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

**msba**

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 Btu/hr may not be sold in Oregon under current Heat Smart rules. For small-scale commercial, industrial and institutional biomass boilers already subject to federal National Emission Standards for Hazardous Air Pollutants, the proposed rule would:

* Exempt them from Heat Smart regulations,
* Require registration and confirmation that they comply with other existing state and federal air quality regulations, and
* Allow the sale in Oregon.

The proposed 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.

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