

**Relationship to Federal Requirements**  
Rulemaking Proposal  
for  
Adoption of Federal Air Quality Regulations

**Answers to the following questions identify how the proposed rulemaking relates to federal requirements and potential justification for differing from federal requirements. The questions are required by OAR 340-011-0029.**

**1. Are there federal requirements that are applicable to this situation? If so, exactly what are they?**

Yes. This rulemaking involves adopting federal regulations, mostly by reference. The federal Clean Air Act requires that the EQC adopt certain federal requirements by reference or develop equivalent regulations in order to maintain delegation of the Title V Operating Permit program for major industrial sources of air pollution.

**2. Are the applicable federal requirements performance based, technology based, or both with the most stringent controlling?**

Both performance and technology based.

**3. Do the applicable federal requirements specifically address the issues that are of concern in Oregon? Was data or information that would reasonably reflect Oregon's concern and situation considered in the federal process that established the federal requirements?**

Yes. The applicable federal requirements address the control of the 6 standard air pollutants and 188 hazardous air pollutants regulated under the federal Clean Air Act. The U.S. Environmental Protection Agency (EPA) considered data and information representative of human health and environmental effects of criteria pollutants, hazardous air pollutants, and available emission control technology during its rulemaking. In addition, when it develops the National Emission Standards for Hazardous Air Pollutants (NESHAP), the EPA requests information from all sources in a given source category. Therefore, when it developed the NESHAPs, EPA used information on Oregon sources.

**4. Will the proposed requirement improve the ability of the regulated community to comply in a more cost effective way by clarifying confusing or potentially conflicting requirements (within or cross-media), increasing certainty, or preventing or reducing the need for costly retrofit to meet more stringent requirements later?**

Yes. This rulemaking will avoid conflicting or confusing requirements and increase certainty by making the Department's rules consistent with EPA's rules. The addition of the surface tension compliance option for hard chromium electroplating to the Chromium Electroplating and Anodizing NESHAP, and the changes made to the list of hazardous air pollutants and the definition of volatile organic compounds, will allow sources in Oregon to use less toxic, less smog producing, and/or less emitting processes and materials, thereby preventing or reducing the need for costly retrofits to meet the various air quality standards.

**5. Is there a timing issue which might justify changing the time frame for implementation of federal requirements?**

No. The regulations as adopted by EPA are currently being implemented.

**6. Will the proposed requirement assist in establishing and maintaining a reasonable margin for accommodation of uncertainty and future growth?**

Not applicable

**7. Does the proposed requirement establish or maintain reasonable equity in the requirements for various sources? (level the playing field)**

Yes. This rulemaking involves adopting national standards that apply to all sources in the country in a given source category.

The addition of the surface tension compliance option for hard chromium electroplating to the Chromium Electroplating and Anodizing NESHAP, and the changes made to the list of hazardous air pollutants and the definition of volatile organic compounds, will give Oregon sources the same flexibility that is currently allowed under federal regulations.

**8. Would others face increased costs if a more stringent rule is not enacted?**

This rulemaking is an adoption of federal requirements by reference. The Department considered not adopting the addition of the surface tension compliance option. The Department however, ultimately agreed with EPA's assessment that the control of surface tension in hard chromium electroplating is as effective as using the most efficient add-on control devices.

**9. Does the proposed requirement include procedural requirements, reporting or monitoring requirements that are different from applicable federal requirements? If so, why? What is the "compelling reason" for different procedural, reporting or monitoring requirements?**

No. This rulemaking is an adoption of federal requirements, mostly by reference.

**10. Is demonstrated technology available to comply with the proposed requirement?**

Yes. NESHAP and NSPS standards are based on the control technology currently used by the best controlled emission sources.

**11. Will the proposed requirement contribute to the prevention of pollution or address a potential problem and represent a more cost effective environmental gain?**

Yes. EPA adopted revisions to the Chromium Electroplating and Anodizing NESHAP that would allow hard chromium electroplaters to control the surface tension of the plating bath in lieu of using expensive add-on control devices. The surface tension of the plating bath is controlled by adding a fume suppressant that contains wetting agents. Controlling surface tension prevents pollution by minimizing chromic acid mists above the plating bath and in the exhaust stream.

EPA recently delisted ethylene glycol monobutyl ether from the list of hazardous air pollutants. EPA also added certain compounds to the list of exempt volatile organic compounds. These compounds were exempted because EPA determined that they do not contribute to the formation of ground level ozone or smog. Under the proposed rules, sources in Oregon will be able to switch to these compounds in lieu of using more toxic and/or more smog producing compounds.