5}$ from woodsmoke. The plan also prohibits use of burn barrels and requires public agencies to avoid prescribed burning if the smoke is expected to affect Klamath Falls. Although industrial emissions contribute a smaller part of the measured $PM_{2.5}$, there are several proposed reduction measures: setting an opacity standard for industrial boilers, controlling fugitive emissions and requiring operations and maintenance plans to control particulate.

In the event that listed strategies fail to bring Klamath Falls into attainment with the standard, a second set of contingency strategies would become effective. These contingency strategies would prohibit use of non-ASTM certified fireplaces in the Klamath Falls area at all times, further limit industrial emissions by decreasing the grain loading limit, require installation and use of continuous emission monitoring equipment for wood-fired boilers and eliminate the fall open burning window.

2. If the proposal differs from, or is in addition to, applicable federal requirements, explain the reasons for the difference or addition (including as appropriate, the public health, environmental, scientific, economic, technological, administrative or other reasons).

Federal requirements set by EPA outline the procedures for preparing, adopting and submitting SIPs, but Oregon has flexibility about how to meet the standards by establishing specific requirements. DEQ worked with a local advisory committee to select the emission reduction strategies that are included in the plan and are necessary to meet the federal standard. The elements of the Klamath Falls SIP include emission inventories, modeling, air quality monitoring and analysis, attainment demonstration, enforcement mechanisms, memoranda of agreement and new regulations that are proposed in this rulemaking. The proposed rules are needed to bring the community back into attainment.

3. If the proposal differs from, or is in addition to, applicable federal requirements, did DEQ consider alternatives to the difference or addition? If so, describe the alternatives and the reason(s) they were not pursued.

In developing the proposed strategies for the Klamath Falls non-attainment area, DEQ, the advisory committee and the Klamath County Board of Commissioners considered a number of alternatives. The proposed strategies were recommended over alternatives based on evaluation of their technological feasibility and environmental, health, economic, and social impacts. The advisory committee recommended two sets of strategies: an initial set of strategies that will bring the community into compliance with the federal $PM_{2.5}$ air quality standard by 2014 and a second set of contingency strategies, with stricter requirements for residents and industry, which would be implemented in the event that the federal $PM_{2.5}$ standard is not met in 2014. Both sets of strategies are included in Klamath Falls SIP. An analysis of the strategies considered including the committee deliberations and information supporting strategy choices is available in appendix 10 and 11 of the Klamath Falls SIP.

DEPARTMENT OF ENVIRONMENTAL QUALITY
Chapter 340
Proposed Rulemaking
STATEMENT OF NEED AND FISCAL AND ECONOMIC IMPACT

Klamath Falls $PM_{2.5}$ Attainment Plan

This form accompanies a Notice of Proposed Rulemaking

Title of proposed rulemaking	Klamath Falls $PM_{2.5}$ Attainment Plan
Statutory authority or other legal authority	ORS 468, 468A, 468.020, 468A.025, 468A.460, & 477
Statutes implemented	ORS 468.020, 468A.010 to 468A.025, 468A.035, 468A.515, 468A.555, 468A.612, & 468A.085
Need for the rule(s)	The Oregon Department of Environmental Quality is proposing to adopt rules as part of an attainment plan that will bring the Klamath Falls area into compliance with National Ambient Air Quality Standards for fine particulate, or $PM_{2.5}$, by the federal deadline of December 2014. These amendments, if adopted, will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to the State Implementation Plan, which is a requirement of the federal Clean Air Act. The attainment plan specifies how the community will meet the particulate standard by the federal Clean Air Act deadline of December 2014, including who will conduct the work, and when and how it will be done. The attainment plan, based on recommendations from DEQ's citizen advisory committee, is a comprehensive mixture of emission reduction strategies consisting of local ordinances, DEQ regulations, and non-regulatory elements including incentives and education. The plan contains additional strategies recommended by the local advisory committee that provide a margin of safety. The plan also provides contingency measures to meet the $PM_{2.5}$ standard should the community fail to reduce particulate emissions by the 2014 deadline. The proposed attainment plan will aid the state and the community in controlling emissions to ensure clean air in Klamath Falls. Since residential wood burning emissions comprise most of the harmful particulate emissions in Klamath Falls, most of the proposed particulate reductions will come from enhancements to the community's woodstove curtailment program, implemented through local ordinances. Other attainment strategies include continuing the program of replacing polluting uncertified woodstoves, a public awareness and education program and DEQ rules requiring reasonably available controls to reduce particulate from industrial sources. If the attainment plan fails to achieve the federal standard by December 2014, additional regulations in the contingency plan will further reduce particulate emissions from wood burning and industry. The proposed rules will increase regulatory flexibility by allowing new or expanded industrial facilities in Klamath Falls to meet existing federal requirements to offset their emissions by removing woodstoves from homes, thereby decreasing wood burning emissions. Historically, industry has only offset emissions by purchasing unused emission credits from other industrial facilities. These credits are not widely available, which could limit economic growth in the area.
Documents relied upon for rulemaking	The Klamath Falls Attainment Plan and Associated Rules reflect the requirements, guidance and information from many sources, including: • The federal Clean Air Act, EPA guidance for the development of Attainment Plans,

	guidance for the preparation of emission inventories, and an air quality modeling protocol. • Materials provided to the Klamath Air Quality Advisory Committee members and information DEQ received from the committee and placed into a report, http://www.deq.state.or.us/aq/planning/docs/kfalls/acReport.pdf. • Oregon Labor Market Information System, Work Source Qualityinfo.org, Oregon Employment Department, http://www.qualityinfo.org/olmisj/OlmisZine. • American Resource and Recovery Act Grant results – South Central Oregon Economic District, Klamath and Lake Counties. These documents available online or upon request from DEQ.
Requests for other options	**Pursuant to ORS 183.335(2)(b)(G), DEQ requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.**
Fiscal and economic impact, statement of cost compliance	
Overview	The proposed attainment plan includes emission reduction strategies that can be implemented through rules and local ordinances. The proposed changes should not create barriers to economic growth. The largest impacts of this proposed plan will be to the wood-burning homeowner, as some of the emission reduction strategies may result in increased heating costs. However, the homeowner could also experience benefits as a result of the proposed plan through the improvement of air quality in Klamath Falls, potentially decreasing individual health care costs such as those related to asthma. The advisory committee prepared economic impact evaluations as it considered emission reduction options. The committee supported allowing new or expanding industry to obtain $PM_{2.5}$ offsets through the purchase of woodstove emissions. These offsets should benefit both the homeowner and any new or expanding business. The plan also includes contingency measures that will be implemented if the community does not reach attainment by the Clean Air Act deadline of December 2014. These contingency measures establish a ban on uncertified fireplaces that will affect some homeowners and will benefit the general public by helping the area meet air quality health standards. Other strategies include retrofit technology, called Reasonably Available Control Technology, to control fine particulate matter emission from major sources of pollution, which would be required for large businesses, and, specifically, for the wood products industry.
Impacts on the general public	Heating costs: The attainment plan includes a county ordinance that would increase restrictions on wood burning when weather conditions could lead to accumulation of particulate in the Klamath Falls area. The more curtailment (red) days called, the more costs could be accrued by wood-burning residents in terms of higher electric or oil heating costs. In the most likely scenario, a resident who burned three cords of wood and shifted to using more natural gas could spend up to $41.53 per month[1] on additional natural gas costs during the heating season. These heating costs are variable and could be less, as the estimates depend on the current price of natural gas, the number of curtailment days called during the winter heating season, the cost to purchase cordwood or the transportation costs for a homeowner to cut and haul wood. This

[1] Assumes: (1) Wood is free; (2) Three cords of wood per year equates to 120 therms of natural gas in heating value (calculated from Oregon Department of Energy heating equivalency prepared during American Resource and Recovery Act project in Klamath Falls); (3) Natural gas cost rate as of 11-1-2011: $7 + (($1.15096 x 120 therms used)/four heating months per year) = $41.53/month.

	additional cost for non-wood fuels could be offset by the positive economic impact of lower health care costs and fewer missed work days if Klamath Falls is able to maintain particulate levels below standards. Offsets: Using the removal of uncertified woodstoves as an offset to new or expanding industrial sources wishing to locate in Klamath Falls nonattainment area would benefit each local woodstove owner who opted into the program and was able to obtain a more efficient source of heat. Health impacts: There are a number of studies linking $PM_{2.5}$ effects with respiratory causes and cardiac diseases. U.S. and Canadian studies report statistically significant relationships between an increase in $PM_{2.5}$ and an increase in hospitalizations for all respiratory causes, including chronic obstructive pulmonary disease, pneumonia and asthma. In addition to the greatly expanded body of evidence on hospitalization or emergency department visits for cardiovascular diseases, new epidemiologic studies have also reported associations between more subtle physiological changes in the cardiovascular system and short-term exposures to $PM_{2.5}$ concentrations (EPA, 2004, p. 9–67). These impacts could result in days of missed work that would affect the economy. DEQ expects that the proposed attainment plan will have a positive effect on the health of Klamath Falls residents. Contingency measures: Should Klamath Falls not meet the standard, the contingency measure that could impact the general public is the ban on uncertified fireplaces. This could create a hardship for residents who wish to burn their fireplaces for aesthetic purposes or use uncertified fireplaces as a secondary form of heat.	
Impacts to small business (50 or fewer employees – ORS183.310(10))	The proposed rules should have a positive impact on businesses that remove and install new heating appliances in individual homes. Those businesses that market and install heating devices may see an increase in business due to the required uncertified wood stove removals from homes. DEQ projects that there could be a minimal negative fiscal impact on permitted small businesses (e.g. rock crushers, asphalt plants, and crematoriums) that emit less than 10 tons of $PM_{2.5}$ emissions per year. The proposed rules require facilities to develop plans to comply with fugitive emissions and operation and maintenance requirements. Cost of inaction: Should the proposed plan and rules not be implemented, small businesses may be adversely affected because the nonattainment designation for the Klamath Falls community would remain and the restrictions imposed under this designation, such as emissions restrictions on large businesses wishing to locate in the area or loss of transportation project funding, could result in a negative economic climate for small businesses.	
Cost of compliance on small business (50 or fewer employees –ORS183.310(10))	a) Estimated number of small businesses subject to the proposed rule	Approximately 15 small businesses (i.e. woodstove or heating appliance installers) and an additional 13 DEQ-permitted sources such as asphalt plants and rock crushers would be affected by the proposed rules and plan.
	b) Types of businesses and industries with small businesses subject to the proposed rule	Small businesses that are permitted by DEQ could be negatively affected because the proposed rules will require a fugitive emissions plan and an operating and maintenance plan to limit $PM_{2.5}$ emissions. These sources include rock crushers and asphalt plants. These businesses would need to prepare plans that may take a week of preparation per business. The affected facilities are currently required by existing regulations to control fugitive emissions, so the only costs of compliance would be related to

		preparing and updating the plan documents. Retailers or installers of heating appliances doing business in Klamath Falls could see an economic benefit from many of the woodstove-related strategies associated with the Klamath Falls Attainment Plan. These businesses are not directly subject to rule requirements; however, the home heating industry may see an added business opportunity because homeowners required to remove their uncertified stove may choose to replace it with a new heating device.
	c) Projected reporting, recordkeeping and other administrative activities required by small businesses for compliance with the proposed rule, including costs of professional services	DEQ-permitted sources (i.e., rock crushers and asphalt plants) will be required to develop a fugitive emission plan and an operating and maintenance plan. Depending upon the facility, this could result in an added cost of one hour per day for record keeping and administrative activity. Under the proposed rules, emission reductions from the replacement and destruction of uncertified woodstoves can be used as emission offsets under the New Source Review program for new and expanding industry. Creating permanent and enforceable offsets from woodstove replacement would require the parties involved, including any retail woodstove dealers, to provide adequate documentation and records of a stove's emission characteristics, as well as its removal and destruction. Any burden of recordkeeping should be offset by receiving funding for changeouts and additional income from woodstove sales.
	d) The equipment, supplies, labor and increased administration required by small businesses for compliance with the proposed rule	DEQ-permitted sources, such as rock crushers and asphalt plants, will likely not be required to install equipment under the proposed rules. However, there may be some labor costs associated with administration and preparation of the plans as previously discussed. Home heating retailers and installers will not face new requirements for equipment, supplies, labor or administration unless there is a need to account for the added woodstove replacements. This effect would be indirect and offset by positive economic benefits of increased sales.
	e) A description of the manner in which DEQ involved small businesses in the development of this rulemaking	The proposed plan and strategies are based on recommendations from DEQ's Clean Air Advisory Committee, which included representatives from the small business community, such as members of the chamber of commerce, a chimney sweep, and several other small business owners. The advisory committee members prepared strategies upon which DEQ based the plan and rules. In the process, various committee members researched and agreed on the economic and job impact of each strategy. As a whole, members of the committee were highly interested in maintaining a viable economy in Klamath Falls and improving the livability of the community. The meetings were open to the public and DEQ also heard from the public at every meeting.

Impacts on large business (all businesses that are not "small businesses" under ORS183.310(10))	Pollution controls for wood products industry: DEQ's proposed rules affect three existing wood products facilities (Collins, Columbia Forest Products and Jeld-Wen) and two potential biomass facilities (Klamath Energy and Iberdrola). These facilities normally emit greater than 10 tons of $PM_{2.5}$ emissions per year. The proposed plan and rules will require better emission controls for opacity and fugitive emissions. Compliance with the opacity rule could cost between \$70,000 to \$130,000 per year for personnel or an opacity monitor at \$100,000[2]. Compliance with the fugitive emission rule could cost between \$50,000 and \$100,000 for landscaping to control dust or other controls. Compliance with the operation and maintenance rule could be as much as \$20,000 to \$50,000 depending upon equipment. New and expanding industry: Currently, new and expanding industrial sources within the Klamath Falls Nonattainment Area with emissions greater than 10 tons per year of $PM_{2.5}$ are required to install the most stringent level of pollution control equipment, known as Lowest Achievable Emission Rate, and to provide emission offsets. Klamath Falls first became subject to more stringent requirements for $PM_{2.5}$ in 2009, when EPA designated the Klamath Falls area as nonattainment for PM2.5. Any new or expanding industrial source in Klamath Falls must install Lowest Achievable Emission Rate controls, obtain emission offsets (i.e. offset their emission increases with equal emission reductions from other sources) and model their emissions to demonstrate that the proposed increase from their facility will not jeopardize compliance with health standards. Costs for Lowest Achievable Emission Rate controls vary widely depending on the type of process being controlled, and the associated cost of modeling analysis can range from \$4,000 to \$6,000 per model run. These costs, however, are all existing costs resulting from existing requirements. This proposed attainment plan does not impose any additional costs for new source review, beyond the ability to use woodstove replacements to satisfy the emission offset requirement as described below. Expanded emission offset approach under New Source Review: DEQ's proposed rules would provide a new option for satisfying the new source review requirement for emission offsets. The proposed rule would allow the use of woodstove emission reduction credits, created by replacing and destroying uncertified woodstoves, to offset emission increases from a proposed new or expanding industrial facility. Emission offsets are typically obtained from emission reductions occurring at other industrial sources, but DEQ's proposal creates new flexibility for meeting the offset requirement through woodstove replacement, which would provide a public health benefit in neighborhoods most affected by high $PM_{2.5}$ levels from residential wood heating. While emission offsets can be very expensive, with costs ranging from \$20,000 to \$100,000 per ton[3]; woodstove replacements as offsets would allow a facility to provide a net air quality improvement and complete its air quality permitting process less expensively. The new offset approach could also provide an economic benefit to homeowners who participated in the program by changing out an uncertified stove for an alternative source of heat. It may also benefit the industry that may not be able to establish a new or expanded facility due to modeling restrictions or current offset requirements. Impacts of contingency measures: If contingency measures are implemented because Klamath Falls does not meet the standard by 2014, there are several requirements that will affect large business. This includes requiring affected facilities to meet a more stringent grain loading (particulate) standard. Currently, only one facility, Columbia Forest Products, could be affected by this contingency strategy. Actions needed to meet the new grain loading standard could include more stringent work practices or the addition of new emission controls and the requirement to conduct continuous emission monitoring. New emission controls may require

[2] Cost of personnel to conduct sufficient visual emission surveys to comply with the rule or the cost of an opacity meter to continually monitor opacity is based on a survey of local sources and costs prepared by EPA document EPA/452/B-02-001 Section 2 Chapter 4 paragraphs 4.3.5 opacity.
[3] Based on 0.04 tons per stove annually and up to \$4,000 per stove installed.

	re-locating and re-furbishing an existing electrostatic precipitator which could cost $200,000 initially, with additional annual operating costs for maintenance, power and fly ash disposal of $50,000 to $70,000. A new opacity meter to conduct continuous emission monitoring could cost $100,000. If the contingency plan is triggered, DEQ will work with the facility to evaluate and require the appropriate, most cost-effective actions or technologies needed required for compliance.
Impacts on local government	DEQ and Klamath County work in partnership to fund the local air quality program with a combination of DEQ grant funds and local funds. This rulemaking will likely result in some direct negative economic impacts to the local county government through the implementation and enforcement of the ordinance. DEQ plans to continue providing between $20,000 and $35,000 funding annually to Klamath County to help implement the air quality program. According to the county, it costs about twice as much to operate the program as DEQ provides annually. There may be additional costs to implement the strategies added in this new plan that could include implementing contingency strategies for residential wood burning. DEQ will be working with the county to develop options to provide additional sustainable funding for the local air program. Should wood-burning appliances be replaced, the county will receive added revenue for permits and inspections conducted by the local building codes office.
Impacts on state agencies other than DEQ	**Oregon Department of Transportation** DEQ is requesting EPA provide an adequacy finding that waives the need for a Regional Conformity Determination. Should this waiver be granted, it will streamline the workload for ODOT because a regional conformity analysis will not be required. **Oregon Department of Forestry** This rulemaking does not change the smoke management requirement of Oregon Department of Forestry.
Impacts on DEQ	DEQ is using existing staff resources to conduct the rulemaking and to oversee implementation of the plan strategies and continued monitoring of the area. If the area fails to reach attainment, DEQ will use existing DEQ staff resources to help implement the contingency measures and revisit the attainment plan.
Assumptions	DEQ assumes a natural attrition rate of uncertified woodstoves as a base. DEQ also assumes an overall increase in certified woodstoves, pellet stoves and fireplaces will be at a slow pace proportional to population growth. The attainment plan is expected to accelerate the attrition of uncertified woodstoves, via the various emission reduction strategies. DEQ assumes the traditional rates for the cost of a new appliance and energy costs. The cost of a new woodstove completely installed ranges between $3,000 and $6,000. The cost of a similar gas appliance is similar to a woodstove. The cost of a new gas furnace is between $4,500 and $7,000. The cost of natural gas is based on AVISTA's residential rates at $7 plus 1.15 times therms used. The cost of an electric heat pump installed ranges from $4,500 to $10,000. Electric rates are based on Pacific Power's residential rates at $54.01 per thousand kwh. If amortized over a 20-year period, the impacts including cost of operation can range from $150 to $1,700 per year depending upon appliance. DEQ assumes the wood products industries and other sources of $PM_{2.5}$ emissions will not see growth in the future. Economic trends over the last 10 to 20 years support this assumption. According to the Oregon Employment Department, manufacturing jobs will grow at a substantially slower rate than nonmanufacturing sectors of the economy in Klamath Falls.
Housing costs	DEQ has determined that this proposed rulemaking will have no effect 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.

	For a new home, the requirement for ASTM-certified fireplaces should be a minimal impact. If contingency measures are implemented under the proposed plan, there may be an increased cost to renters, as landlords may increase rents when uncertified stoves are required to be removed and possibly replaced in rental units or higher cost of utilities if woodstove is removed.
Administrative rule advisory committee	DEQ relied on recommendations from its Klamath Air Quality Advisory Committee. The committee included representation from a wide range of community interests. All advisory committee members were approved by both the Board of Klamath County Commissioners and DEQ. The committee has reviewed and helped develop this Fiscal and Economic Impact Statement. For each strategy, the committee analyzed the potential economic impacts that would occur. The final committee report has the results of that analysis. In addition, DEQ held a separate meeting with the committee specifically to discuss the fiscal and economic impact statement.

Prepared by	AIDA BIBERIC Printed name	7/13/2012 Date
Approved by DEQ Budget Office	Printed name	Date

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Land Use Evaluation Statement

Rulemaking Proposal
for
Klamath Falls $PM_{2.5}$ Attainment Plan

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1. Explain the purpose of the proposed rules.

The Oregon Department of Environmental Quality is proposing to adopt rules as part of an attainment plan that will bring the Klamath Falls area into compliance with National Ambient Air Quality Standards for fine particulate, or $PM_{2.5,}$ by the federal deadline of December 2014. These rules and the attainment plan are an amendment to Oregon's Air Quality State Implementation Plan. The attainment plan specifies how the community will meet the particulate standard by the federal Clean Air Act deadline of December 2014, including who will conduct the work, and when and how it will be done.

The attainment plan, based on recommendations from DEQ's citizen advisory committee, is a comprehensive mixture of emission reduction strategies consisting of local ordinances, DEQ regulations, and non-regulatory elements including incentives and education. The plan contains additional strategies recommended by the local advisory committee that provide a margin of safety. The plan also provides contingency measures to meet the $PM_{2.5}$ standard should the community fail to reduce particulate emissions by the 2014 deadline. The proposed attainment plan will aid the state and the community in controlling emissions to ensure clean air in Klamath Falls.

Since residential wood burning emissions comprise most of the harmful particulate emissions in Klamath Falls, most of the proposed particulate reductions will come from enhancements to the community's woodstove curtailment program, implemented through local ordinances. Other attainment strategies include continuing the program of replacing polluting uncertified woodstoves, a public awareness and education program and DEQ rules requiring reasonably available controls to reduce particulate from industrial sources.

If the attainment plan fails to achieve the federal standard by December 2014, additional regulations in the contingency plan will further reduce particulate emissions from wood burning and industry. The proposed rules will increase regulatory flexibility by allowing new or expanded industrial facilities in Klamath Falls to meet existing federal requirements to offset their emissions by removing woodstoves from homes, thereby decreasing wood burning emissions. Historically, industry has only offset emissions by purchasing unused emission credits from other industrial facilities. These credits are not widely available, which could limit economic growth in the area.

2. Do the proposed rules affect existing rules, programs or activities that are considered land use programs in the DEQ State Agency Coordination Program?

Yes X_ No

a. If yes, identify existing program/rule/activity:

Supporting rules for the Klamath Falls $PM_{2.5}$ plan include amendments to Division 224, New Source Review, which governs emission increases from new and expanding major industry through ACDP and Title V permits. These permits are existing land use activities under OAR 340-18-0030(1)(c)(d). The $PM_{2.5}$ plan proposes changes to the offset requirement for new and expanding industrial emissions. Allowing new and increased major industry to obtain emission offsets by removing residential woodstoves from the community will provide an additional opportunity for economic growth. If this resulted in new facilities or additions at existing facilities, it could indirectly affect land use.

b. If yes, do the existing statewide goal compliance and local plan compatibility procedures adequately cover the proposed rules?

Yes X No_ (if no, explain):

The proposed rules will affect the existing DEQ stationary source permitting programs that are considered land use programs (OAR Chapter 340, Divisions 216, and 218). Air quality permit programs require new sources to provide a Land Use Compatibility Statement from the local government when applying for a permit. This assures that the source is an approved use for the property where it is located. Existing permittees have provided Land Use Compatibility Statements, which are on file with DEQ. The proposed rules would not change land use procedures in the air quality permitting program.

c. If no, apply the following criteria to the proposed rules.
Not applicable.

In the space below, state if the proposed rules are considered programs affecting land use. State the criteria and reasons for the determination.
Not applicable.

3. If the proposed rules have been determined a land use program under 2. above, but are not subject to existing land use compliance and compatibility procedures, explain the new procedures DEQ will use to ensure compliance and compatibility.

DEQ has reviewed the proposed rules and determined that no procedures in addition to those already in the rules are needed to ensure compliance with statewide land use goals. The rules are not expected to significantly affect or conflict with existing or future land uses under local comprehensive plans or regulations. DEQ has concluded that the rules affect Goal 6 and that the rules directly advance the objectives of this goal.