

Department of Environmental Quality
NOTICE OF PROPOSED RULEMAKING HEARING

A Statement of Need and Fiscal Impact accompanies this form.

Oregon Department of Environmental Quality		340
Agency and Division		Administrative Rules Chapter Number
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Rules Coordinator	Address	Telephone

Small and mid-size boiler rule amendments

August 18, 2011	6:00 p.m.	DEQ – HQ, Room EQC-A	Carrie Ann Capp
Hearing Date	Time	Location	Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

AMEND: OAR 340-200-0020; 340-200-0040, 340-210-0100; 340-210-0110; 340-210-0120; 340-210-0250, 340-212-0140, 340-228-0020, 340-228-0200, 340-228-0210, 340-262-0450, 340-262-0600

Stat. Auth.: ORS 468, ORS 468A, ORS 468.020, ORS 468A.025, ORS 468A.035, ORS 468A.050, ORS 468A. 055, ORS 468A.070, ORS 468A.460 to 468A.515, ORS 468A.310

Other Auth.:

Stats. Implemented: ORS 468, ORS 468A, ORS 468.020, ORS 468A.025, ORS 468A.035, ORS 468A.050, ORS 468A. 055, ORS 468A.070, ORS 468A.460 to 468A.515

RULE SUMMARY

Current Heat Smart rules under OAR chapter 340 division 262 prohibit uncertified small biomass boilers and other solid fuel boilers with heat output less than one million British thermal units per hour from being sold in Oregon. For small-scale and mid-size commercial, industrial and institutional boilers already subject to federal National Emission Standards for Hazardous Air Pollutants, the proposed rule would:

- Provide an exemption from Heat Smart regulations if the owner or operator obtains construction approval under OAR chapter 340 division 210.
- Require registration of boilers that are either exempt from Heat Smart certification requirements or that are above the Heat Smart threshold but below the air quality permitting thresholds. The registration would include confirmation that the boiler complies with other existing state and federal air quality regulations.

Creating the proposed exemption from Heat Smart regulations would allow small-scale commercial, industrial and institutional biomass boilers already subject to federal National Emission Standards for Hazardous Air Pollutants to be sold in Oregon. The proposed registration rules would enable DEQ to track compliance for small-scale and mid-sized commercial, industrial and institutional boilers. 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 boilers that are not required to obtain permits.

These amendments, if adopted, will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to the Oregon State Implementation Plan, which implements a number of air pollution programs of the federal Clean Air Act in Oregon.

ORS 183.335(2)(b)(G): The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

August 25, 2011

Last Day for Public Comment

	Maggie Vandehey	
Signature	Printed name	Date