

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
Land Use Evaluation Statement

Rulemaking Proposal
for
Proposed Revisions to DEQ Regional Haze BART rules
for the PGE Boardman Power Plant

RULE CAPTION

This rulemaking will revise DEQ's regional haze rules adopted for the PGE Boardman coal-fired power plant in 2009.

1. Explain the purpose of the proposed rules.

This rulemaking will amend DEQ's 2009 regional haze rules adopted for the PGE Boardman coal-fired power plant, as part of a regional haze plan to improve visibility and reduce air pollution in Oregon's Class I wilderness areas and national parks. On June 17, the Environmental Quality Commission voted to deny a petition submitted by PGE to reduce the stringency of these rules, based on a proposal for an early closure of the plant in 2020, and directed DEQ to begin rulemaking and examine a wider range of pollution control options, consistent with an early shutdown of the plant.

DEQ has developed three control options for an early shutdown of the plant that meet federal requirements for Best Available Control Technology (BART). If adopted, these options would be added to the existing 2009 rules adopted for the Boardman plant. DEQ is proposing to adopt all three options and allow PGE to select the most cost-effective approach. If PGE selects none of these options, the current 2009 rule requirements would apply. The 2009 rules would allow PGE to run the plant indefinitely and do not contain any closure deadline. DEQ is also seeking comment on an alternative to these options that has been proposed by PGE.

This proposed rulemaking includes amending parts of the 2009 Oregon Regional Haze Plan that pertain to the PGE Boardman plant, and then submitting all rule and plan changes to the Environmental Protection Agency as a revision to the Oregon State Implementation Plan under OAR 340-200-0040.

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

Yes X No

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

The issuance of air permits is an action determined to have effects on land use. DEQ will implement the proposed BART rule changes for the PGE Boardman plant through the Title V Operating Permit Program and DEQ's Air Contaminant Discharge Permit (ACDP) Program.

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

Yes No (if no, explain):

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 the Department will use to ensure compliance and compatibility.

Not applicable.