Secretary of State

Certificate and Order for Filing

## PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies\* are true, full and correct copies of the PERMANENT Rule(s) adopted on [ ] by the

Date prior to or same as filing date

Oregon Department of Environmental Quality 340

Agency and Division Administrative Rules Chapter Number

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to become effective [ December 20, 2011 ]. Rulemaking Notice was published in the [ August 2011 ] Oregon Bulletin.\*\*

Date upon filing or later Month and Year

**RULE CAPTION**

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

**RULEMAKING ACTION**

List each rule number separately (000-000-0000)

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

**ADOPT**: N/A

**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

**REPEAL**: N/A

**RENUMBER**: N/A

**AMEND & RENUMBER**: N/A

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 of a small-scale or mid-size commercial, industrial and institutional boiler obtains construction approval under OAR chapter 340 division 210.
* Require registration with DEQ of small-scale and mid-size boilers that are subject to federal area source NESHAP’s. The registration would include confirmation that the boiler complies with existing applicable 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.

Authorized Signer Printed name Date

**\***With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. **\*\***The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday. ARC 930-2005