

# Environmental Quality Commission Meeting

## Federal State Definition Alignment 2022

Agenda Item E, Action Item  
April 6, 2022

# Agenda Topics

---

- Overview of adopted federal regulations;
- Correcting conflicting state and federal definitions;
- Public comments; and
- DEQ Recommendation on EQC action.

# Adopted Federal Regulations



**New Source Performance Standards (NSPS)**  
40 C.F.R. part 60

**National Emission Standards for Hazardous Air Pollutants (NESHAP)**

40 C.F.R. parts 61 and 63

**OAR chapter 340 division 238**

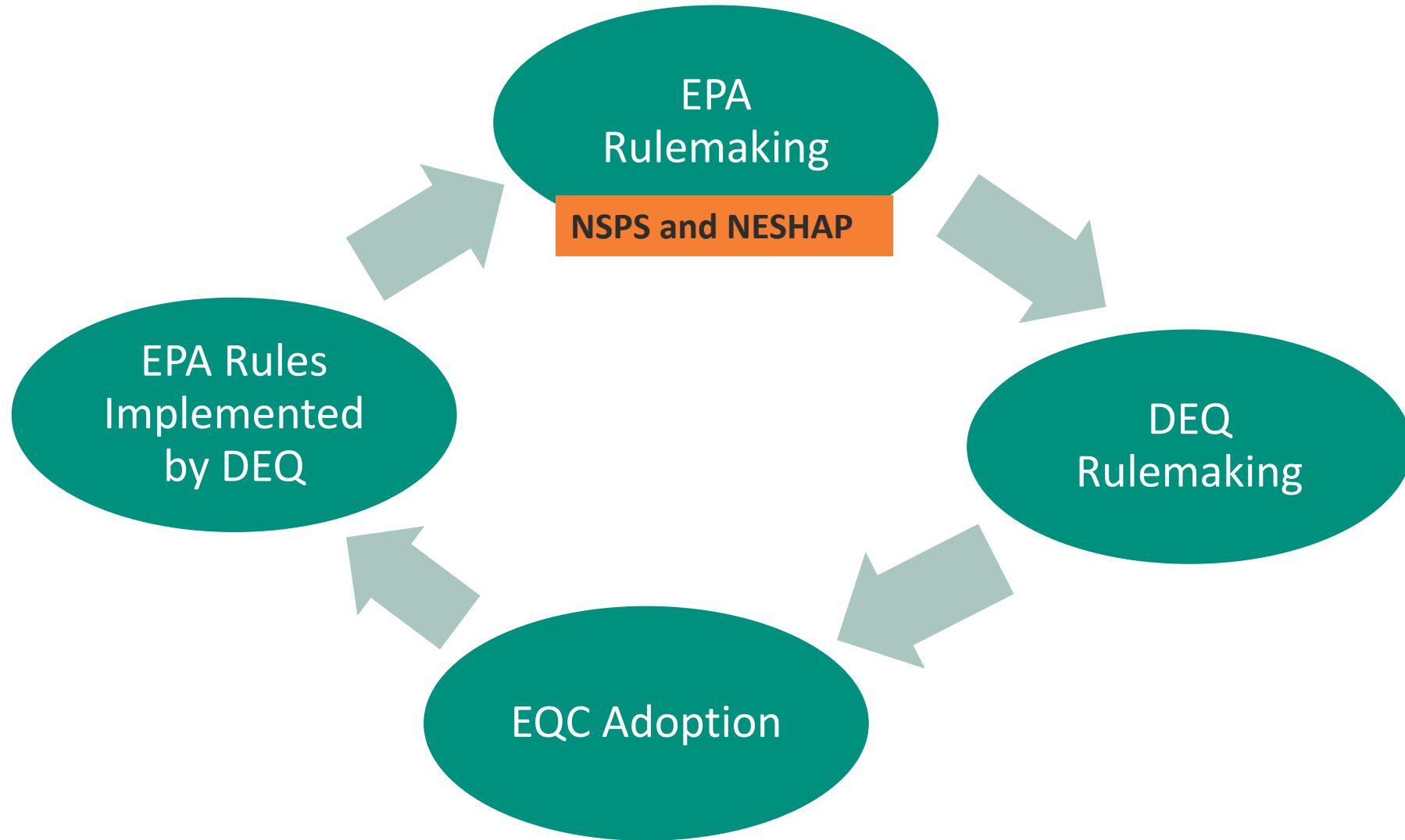
**OAR chapter 340 division 244**

**88 NSPS regulations**

**149 NESHAP regulations**

**General Definitions: OAR chapter 340 division 200**

# Adopted Federal Regulations



# Aligning Federal Definitions and State Rules

---

## Issue:

Federal Regulations each have their own definitions which conflict with definitions in Oregon Administrative Rule.

## Proposed Solution:

Clarify that applicable definitions are found within the adopted regulations rather than the definitions found separately in Oregon Administrative Rule.

# Example Definition Difference

---

## Federal Definition

(40 C.F.R. part 60 subpart A)

### “Construction”

...fabrication, erection, or installation of an affected facility.

## State Definition

(OAR 340-200-0020)

### “Construction”

...any physical change including, but not limited to, fabrication, erection, installation, ***demolition, or modification of a source or part of a source...***

# Public Comment

---

- DEQ had two attendees at the public hearing who did not testify
- DEQ received comments from two different commenters.
  - One comment was about regulating air emissions from motor vehicles.
  - One comment was about DEQ making too many rule changes.
- DEQ did not make changes to the draft rules based on comments received.

# DEQ Recommendation to the EQC

---

DEQ recommends that the Environmental Quality Commission adopt the proposed rules on pages 20 through 42 of the staff report as part of Chapter 340 of the Oregon Administrative Rules.