

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
Land Use Evaluation Statement

Rulemaking Proposal
For

Adoption of the Eugene-Springfield PM₁₀ Maintenance Plan

1. Explain the purpose of the proposed rules.

The Eugene-Springfield PM₁₀ Nonattainment Area has not exceeded the federal public health standards for particulate matter ten microns and less (PM₁₀) since 1987. The proposed rulemaking would officially change the status of this area from a PM₁₀ nonattainment area to a PM₁₀ maintenance area, and adopt a PM₁₀ maintenance plan that will ensure continued attainment with the standard. In addition, this rulemaking action will include a request by DEQ to the Environmental Protection Agency for the Eugene-Springfield area to be redesignated as in attainment with the standard.

A mandatory residential wood combustion curtailment program implemented by the Lane Regional Air Protection Agency (LRAPA) has been the primary mechanism for the Eugene-Springfield area being able to attain the PM₁₀ health standard. This program will continue to be implemented without changes 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, which for maintenance areas reduces the stringency and costs of emission control requirements for new sources, from the Lowest Achievable Emission Rate (LAER) to the Best Available Control Technology (BACT). All other requirements on sources will remain the same.

LRAPA will hold a public hearing on this proposed rulemaking, and if approved by the LRAPA Board of Directors, DEQ will submit to the Environmental Quality Commission for approval. The Clean Air Act requires DEQ to submit all rule and plan changes to the Environmental Protection Agency as a revision to the 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 No

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

The issuance of air permits is an action determined to have effects on land use. LRAPA implements the New Source Review program through an existing air quality permitting program. Permit applicants must obtain 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. This rulemaking will not change that requirement.

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.