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 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**

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

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, 468A, 468.020, 468A.050, 468A.310

Other Auth.:

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

# RULE SUMMARY

Small biomass boilers with heat output less than one million British thermal units per hour may not be sold in Oregon under current Heat Smart rules, OAR chapter 340 division 262. For small-scale commercial, industrial and institutional biomass boilers already subject to federal National Emission Standards for Hazardous Air Pollutants, the proposed rule would:

* Provide an exemption from Heat Smart regulations.
* Require the owner of operator to register the boiler with DEQ and require confirmation that the boiler complies with other existing state and federal air quality regulations.

Creating the proposed exemption option 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 mid-sized commercial, industrial and institutional boilers that are above the Heat Smart threshold of one million British thermal units per hour heat output, but below the permitting threshold of 10 million British thermal units per hour heat output. While registration of a boiler does not authorize operation like a permit, it does provide DEQ with information about the location and compliance status of non-permitted boilers.

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.

**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