

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

**Relationship to Federal Requirements**

**Small and mid-size boiler rule amendments**

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*Answers to the following questions identify how the proposed rulemaking relates to federal requirements and the justification for differing from, or adding to, federal requirements. This statement is required by OAR 340-011-0029(1).*

**1. Is the proposed rulemaking different from, or in addition to, applicable federal requirements? If so, what are the differences or additions?**

Yes, the proposed rulemaking is different from and in addition to applicable federal requirements. Current Oregon rules (Heat Smart regulations) prohibit small biomass and other solid fuel boilers with heat output less than one million British thermal units per hour from being sold in Oregon under OAR chapter 340 division 262. For small-scale commercial, industrial and institutional biomass and other boilers already subject to 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 from DEQ under OAR chapter 340, division 210.

In addition, the proposed rules would require boilers subject to 40 CFR part 63, subpart DDDDD or subpart JJJJJ that do not require air quality permits from DEQ to register with DEQ. Registration would require verification of compliance with existing state and federal emissions standards.

**2. If the proposal differs from, or is in addition to, applicable federal requirements, explain the reasons for the difference or addition (including as appropriate, the public health, environmental, scientific, economic, technological, administrative or other reasons).**

The proposed rule provides better public health protection from particulate, polycyclic aromatic hydrocarbons and benzene pollution by helping DEQ identify and work with the universe of small-scale and mid-size boilers that are below emission thresholds for air quality permitting. These non-permitted boilers are currently subject to state and federal emission standards and the proposed registration rules would enable DEQ to identify and track compliance for these small scale and mid-sized 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 non-permitted boilers. There would be no registration fee but the rule

requires testing in order to demonstrate compliance with state grain loading and opacity standards, and confirmation that boilers comply with federal standards for hazardous air pollutants.

**3. If the proposal differs from, or is in addition to, applicable federal requirements, did DEQ consider alternatives to the difference or addition? If so, describe the alternatives and the reason(s) they were not pursued.**

DEQ considered not establishing the registration requirement for boilers below permitting thresholds. DEQ rejected this alternative because the registration program is designed to increase compliance and thereby reduce impacts on residences, schools and other locations. DEQ also considered requiring permits instead of registration. This alternative was rejected because it would impose an administrative burden and greater costs to operators and DEQ. DEQ considered requiring registration only for those boilers with heat output capacities under one million British thermal units per hour. This option was rejected because it would not enable DEQ to verify compliance with emissions standards for mid-sized commercial, industrial and institutional boilers.