

Date: Dec. 12, 2011

To: Environmental Quality Commission

From: Dick Pedersen, Director

Subject: Agenda item D, Action item: Eugene-Springfield Air Quality PM₁₀ Maintenance Plan
Dec. 15-16, 2011, EQC meeting

Why this is important This rulemaking will officially change the legal status of the Eugene-Springfield area from PM₁₀ nonattainment to a PM₁₀ maintenance area, and the proposed PM₁₀ maintenance plan will ensure continued attainment with the standard. In addition, this rulemaking will include DEQ's request to the U.S. Environmental Protection Agency for the Eugene-Springfield area to be federally redesignated as in attainment with the PM₁₀ standard.

DEQ recommendation and EQC motion DEQ recommends that the commission (1) adopt the proposed rule amendments as presented in Attachment A1, (2) approve LRAPA's rules and maintenance plan in Attachments A2 and A3, pursuant to ORS 468A.135(2), and (3) direct DEQ to submit Attachments A1, A2 and A3 to EPA as revisions to Oregon's Clean Air Act State Implementation Plan under OAR 340-200-0040.

Background and need for rulemaking The Lane Regional Air Protection Agency has jurisdiction over air quality in Lane County. LRAPA is responsible for ensuring that Lane County communities comply with federal air quality health standards, including enacting plans, in consultation with DEQ and EPA, to restore healthy air quality in any area violating standards. DEQ has oversight authority to ensure LRAPA meets Clean Air Act requirements. The Eugene-Springfield area is currently designated a PM₁₀ nonattainment area in DEQ rules and in the State Implementation Plan currently approved by EPA.

In 1987, EPA designated the Eugene-Springfield area in violation of the 24-hour federal public health standard for particulate matter of ten microns and less, also known as PM₁₀. LRAPA adopted a PM₁₀ attainment plan in 1990 that included control strategies to bring the area into compliance. Since 1987, LRAPA has not exceeded the PM₁₀ standard. EPA adopted a new fine particulate, or PM_{2.5}, standard in 2006 and it was uncertain if EPA would retain the PM₁₀ standard and if the Eugene-Springfield area would meet the new standard. For these

reasons, LRAPA delayed preparing a PM₁₀ maintenance plan and requesting redesignation to attainment until now. Recent monitoring confirms that the area meets the new PM_{2.5} standard, and thus complies with both particulate health standards.

Earlier this year and in consultation with DEQ and EPA, LRAPA prepared a PM₁₀ maintenance plan for the Eugene-Springfield area. DEQ and LRAPA intend to submit this plan to EPA with a request that the Eugene-Springfield area be federally redesignated to attainment for PM₁₀. DEQ has reviewed and approved LRAPA's proposed plan and supports this redesignation request. This maintenance plan follows similar plans adopted by DEQ for other nonattainment areas in the state. A mandatory residential wood combustion curtailment program has been the primary mechanism for the area being able to attain the PM₁₀ standard. This program will continue to be implemented under the PM₁₀ maintenance plan to ensure continued attainment with the standard. Under this plan, industrial emissions growth will be controlled through existing New Source Review regulations for maintenance areas, which reduces the stringency and costs of emission control requirements for new sources, from the lowest achievable emission rate to the best available control technology. All other requirements on sources will remain the same.

As part of this rulemaking, DEQ is amending its rules to change the status of the Eugene-Springfield area to a PM₁₀ maintenance area.

Effect of rule	EQC approval of this item would result in DEQ submitting a revision of the Oregon Clean Air Act State Implementation Plan to EPA so that EPA can designate the Eugene-Springfield area as meeting attainment status and be reclassified as a PM ₁₀ maintenance area.
Commission authority	The commission has authority to take this action under ORS 468.020, 468A.025.
Key issues	Ambient PM ₁₀ levels in this area are well within the health standard, and since existing control measures on the primary source of PM ₁₀ emissions will be maintained, there are no significant issues with this action.
Public outreach	Both DEQ and LRAPA engaged the public on this proposed rulemaking in advance of the public comment process, through website postings, mailings and legal notices. LRAPA, on behalf of DEQ, held a public hearing on September 26, 2011 at its office in Springfield. During the public comment period, LRAPA received four comments. One of the comments required a minor correction to the maintenance plan to clarify transportation conformity requirements. LRAPA

addressed the other comments, as seen in attachment B. The LRAPA Board of Directors approved the maintenance plan and rule amendments after the public hearing.

Next steps If approved, DEQ will submit the maintenance plan and revised rules to EPA as a revision to the Oregon Clean Air Act State Implementation Plan.

Attachments

- A. Proposed rulemaking documents:
 - 1. Revisions to Division 204 and Division 200
 - 2. Revisions to LRAPA's Title 29 and Title 32
 - 3. LRAPA Request for redesignation to attainment and Maintenance Plan for Eugene-Springfield PM₁₀
- B. Summary of public comments and agency response
- C. Hearing Officer's Report of Public Hearing
- D. Relationship to Federal Requirements questions
- E. Statement of Need and Fiscal and Economic Impact
- F. Land Use Evaluation statement

Available upon request

- 1. DEQ proposed rulemaking announcement
- 2. Legal Notice of Hearing
- 3. Written comments received
- 4. LRAPA minutes from public hearing

Approved:

Division: _____
Andy Ginsburg

Section: _____
David Collier

Report prepared by: Brian Finneran
Phone: 503-229-6278