

Rulemaking Announcement

Updating Oregon's air quality rules to address federal regulations

DEQ invites your input on the proposed rule amendments and adoptions to chapter 340 of the Oregon Administrative Rules.

DEQ proposal

DEQ proposes the following rule amendments and adoptions to implement federal air quality regulations. The proposal would affect OAR 340-200, 210, 216, 228, 232, 238 and 244. The rulemaking proposal would adopt new and amended federal air quality regulations and related permit rules. The rulemaking proposal would also clarify when and if Air Contaminant Discharge Permits are required for sources subject to New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants.

Specifically, the amendments would align Oregon's rules with the following recent changes to federal emission standards:

- Adopt by reference new federal area source NESHAP for gold mine ore processing and production; new federal major source NESHAP for electric utility boilers; new federal major source NESHAP for polyvinyl chloride and copolymers production; and new federal NSPS for sewage sludge incineration units;
- Incorporate changes the Environmental Protection Agency made to the federal gasoline dispensing facility NESHAP;
- Update the adoption of previously adopted NESHAPs and NSPSs; and
- Replace monitoring, recordkeeping and reporting requirements in Oregon's utility mercury rule with references to the monitoring, recordkeeping and reporting requirements in the electric utility steam generating unit NESHAP.

The amendments would remove some requirements for Air Contaminant Discharge Permits, including:

- Remove a requirement for DEQ to include federal emission standards in ACDPs even when the federal standards have not been adopted by the Environmental Quality Commission;
- Remove a requirement for affected facilities to obtain ACDPs if the facilities are only subject to federal New Source Performance Standards that have not been adopted by the EQC; and

- Exempt from permitting: facilities that are only required to notify DEQ they are subject to federal standards or are only subject to similar procedural requirements; chemical manufacturing facilities only subject to work practice standards; and paint stripping and surface coating operations using less than 20 gallons of coating and 20 gallons of methylene chloride containing paint stripper per year;

The amendments would give DEQ the ability to add new requirements to Simple or Standard ACDPs by assigning the source to a General ACDP Attachment. The General ACDP Attachment would apply to the source until the new requirements are incorporated into the source's Simple or Standard ACDP at renewal.

The amendments would also:

- Align the late fees for the registration and ACDP programs;
- Clarify the permitting requirements for metal fabrication and finishing operations;
- Remove redundant general permit fee class assignments for halogenated solvent cleaners;
- Remove redundant gasoline dispensing facility control requirements in OAR 340 Chapter 232;
- Reassign crematories from fee class two to fee class one; and
- Repeal the accidental release prevention rule.

Our objective

The need to maintain Oregon rules is ongoing because federal requirements change regularly. This rulemaking will update DEQ rules to ensure Oregon regulations are up to date with respect to federal air quality regulations. Doing so will ensure compliance with our obligation to EPA under the Performance Partnership Agreement and delegation approval.

This rulemaking also seeks to protect public health, implement federally-delegated programs that regulate hazardous air pollutants and other air pollutants, and improve Oregon's implementation of these programs.



State of Oregon
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Environmental
Quality

Air Quality Division

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Notice Issued: Aug. 15, 2012
By: Jerry Ebersole

Who does this affect?

This rulemaking regulates:

- Facilities subject to newly promulgated NESHAPs and NSPSs;
- Facilities and equipment subject to recently amended NESHAPs;
- Facilities on an Air Contaminant Discharge Permit and subject to a NESHAP or NSPS not yet adopted by the Environmental Quality Commission;
- Unpermitted facilities that are subject to a NSPS not yet adopted by the Environmental Quality Commission;
- NESHAP or NSPS affected facilities subject to only procedural requirements;
- NESHAP affected chemical manufacturing facilities subject to only work practice standards;
- NESHAP affected paint stripping and surface coating operations using less than 20 gallons of coating and 20 gallons of methylene chloride containing paint stripper per year;
- Unpermitted metal fabrication and finishing operations; and
- Permitted crematories;
- Facilities affected by the federal accidental release prevention program.

Why make any changes?

The proposed rule changes would update DEQ's rules to reflect new and amended federal standards and also allow DEQ to: better manage workload; spread out permitting work over time; focus on federal standards with the greatest environmental benefit; and decline to implement federal standards that are not substantive or that are better implemented by EPA on the federal level.

Where can I find more information?

Visit the DEQ Rulemaking web page for more information about this proposal.

- Proposed rule changes [LINK](#)
- Rulemaking package [LINK](#)

You can participate!

Sign up for notices

Get email updates about this proposed rule by signing up at [LINK](#).

Attend a hearing

DEQ invites you to attend the public hearing listed below. The presiding officer will provide a brief overview of the proposal before inviting your spoken or written comment.

Portland, 5 p.m., Sept. 25, 2012, DEQ Headquarters Building, Room EQCA on the 10th Floor, 811 SW 6th Ave, Portland, OR, 97204.
Presiding Officer: Gregg Dahmen

If unable to attend the hearing in person, you can also participate by conference line at the following locations:

DEQ - Bend Regional Office
Conference Room
475 NE Bellevue Dr., Suite 110
Bend, OR 97701

DEQ - Medford Regional Office
Conference Room
221 Stewart Ave, Suite 201
Medford, OR 97501

Submit written comments

DEQ invites you to submit written comments by:

Email

Comment-NESHAP/NSPS@deq.state.or.us

Mail

Oregon DEQ, Air Quality Division
Attn: Jerry Ebersole
811 SW 6th Ave
Portland, OR 97204

FAX

Attn: Jerry Ebersole
(503) 229-5675

Comment deadline

To consider comments on the proposed rule, DEQ must receive the comment by
5 p.m. on Friday, September 28, 2012.

What has happened so far?

Documents used to develop proposal

DEQ relied on the following documents when considering the need for the proposed rule and to prepare the rulemaking documents:

- [Code of Federal Regulations](#)
- [Federal Register](#)

What's going to happen next?

We will review all comments

DEQ will review all spoken and written comments. We may modify the rule proposal based on the comments.

Next, we'll prepare a written response to all comments received by the comment deadline. The comments and DEQ's response will become part of the proposal package that will go to the Environmental Quality Commission for final decision.

Present proposal to the Environmental Quality Commission

The EQC will review all of the proposed changes along with public comments and decide whether to approve the proposed changes or not.

DEQ plans to take this proposal to the commission for a final decision at their meeting on February 21 and 22, 2013.

Accessibility information

Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications and Outreach at 503-229-5696 or call toll-free in Oregon at 1-800-452-4011; fax to 503-229-6762; or email to deqinfo@deq.state.or.us.

Glossary

ACDP – Air Contaminant Discharge Permit
DEQ – Department of Environmental Quality
EPA – U.S. Environmental Protection Agency
EQC – Environmental Quality Commission, a five-member panel of Oregonians appointed by the governor for four-year terms to serve as DEQ's policy and rulemaking board
NESHAP – National Emission Standards for Hazardous Air Pollutants
NSPS – New Source Performance Standards