**NESHAP/NSPS Rulemaking**

**Implementation Outline**

The proposed rule changes will update DEQ’s rules to reflect new federal standards and also allow DEQ to: better manage workload; space out permitting; focus on federal standards with the greatest environmental benefit; decline to implement federal standards that are not substantive or that are better implemented by EPA on the federal level; and ensure that the adoption of the area source NESHAP for boilers will not result in any new permittees. The following summarizes the proposed changes.

Provide for Better Management of DEQ Workload

* Change applicable requirement definition to exclude, for Air Contaminant Discharge Permits only, the federal accidental release program, National Emission Standards for Hazardous Air Pollutants, and New Source Performance Standards not adopted by the EQC
* Require EQC adoption of NSPSs before affected facilities are required to obtain an ACDP permit
* Exempt boilers with less than 10 MMBTU per hour heat input and subject to an area source NESHAP from permitting

Reduce the Regulatory Burden on Business

Exempt from permitting:

* Facilities affected by a NESHAP or NSPS, but subject to only procedural requirements
* Chemical manufacturing facilities only subject to work practice standards
* Mobile equipment surface coating operations using less than 20 gallons of coating per year

Align Oregon Rules with Changes to Existing Federal Regulations

* Incorporate changes EPA made to the federal gasoline dispensing facility NESHAP
* Update the adoption by reference of previously adopted NESHAPs and NSPSs
* Adopt rules to implement the amended federal emission guidelines for commercial and industrial solid waste incinerators.

Align Oregon Rules New Federal Regulations

* Adopt by reference:
  + New federal area source NESHAPs for gold mine ore processing and production
  + New federal area source NESHAPs for boilers
  + New federal major source NESHAP for boilers and process heaters
  + New federal major source NESHAP for electric utility boilers
  + New federal NSPS for sewage sludge incineration units

Clarify and Cleanup Rules

* 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 submerged requirement in OAR 340 Division 232
* Reassign crematories from fee class two to fee class one
* Remove the accidental release prevention rule

These rule changes will further DEQ’s strategic direction to protect Oregonian’s from toxic pollutants by reducing toxic air pollution and risk to public health.

**Boiler NESHAP for Area Source**

Proposed Action: Adopt NESHAP by reference

Simple/Standard ACDP – 31 permits

* Proposed implementation
  + Incorporate NESHAP upon renewal if permit expires before January 1, 2014
  + Reopen to incorporate NESHAP if permit expires after January 1, 2014
  + Incorporate NESHAP exemption language upon renewal
* Workload
  + NESHAP Incorporation – primary fuel is biomass or oil
    - Already incorporated – 2
    - Permit expired – 3
    - Expiring 2012 – 3
    - Expiring 2013 – 3
    - Expiring after 2013 – 1
  + NESHAP Exemption Incorporation – oil backup
    - Permit expired – 1
    - Expiring 2013 – 3
    - Expiring after 2013 – 1
  + NESHAP Incorporation or Exemption incorporation – oil secondary fuel
    - Permit expired – 3
    - Expiring 2012 – 2
    - Expiring 2013 – 2
    - Expiring after 2013 – 7

General ACDP – 2 permits (137 sources)

* Applicable rule - DEQ Initiated Modification. If DEQ determines that the conditions have changed such that a General ACDP for a category needs to be modified, DEQ may issue a new General ACDP for that category and assign all existing General ACDP permit holders to the new General ACDP
* Proposed implementation
  + HQ will modify General ACDPs w/ region review (by 1/31/2013)
  + HQ will put General ACDPs through public notice (by 3/29/2013)
  + HQ will issue modified permits (by 4/30/2013)
  + No permit application required
  + Regions will reassign sources to General ACDPs (by 1/1/2014)
* Workload
  + Sawmills/Millwork
    - ER – 12
    - NWR – 19
    - WR – 27
  + Boilers
    - ER – 9
    - NWR – 40
    - WR – 30

**Prepared Feeds NESHAP for Area Sources**

Proposed Action: Adopt amended NESHAP by reference

What amendments do: Change requirement that pelleting operations cyclones at existing plants achieve 95% control to a requirement that they are operated and maintained according to manufacturer’s instructions.

* Applicable rule - Department Initiated Modification. If the Department determines that the conditions have changed such that a General ACDP for a category needs to be modified, the Department may issue a new General ACDP for that category and assign all existing General ACDP permit holders to the new General ACDP
* Proposed implementation
  + Issuing modified permits
    - HQ will modify General ACDPs w/ region review (by 12/31/2012)
    - HQ will put General ACDPs through public notice (by 2/28/2013)
    - HQ will issue modified permits (by 4/1/2013)
    - No permit application required
    - Regions will reassign sources to General ACDPs (by 1/1/2014)
* Workload
  + Sources – 13
    - ER - 2
    - NWR - 4
    - WR – 7

**Gasoline Dispensing Facility NESHAP**

Proposed Action: Incorporate changes made to NESHAP that extend the standards to facilities that dispense gasoline into non-road vehicles and engines.

* Proposed implementation
  + Modifying permits – Minor changes are needed based on a previous rulemaking. However, because of workload considerations, those changes will not be made at this time.
  + Identifying affected sources
    - HQ will send Initial Notification form (in February 2013)
  + Permitting
    - HQ will send permit application and exemption forms (in September 2013)
    - HQs will receive permit exemption forms (October – December 2013)
    - Regions will assign sources to permit (October 2013 – January 2014)
* Workload
  + Sources already on a permit
    - Title V – 2
    - Simple/Standard – 5
    - General – 9
  + Sources not needing a permit
    - Tank size 200 – 499 gallons – 100
    - Tank size 500 – 999 gallons – 62
    - Tank size 1,000 – 4,999 gallons and throughput < 10,000 gals/mo – 2
    - Tank size 5,000 – 9,999 gallons and throughput < 10,000 gals/mo – 2
  + Sources potentially needing a permit
    - Tank size 1,000 – 4,999 gallons – 29
    - Tank size 5,000 – 9,999 gallons – 3
    - Tank size 10,000 – 49,999 gallons – 1
    - Tank size unknown – 1