

# Proposed Rulemaking Announcement

## Adoption of the Eugene-Springfield PM<sub>10</sub> Maintenance Plan

### Background

The Oregon Department of Environmental Quality (DEQ) and Lane Regional Air Protection Agency (LRAPA) are proposing a joint rulemaking to the Environmental Quality Commission (EQC) to adopt an air quality maintenance plan and associated rule amendments for Eugene-Springfield and its Urban Growth Boundary designed to maintain compliance with the federal public health standards for particulate matter ten microns and less (PM<sub>10</sub>). High concentrations of PM<sub>10</sub> inhaled by an individual can cause unwanted health effects especially in children, the elderly, or those with lung or heart disease.

A mandatory residential wood combustion curtailment program implemented by LRAPA has been the primary mechanism for the Eugene-Springfield area being able to attain the PM<sub>10</sub> health standard. This program will continue to be implemented without changes under the PM<sub>10</sub> 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.

### Why are the rule changes needed?

The Eugene-Springfield area has not exceeded the PM<sub>10</sub> national health standards since 1987, and continues to measure PM<sub>10</sub> levels well below the national health standards.

### What is the objective of this rulemaking?

The adoption and rulemaking action will adopt a PM<sub>10</sub> maintenance plan that will ensure continued attainment with the standard and change the status of Eugene-Springfield from “nonattainment” to “maintenance.” A request is included for EPA to change the federal designation of Eugene-Springfield as “in attainment” with the PM<sub>10</sub> standards.

### Who may be affected?

No significant impact or costs on the general public is expected from this rulemaking. The existing programs to regulate home wood heating will continue with no changes.

The only potential impact on large businesses would be for new and modified industrial sources that are subject to the existing New Source Review requirements. Maintenance areas have less stringent and costly emission control requirements for new and modified industrial sources due to the change from LAER to BACT. LAER requires sources to install the most effective control equipment without regard to cost. BACT is not as restrictive and considers the cost per ton of emissions controls when selecting the equipment. Emission offsets will still be required. Otherwise, there are no rule changes for industrial sources being proposed.

### How was this proposal developed?

This rulemaking is based on the federal Clean Air Act requirements to meet national ambient air quality standards to protect public health. This PM<sub>10</sub> maintenance plan was developed following EPA guidelines and requirements to ensure the Eugene-Springfield area continues to meet the PM<sub>10</sub> health standard in the future.

### Rulemaking documents

The following documents and information are available on DEQ’s “Proposed Rule Revisions” [www.deq.state.or.us/regulations/proposedrules.htm](http://www.deq.state.or.us/regulations/proposedrules.htm)

- [Proposed PM<sub>10</sub> Maintenance Plan](#)
- [Proposed Rule changes](#)
- [Statement of Need and Fiscal Impact](#)
- [Land Use Evaluation Statement](#)
- [Relationship to Federal Requirements](#)

See also LRAPA’s website at [www.lrapa.org/](http://www.lrapa.org/).

### How to Comment

Comments on the proposed rulemaking may be submitted in writing via mail, fax or email any time prior to the comment deadline of 12:15 p.m. on September 26, 2011, or at the public hearing noted below. It is not necessary to attend the hearing in order to comment. Written comments received prior to the deadline are treated equally with oral comments.

Comments may be mailed directly to Robbye Lanier, LRAPA, 1010 Main Street, Springfield, OR 97477, or faxed to 541-726-1205, or emailed to [Robbye@lrapa.org](mailto:Robbye@lrapa.org). For further information, call 541-736-1056, extension 214 or toll-free in Oregon at 1-877-285-7272.



State of Oregon  
Department of  
Environmental  
Quality

### Air Quality Division

811 SW 6<sup>th</sup> Avenue  
Portland, OR 97204  
Phone: 503-229-6278  
800-452-4011  
Fax: 503-229-6278  
Contact: Brian Finneran  
Finneran.Brian@deq.state.or.us  
[www.oregon.gov/DEQ/](http://www.oregon.gov/DEQ/)

DEQ and the EQC have the statutory authority to address this issue under ORS 468.020, 468A.025. These rules implement ORS 468A.025, 468A.035



Alternately, you can mail comments to DEQ, care of Brian Finneran, Oregon DEQ, Air Quality, 811 SW 6<sup>th</sup> Avenue, Portland, OR 97204, or by fax to 503-229-5675, or by email to [Finneran.Brian@deq.state.or.us](mailto:Finneran.Brian@deq.state.or.us). Further information can be obtained by calling 503-229-6278 or toll-free in Oregon at 1-800-452-4011, extension 6278.

(Note: email comments will be acknowledged immediately. Comments and attachments are limited to 10 MB. If you do not receive an automatic response, or your comments and attachments will exceed this limit, please contact the staff listed above. If there is a delay between servers, emails may not be received before the deadline.)

### **Public hearings**

A public hearing will be held at the time and location noted below. The hearing will begin with a brief overview of the proposed rule changes, followed by the opportunity for members of the public to provide oral and written comment.

- September 26, 2011, 12:15 p.m.  
LRAPA Conference Room  
1010 Main St., Springfield, OR 97477

### **Comment deadline is September 26, 2011**

Public comment is due by 12:15 p.m., September 26, 2011, or can be provided at the above hearing. Comments cannot be considered after the comment deadline.

### **How will rules be adopted?**

The LRAPA Board of Directors will consider adoption at the above September 26 hearing. If adopted, DEQ will submit to the EQC for approval at their meeting on December 15, 2011. If approved, DEQ will submit to the Environmental Protection Agency (EPA) as a revision to the State Implementation Plan under OAR 340-200-0040, including a request that the Eugene-Springfield area be redesignated as in attainment with the PM<sub>10</sub> standards.

### **Accessibility information**

LRAPA is committed to accommodating people with disabilities. Please notify LRAPA of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact Robbye Lanier at LRAPA at 541-736-1056, extension 214 or toll-free in Oregon at 1-877-285-7272, or email [Robbye@lrapa.org](mailto:Robbye@lrapa.org).