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 March 20, 2013 by the

Oregon Department of Environmental Quality 340

Agency and Division Administrative Rules Chapter Number

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Rules Coordinator Address Telephone

to become effective March 22, 2013. Rulemaking Notice was published in the September 1, 2012 Oregon Bulletin.\*\*

**RULE CAPTION**

**Updating Oregon’s air quality rules to address federal regulations**

**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**:

340-216-0068, 340-244-0239

**AMEND**:

340-200-0020, 340-200-0040, 340-210-0100, 340-216-0020 (tables also), 340-216-0060, 340-216-0062, 340-216-0064,

340-216-0066, 340-228-0602, 340-228-0606, 340-228-0609, 340-228-0635, 340-228-0637, 340-232-0085, 340-238-0040,

340-238-0060, 340-244-0030, 340-244-0210, 340-244-0220, 340-244-0234, 340-244-0238, 340-244-0240,

340-240-0242 (tables also), 340-244-0244, 340-244-0246, 340-244-0248, 340-244-0250

**REPEAL**:

340-228-0611, 340-228-0613, 340-228-0615, 340-228-0617, 340-228-0619, 340-228-0621, 340-228-0623, 340-228-0625,

340-228-0627, 340-228-0629, 340-228-0631, 340-228-0633, 340-244-0230 (tables also)

**RENUMBER**:

Not applicable

**AMEND & RENUMBER**:

Not applicable

# Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, and 468A.310

Other Auth.:

# Stats. Implemented: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050 and 468A.310

**RULE SUMMARY**

As summarized below, the rules adopt new and amended federal air quality regulations and related permit rules, which include new national performance and emission standards for electric utility steam generating units, gold mine ore processing and production, polyvinyl chloride and copolymers production, and sewage sludge incinerators and changes to the federal gasoline dispensing facility rules. The rules also clarify when and if Air Contaminant Discharge Permits are required for sources subject to federal New Source Performance Standards and NESHAPs.

1. **Aligns Oregon’s rules with recent changes to federal emission standards**
2. Adopts the following by reference:
	1. New federal area source NESHAPs for gold mine ore processing and production
	2. New federal major source NESHAP for electric utility steam generating units
	3. New federal major source NESHAP for polyvinyl chloride and copolymers production
	4. New federal New Source Performance Standards for sewage sludge incineration units
3. Incorporates changes EPA made to the federal gasoline dispensing facility NESHAP.
4. Updates the adoption by reference of previously adopted NESHAPs and New Source Performance Standards.
5. Removes monitoring, recordkeeping and reporting requirements in Oregon’s utility mercury rule and replaces them with references to the monitoring, recordkeeping and reporting requirements in the federal Electric Utility Steam Generating Unit NESHAP.
6. **Makes changes to the Air Contaminant Discharge Permitting Program**
7. Removes a requirement for DEQ to include federal emission standards in Air Contaminant Discharge Permits even when the federal standards have not been adopted by EQC.
8. Removes a requirement for affected facilities to obtain an Air Contaminant Discharge Permit if the facilities are only subject to federal New Source Performance Standards that have not been adopted by EQC.
9. Exempts the following from permitting:
	1. Facilities subject to only procedural requirements, such as notification that the facility is affected by a New Source Performance Standards or a NESHAP
	2. Chemical manufacturing facilities only subject to work practice standards
	3. Paint stripping and surface coating operations using less than 20 gallons of coating and 20 gallons of methylene chloride-containing paint stripper per year
10. Gives DEQ the ability to add new requirements to Simple or Standard Air Contaminant Discharge Permits by assigning the source to an Air Contaminant Discharge Permit Attachment.
11. **Clarifies and cleans up rules**
12. Changes the late fees for the registration and Air Contaminant Discharge Permit programs to eight days after a source misses a deadline for submitting fees instead of immediately after the deadline.
13. Clarifies the permitting requirements for metal fabrication and finishing operations.
14. Removes redundant general permit fee class assignments for halogenated solvent cleaners.
15. Removes redundant gasoline dispensing facility control requirements in OAR 340 Division 232.
16. Reassigns crematories to General Air Contaminant Discharge Permit fee class one. Crematories were inadvertently assigned to fee class two in a previous rulemaking.
17. Repeals DEQ’s accidental release prevention rule.

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