**Rule Caption:** Small and mid-size boiler rule amendments.

**Adm. Order No.:** DEQ 1-2012

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**Rules Amended:** 340-200-0020, 340-200-0040, 340-210-0100, 340-210-0110, 340-210-0120, 340-210-0250, 340-228-0020, 340-228-0200, 340-228-0210, 340-262-0450, 340-262-0600

**Subject:** The Heat Smart rules under OAR chapter 340 division 262 prohibit the sale of uncertified biomass boilers and other solid fuel burning devices with maximum heat output capacities below one million British thermal units per hour in Oregon. For small-scale and mid-size commercial, industrial and institutional solid fuel-fired boilers that are not under a DEQ air quality permit but are already subject to federal National Emission Standards for Hazardous Air Pollutants, the rules adopted by the EQC:

• Provide an exemption from Heat Smart certification requirements if the owner or operator obtains construction approval from DEQ under OAR chapter 340 division 210.

• Require registration of a boiler with DEQ upon written request. Registration includes confirmation that the boiler complies with existing applicable state visible emissions standards and federal air toxics regulations.

The exemption from Heat Smart allows small-scale commercial, industrial and institutional biomass boilers already subject to federal National Emission Standards for Hazardous Air Pollutants to be sold in Oregon while ensuring it meets applicable air quality standards. Registration of a boiler does not authorize its operation like an air quality permit; however, it does provide DEQ with information about the location and compliance status of solid fuel boilers located at facilities that are not required to obtain air emissions permits.

These amendments, if adopted, will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to the State Implementation Plan, which is a requirement of the Clean Air Act.