



Oregon

Kate Brown, Governor

Department of Environmental Quality

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April 28, 2022

Michelle Pirzadeh, Acting Regional Administrator
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Mail Code: 21-B03
Seattle, WA 98101

RE: Revision to the Oregon State Implementation Plan to Address the Regional Haze Second Planning Period

Dear Administrator Pirzadeh:

The Oregon Department of Environmental Quality is submitting and requests approval of the 2018 – 2028 Regional Haze State Implementation Plan to address the second planning period. This letter also provides for your approval amendments to Oregon's State Air Quality Control Plan or State Implementation Plan (SIP), adopted by reference into the Oregon Administrative Rules (OAR) at 340-200-0040 as of July 23, 2021, with an effective date of July 23, 2021.

DEQ is submitting and requests EPA approval of the enclosed SIP revision to update Regional Haze Rules at OAR 340-223-0010, 340-223-0020 and 340-223-0100 through 340-223-0130. These rules were part of a rulemaking package adopted by the Oregon Environmental Quality Commission to codify in Division 223 the screening procedure and information collection associated with Oregon's compliance with the federal Regional Haze Rule for the second planning period, 2018 - 2028. The rules also established what action is required of regulated sources to reduce haze-forming pollutants. DEQ also repealed rules that implemented the first round of Regional Haze requirements which are no longer relevant, including OAR 340-223-0030 through 340-223-0080. DEQ is requesting the repealed rules be removed from the SIP.

DEQ is also submitting and requesting EPA approval of the items referred to in Attachment 3.3, which are contained within the 2018 – 2028 Regional Haze Plan and attached to this cover letter. The orders DEQ is submitting for EPA's approval are contained in Appendix E of the 2018 – 2028 Regional Haze Plan. The permit conditions that DEQ is submitting for EPA's approval are listed in Attachment 3.3 and in Section 3.7.5 of the 2018 – 2028 Regional Haze Plan. To demonstrate that the permit conditions are fully enforceable, DEQ has attached copies of the official permits, which DEQ has signed, stamped, and dated, as Attachment 8.

In addition to submitting the 2018 – 2028 Regional Haze State Implementation Plan, we will submit the following required legal and supporting documents through EPA's SPeCS system:

Attachment 1: Evidence the state has adopted the revision

1.1 Staff Report, Agenda Item C of the Feb. 3, 2022 EQC meeting

1.2 Staff Report, Agenda Item J of the July 22, 2021 EQC meeting

Also see the Certificate and Order for Filing Permanent Administrative Rules in Attachment 4.2.1 and 4.2.2

Attachment 2: Evidence that the state has the necessary legal authority

For the legal authority, see page 8 of Attachment 1.1

Attachment 3: Provisions submitted for approval

3.1 Amended rules submitted to Oregon Secretary of State Effective Jan. 21, 2021:

Amend OAR:

340: 200-0040, 238-0040*, 223-0010, 223-0020, 223-0100, 223-0110, 223-0120, 223-0130

Request removal from the SIP:

Oregon's EQC repealed the following rules that applied to the Regional Haze first planning period. Particularly, the repealed rules applied to the Boardman coal-fired power plant, which was decommissioned in October 2020, as described in the administrative record for the rulemaking. In addition, the Amalgamated Sugar Company plant cited in 340-223-0040 has also permanently ceased operation, as described in the 2018 – 2028 Regional Haze State Implementation Plan narrative.

340: 223-0030, 223-0040, 223-0050, 223-0060, 223-0070, 223-0080,

3.2 Redline strikeout version of amended rules submitted to Oregon Secretary of State Effective Jan. 21, 2021:

Amend OAR:

340: 200-0040, 238-0040*, 223-0010, 223-0020, 223-0100, 223-0110, 223-0120, 223-0130

Request removal from the SIP:

340: 223-0030, 223-0040, 223-0050, 223-0060, 223-0070, 223-0080

3.3 Permit Conditions and Orders (Attachment 3.3)

3.3.1 Permit 01-0038

3.3.2 Permit 03-2145

3.3.3 Permit 09-0084

3.3.4 Permit 15-0004

3.3.5 Permit 18-0006

3.3.6 Permit 26-1876

3.3.7 Permit 31-0006

3.3.8 LRAPA Permit 208850

*Denotes rules that are not submitted for EPA approval but are being included to show a complete account of the rulemaking package.

Attachment 4: Evidence that the state followed the Administrative Procedures Act

- 4.1.1 Department of Environmental Quality's Notice of Proposed Rulemaking filed with the Secretary of State, Aug. 27, 2021
- 4.1.2 Department of Environmental Quality's Notice of Proposed Rulemaking filed with the Secretary of State, May 28, 2021
- 4.2.1 Certificate and Order for Filing Permanent Administrative Rules, filed and effective Feb. 3, 2022
- 4.2.2 Certificate and Order for Filing Permanent Administrative Rules, filed and effective July 26, 2021

Attachment 5: Evidence of adequate public notice

See attachment 4.1: Oregon Secretary of State's Oregon Bulletin

- 5.1.1 GovDelivery with Bulletin Detail Report, Aug. 27, 2021
- 5.1.2 GovDelivery with Bulletin Detail Report, May 28, 2021
- 5.2.1 Email to Key Oregon Legislators Aug. 27, 2021
- 5.2.2 Email to Key Oregon Legislators, May 28, 2021

Attachment 6: Certification of public hearing

For certification of the public hearing, see page 19 of Attachment 1.1

Attachment 7: Compilation of public comment and department's response

For the Presiding Officer's record for rulemaking hearings, see page 20 of Attachment 1.1 and page 27 of Attachment 1.2.

For the Summary of comments and DEQ responses, see page 21 of Attachment 1.1 and page 28 of Attachment 1.2.

Thank you for your assistance with these revisions to Oregon's SIP. The staff contact for this submittal is Hillarie Sales, SIP Coordinator at (503) 229-5448.

Attachment 8: Copies of permits for which DEQ submits only permit conditions listed in Attachment 3.3 and Section 3.7.5 of the 2018 – 2028 Regional Haze Plan for EPA approval.

Sincerely,



Leah K. Feldon
Deputy Director