

From: Laura Seyler <laura.seyler@IPAPER.com>
Date: March 14, 2019 at 7:40:14 AM PDT
To: Merlyn Hough <merlyn@lrpa.org>
Subject: FW: LRAPA CAO Rulemaking Comment Letter submitted 3/12/19

Hi Merlyn –

We have reviewed what you proposed in the email from Tuesday March 12, and agree that it addresses our concern about the proposed LRAPA rule adoption.

How will public access to the language change be done?

Also, it is of concern to us that the language was not well noticed, as it was a departure from past rule language.

Thank you - Laura

From: Merlyn Hough <merlyn@lrpa.org>
Sent: Tuesday, March 12, 2019 4:54 PM
To: Laura Seyler <laura.seyler@IPAPER.com>
Cc: Max Hueftle <max@lrpa.org>
Subject: [External] : FW: LRAPA CAO Rulemaking Comment Letter submitted 3/12/19

Laura: Thank you for your careful review and the IP comments.

You may already be aware that LRAPA has no statutory power to vary from the EQC-DEQ rules regarding enforcement penalties. This was confirmed in the 1996 legal opinion by our counsel (second attachment). Therefore, LRAPA's consistent intent when updating our Title 15 enforcement rules is to synchronize with DEQ's Division 12.

Our intent to respond to your concerns is to more specifically reconcile our language in LRAPA 15-030(1)(c)(C) with DEQ's OAR 340-012-0145(4). Specifically, on Thursday we will propose to remove the multiple insertions of "(or days in duration)" in LRAPA 15-030(1)(c)(C), and replace the existing wording in the beginning of LRAPA 15-030(1)(c)(C)

"O" is whether the violation was repeated or continuous. The values for "O" and the finding which supports each are as follows:

and replace it with the language in the beginning of OAR 340-012-0145(4)

"O" is whether the violation was repeated or ongoing. A violation can be repeated independently on the same day, thus multiple occurrences may occur within one day. Each repeated occurrence of the same violation and each day of a violation with a duration of more than one day is a separate occurrence when

determining the "O" factor. Each separate violation is also a separate occurrence when determining the "O" factor. The values for "O" and the finding that supports each are as follows:

Does this adequately address your concerns?

For convenience, here are links to [LRAPA Title 15](#) and [OAR 340-012-0145](#).

Thank you again for your careful review and thoughtful comments. Please give me a call at 541-285-3063 if you would like to discuss.

--- Merlyn

Merlyn L. Hough, P.E., BCEE
Director
Lane Regional Air Protection Agency
1010 Main Street
Springfield OR 97477

Office phone: (541) 736-1056 x216
Cell phone: (541) 285-3063