

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
Land Use Evaluation Statement

Rulemaking Proposal
for
Small and mid-size boiler rule amendments

Conditional exemptions from Heat Smart certification requirements for small-scale commercial, industrial and institutional boilers subject to National Emission Standards for Hazardous Air Pollutants, and registration requirements for small and mid-sized boilers subject to National Emission Standards for Hazardous Air Pollutants.

1. Explain the purpose of the proposed rules.

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.

2. Do the proposed rules affect existing rules, programs or activities that are considered land use programs in the DEQ State Agency Coordination (SAC) Program?

Yes X No

a. If yes, identify existing program/rule/activity:

Approval of Notice of Construction (OAR 340-018-0030(1)(c)).

Registration of boilers is not a program or activity that is considered a land use program in the DEQ SAC Program. However, all boilers that must be registered must first obtain approval of notice of construction, which requires the submission of a land use compatibility statement (LUCS).

b. If yes, do the existing statewide goal compliance and local plan compatibility procedures adequately cover the proposed rules?

Yes X No (if no, explain):

c. If no, apply the following criteria to the proposed rules.

N/A

In the space below, state if the proposed rules are considered programs affecting land use. State the criteria and reasons for the determination.

N/A

3. If the proposed rules have been determined a land use program under 2. above, but are not subject to existing land use compliance and compatibility procedures, explain the new procedures the Department will use to ensure compliance and compatibility.

N/A