

Proposed Rulemaking Announcement

Redesignation of the Salem-Keizer Carbon Monoxide Nonattainment Area

Rule Caption

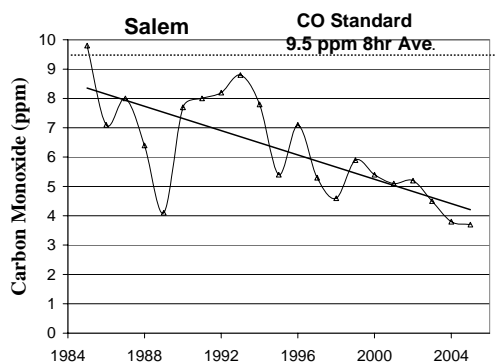
The Salem-Keizer area has been in compliance with the National Ambient Air Quality Standard for Carbon Monoxide (CO) since 1985. DEQ is proposing to change the clean air status of the Salem-Keizer area from a CO nonattainment area (i.e. an area not in compliance with standards) to a state maintenance area and federal attainment area (i.e. an area that meets standards). This action includes adoption of a Limited Maintenance Plan that demonstrates that the area has fully achieved the CO Standard and ensures that it will maintain that standard.

Background

Carbon monoxide (CO) is a colorless, odorless and poisonous gas produced by incomplete combustion. Under the federal Clean Air Act, the United States Environmental Protection Agency (EPA) set the national health protection standard for CO at 9 parts per million (ppm) averaged over 8 hours. In the 1970s the Salem-Keizer area exceeded the CO Standard as many as 7 times per year and the area was officially designated as “nonattainment” (i.e. not in compliance) with the CO Standard.

Why are the rule changes needed?

In the last two decades CO levels have decreased considerably due to computerized engine controls and tighter emission requirements for new cars and trucks. The Salem-Keizer area has not violated the CO Standard since 1985, and future emissions are expected to stay low. The sharp decline in CO levels can be seen in the graph below, with current CO levels less than half the CO standard.



Historically, elevated CO levels were seen in the winter months and were caused by automobile traffic at congested intersections. Other sources of CO, like industrial emissions and wintertime wood burning contribute a small amount to

overall background CO, but the primary driver of CO levels is transportation. Again, the CO trends graph shows how CO levels have dramatically decreased as cars have become much cleaner over the past twenty years. Because the public health risk from CO has been significantly reduced in the Salem-Keizer area, DEQ can now complete the administrative process to redesignate Salem from a CO nonattainment area to a state CO maintenance area and federal attainment area.

What is the objective of this rulemaking?

The purpose of this rulemaking is to change the Salem-Keizer area’s status under Oregon law and the Clean Air Act from “nonattainment” to “attainment” with the CO Standard. This change in status can only occur if a maintenance plan is adopted by the Oregon Environmental Quality Commission and formally approved by the EPA.

Who may be affected?

The maintenance plan demonstrates to the public that cleaner cars have eliminated the high CO levels once seen in Salem. The maintenance plan will also change requirements for new and expanding major industrial sources that wish to locate in Salem as well as requirements for Salem’s local transportation planning organization.

When the Salem area was violating CO standards in the 1970’s, the Clean Air Act required new and expanding major industrial sources to install the very highest level of pollution control equipment --regardless of cost. This level of control is called Lowest Achievable Emission Rate (LAER). New and expanding industries were also required to “offset” any increased CO emissions by decreasing an equal amount of CO from other sources in the area.

Today, CO levels are half the standard and are expected to stay low because of much cleaner cars. Therefore the LAER level controls that were initially required when Salem was violating CO standards are no longer necessary. Under this proposed maintenance plan, new and expanding major industry would be required to install Best Available Control Technology (BACT). BACT offers more flexibility to consider cost effectiveness, and is typically required in areas like Salem that are meeting standards. BACT provides a high level of CO control, quite often the same level of control as LAER. Also under



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Additional Materials Attached

- A: Proposed Salem-Keizer Limited Maintenance Plan
- B: Proposed rule changes
- C: Statement of Need and Fiscal Impact
- D: Land Use Evaluation Statement
- E: Relationship to Federal Requirements

Last updated 3/14/07
Dave Nordberg

this plan, new and expanding major industry would no longer need to obtain emission offsets for CO. The revised requirements would be consistent with what is currently required for new and expanding industry in the Portland area. Redesignation will not affect requirements for existing industrial facilities.

Transportation planning

The local transportation planning organization known as SKATS (Salem-Keizer Area Transportation Study) is responsible for transportation planning in the Salem-Keizer area. Under the proposed maintenance plan, the Salem-Keizer area region will continue to be subject to federal transportation conformity rules that link air quality and transportation planning. However, SKATS will no longer be required to perform an extensive and costly regional air quality emissions analysis each time a new transportation plan is approved. Individual transportation projects will, however, still need to conduct localized air quality "hot spot" analyses to demonstrate they will not cause CO problems.

How was this proposal developed?

This proposal was developed in consultation with EPA, SKATS and key stakeholders. DEQ did not convene an advisory committee because no new CO reduction measures are needed for the Salem area. CO levels in Salem have been well below health standards for nearly twenty years.

In developing this proposal, DEQ relied on the Clean Air Act, air quality monitoring data, the Salem Nonattainment Area State Implementation Plan dated June 1979, and EPA's memo by Joseph Paisie of October 6, 1995.

Rulemaking documents may be reviewed online at www.deq.state.or.us/air/planning/nonattainment.htm. Copies of these documents may also be reviewed at DEQ's office at 811 SW 6th Avenue, Portland, Oregon. Please contact Mark Nelson at 503-229-5359 to learn when the documents are available for review.

Open House

DEQ will hold an open house March 26, 2007 to provide information to the public and to respond to questions about CO in the Salem-Keizer area. The open house will be held from 6:00 to 8:00 pm at:

DEQ Salem Office,
750 Front St. NE,
Ground Floor
Salem, OR 97301

The open house will not be a public hearing on the proposed rulemaking. Verbal comments offered by the public will not be summarized and reported to the Environmental Quality Commission (EQC). A public hearing will be held on April 16, 2007 as described below:

How to comment

Comments on the proposed rulemaking may be submitted in writing via mail, fax or e-mail any time prior to the comment deadline of April 20, 2007. Written and oral comments may be submitted during the public hearing listed below. It is not necessary to attend a hearing in order to comment. Written comments received prior to the deadline are treated equally with oral comments.

Comments may be mailed to Dave Nordberg at DEQ, Air Quality Division, 811 SW 6th Avenue, Portland, OR 97204, or faxed to 503-229-5675. E-mail comments must be submitted to salem.keizer.co@deq.state.or.us and should include the commenter's name and address. E-mail comments will be acknowledged automatically upon receipt.

Public hearing

A public hearing will be held in Salem, April 16, 2007. Before the hearing begins, DEQ staff will give a short overview of the proposal followed by a brief question and answer session. Once the official hearing begins, members of the public may provide oral and written comment. The hearing will be held:

April 16, 2007 at 7:00 pm
DEQ Salem Office,
750 Front St. NE,
Ground Floor
Salem, OR 97301

DEQ staff will serve as the Presiding Officer

Comment deadline is April 20, 2007

All comments are due to DEQ by 5 p.m. April 20, 2007. DEQ cannot consider comments from any party **received** after the deadline for public comment.

How will rules be adopted?

DEQ will prepare a response to all comments received during the public hearing and comment period and may recommend changes to the rules proposed for public comment. DEQ plans to recommend rules for adoption by the EQC at their meeting scheduled for June 21st or 22nd. DEQ will notify those who asked to be kept informed of this topic and those who submitted official comments of the time and place for final EQC action.

Please notify DEQ of any special physical or language accommodations needed for the hearings as far in advance as possible. Alternate formats of this document can be made available by contacting DEQ's Office of Communications and Outreach, Portland at 503-229-5317.

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