How the roadmap is organized

This roadmap identifies the more significant proposed rule changes for which comments were received and points to the areas in the Staff Report that discuss these changes. This document is not intended to limit your review of this rulemaking to just the items listed below but due to the size of this rulemaking, and because many of the changes are editorial like changing “the Department” to “DEQ”, DEQ wants to highlight the proposed rule changes it views as being the most significant.

* The roadmap is organized into the nine rulemaking categories and three additional categories, numbered 0 through 11.
* The Summary of Comments and DEQ responses, beginning on page 53 of the Staff Report, are also organized into the same 12 categories.
* Page 2 has an index, organized by the 12 categories.
* Each category lists the rules that are proposed to be changed, and includes:
  + Short summaries of substantial or significant proposed rule changes;
  + Short statements of the purpose of the proposed rule changes; and
  + Where more detailed discussion of the proposed changes can be found in the Staff Report.
* Some proposed rule changes are listed under two or more categories because the changes fall into each category.

**Ind****ex of categories by number**

| **Number** | **Category** | **Page** |
| --- | --- | --- |
| 0 | Greenhouse gas permitting rules | 3 |
| 1 | Clarify and update air quality rules | 3 |
| 2 | Update particulate matter emission standards | 4 |
| 3 | Change permitting requirements for emergency generators and small natural gas or oil-fired equipment | 5 |
| 4 | Establish two new state air quality area designations, “sustainment” and “reattainment,” to help areas avoid and more quickly end a federal nonattainment designation | 5 |
| 5 | Designate Lakeview as a state sustainment area while retaining its federal attainment designation | 6 |
| 6 | Change the New Source Review preconstruction permitting program | 6 |
| 7 | Modernize methods allowed for holding public hearings and meetings | 7 |
| 8 | Re-establish the Heat Smart woodstove replacement program exemption for small commercial solid fuel boilers regulated under the permitting program | 7 |
| 9 | Remove annual reporting requirements for small gasoline dispensing facilities | 8 |
| 10 | Public Notice | 8 |
| 11 | Other Comments | 8 |

| **DEQ division/**  **rule (OAR)** | **Description** | **Significant/Substantial Proposed Rule Changes** | **Purpose** | **Detailed Discussion in:** |
| --- | --- | --- | --- | --- |
| **Category** **0: Greenhouse gas permitting rules** | | | | |
| **340-200-0020** | Definition of “greenhouse gas” | Retain biomass deferral except to the extent required by federal law | EPA’s biomass deferral of CO2 emissions from bioenergy and other biogenic sources ended on July 20, 2014. DEQ’s permitting program must be as stringent as EPA’s. | 6.19 |
| Definitions of “federal major source” and “major source” | Revise/eliminate greenhouse gas thresholds. | Align with the Supreme Court decision not to require Prevention of Significant Deterioration or Title V permitting for greenhouse gas emissions alone. | 0.1 |
| **340-224-0010(7)** | New Source Review applicability | Specify that greenhouse gases will be subject to PSD only at “anyway sources.” | Align with Supreme Court ruling on EPA’s greenhouse gas “tailoring rule.” | 0.1 |
| **Category** **1: Clarify and update air quality rules** | | | | |
| **340-202-0050** | Purpose and Scope of Ambient Air Quality Standards | Add the requirement that the new or modified source must not cause or contribute to a new violation of an ambient air quality standard or Prevention of Significant Deterioration increment. | The D.C. Circuit Court of Appeals vacated and remanded EPA’s Significant Impact Levels for PM2.5 because proposed facilities in areas of marginal air quality could violate the standards or an increment even if the resulting emission levels would fall below the Significant Impact Level. | 1.4 |
| **340-214-0114(5)** | Records; Maintaining and Reporting | Add a requirement to existing recordkeeping rules specifying that records must be kept for at least five years. | Require 5 years (rather than 2) of recordkeeping requirements for all facilities for consistency and to avoid confusion. | 1.14 |
| **340-214-0300(4)** | Excess Emissions and Emergency Provision – Purpose and Applicability | Limit emergency as an affirmative defense to Title V permitted sources but include emergency as one of the criteria to consider in taking enforcement action for non-Title V facilities. | EPA has rescinded the startup, shutdown, malfunction policy element that allowed affirmative defense provisions in State Implementation Plans because of a Sierra Club petition. | 1.15 |
| **340-232-0110** | Loading Gasoline or Volatile Organic Compound Liquids onto Marine Tank Vessels | Expand rules for petroleum product terminals in the Portland ozone maintenance area to control emissions from loading gasoline onto marine vessels. | Terminals may wish to store and load very volatile liquids in the future, such as crude oils produced by “fracking.” Emissions from these products may be substantial and will require different emission control systems. | 1.31, 1.32 |
| **Category** **2: Update particulate matter emission standards** | | | | |
| **340-208-0110** | Visible Air Contaminant Limitations (opacity) | Lower opacity limits for equipment that existed prior to June 1, 1970. | Emissions from older facilities subject to the particulate matter standards do not adequately protect air quality and can create barriers to economic development. | 2.2 |
| **340-208-0210** | Requirements for Fugitive Emissions | Define fugitive emissions and include additional requirements for visible emission monitoring. | DEQ will require facilities to abate fugitive escaping from a source rather than reading opacity. | 2.4 |
| **340-208-0450** | Particle Fallout Limitation | Delete the phrase “when notified by the department that the deposition exists and must be controlled” that was added in 2001. | This phrase states that a source can only be in violation after DEQ informs the source that the deposition exists and must be controlled. Normally, a rule itself serves as the notification and a second notification is not required before citing a violation. | 1.9 |
| **340-226-0210** | Particulate Emission Limitations for Sources Other Than Fuel Burning and Refuse Burning Equipment and Fugitive Emissions | Lower grain loading limits for sources other than fuel burning equipment. | Emissions from older facilities subject to the particulate matter standards do not adequately protect air quality and can create barriers to economic development. | 2.2 |
| **340-228-0210** | Grain loading standards (for fuel burning equipment) | Lower grain loading limits for wood-fired boilers. | As above. | 2.2 |
| **Category** **3: Change permitting requirements for emergency generators and small natural gas or oil-fired equipment** | | | | |
| **340-200-0020** | Definition of categorically insignificant activities | * Fuel and gas burning equipment is still categorically insignificant if aggregate emissions are less than de minimis. * Emergency generators and pumps are still categorically insignificant if aggregate horsepower is 3,000 or less. * Oil/water separators are categorically insignificant unless located at facilities with effluent throughput of more than 400,000 gallons per year. | Some equipment on the categorically insignificant activity list may have significant emissions and should be in permits; in addition, some engines must comply with new EPA standards. | 3.1, 3.2, 3.3 |
| **Category** **4: Establish two new state air quality area designations, “sustainment” and “reattainment,” to help areas avoid and more quickly end a federal nonattainment designation** | | | | |
| **340-204-0300** | Designation of Sustainment Areas | Establish two new designations for the air quality in a localized area - “Sustainment” and “Reattainment” areas. | Defining two new areas is part of the larger changes to the New Source Review pre-construction permitting program. | 4.1, 4.2, 4.3 |
| **340-204-0310** | Designation of Reattainment Areas | As above. | As above. | 4.1, 4.2, 4.3 |
| **340-204-0320** | Priority Sources | Identify the sources that contribute most to the air quality problem in an area. | Provide incentives for sources requiring offsets to get them from priority sources. | 4.1, 4.2, 4.3 |
|  | | | | |
|  | | | | |
|  | | | | |
| **Category** **5: Designate Lakeview as a state sustainment area while retaining its federal attainment designation** | | | | |
| **340-204-0300** | Designation of Sustainment Areas | Designate Lakeview as a sustainment area. | Lakeview currently exceeds the ambient air quality standard for PM2.5 but is not designated as a nonattainment area. The sustainment designation should help reduce emissions and allow construction if air quality is protected. | 5.1 |
| **340-204-0320** | Designation of priority sources | Designate uncertified wood-burning devices as priority sources in Lakeview. | Uncertified woodstoves have been identified as the main cause of the PM2.5 exceedances. | 5.1 |
| **Category** **6: Change the New Source Review preconstruction permitting program** | | | | |
| **340-222-0041** | Source Specific Annual PSEL | Direct facilities to division 224 for increases in PSELs greater than the significant emission rate for Major and State New Source Review. | Revise and clarify the minor New Source Review program, partially contained in division 222, and move it to the State New Source Review section of division 224. | 1.18, 1.19 |
| **Division 224** | New Source Review | Organize the New Source Review program into two distinct components, Major New Source Review (major sources) and State New Source Review (minor sources). | Put all of the procedural rules pertaining to New Source Review into one division, instead of splitting the rules into two divisions. | 6.1 |
| **340-224-0010** | Applicability, General Prohibitions, General Requirements and Jurisdiction | Clarify the applicability of Major and State New Source Review | Clarify the applicability requirements and how this division is to be used. | 6.1 |
| **340-224-0025** | Major Modification | Specify how certain emissions increases are to be calculated. | EPA is requiring explicit directions on how to calculate the emission increases that define a major modification, which triggers New Source Review. | 6.10 |
| **340-224-0030** | New Source Review Procedural Requirements | Limit the number of construction extensions to two and require a new permit application if construction does not commence within the time limit. | DEQ’s proposal follows recent EPA guidance for extensions of New Source Review permits. | 6.7 |
| **340-224-0045 through -0070** | Major New Source Review | Add rules for Major New Source Review in Sustainment and Reattainment areas. | Major New Source Review rules are area-specific, to address the air quality needs in each type of area. | 6.1 |
| **340-224-0245 through -0270** | State New Source Review | Move all minor New Source Review requirements into division 224, and add rules for State New Source Review in Sustainment and Reattainment areas. | Clarify the area-specific State New Source Review requirements to address the particular air quality needs in each type of area. | 6.1 |
| **340-224-0500 through -0530** | Net Air Quality Benefit Emission Offsets | Increase offset ratios above the minimum federal requirements, with an opportunity to reduce the offset ratio by obtaining part of the offsets from priority sources. Revise the net air quality benefit modeling demonstration. | Offset ratio changes provide an incentive to obtain offsets from priority sources.  Revise the net air quality benefit modeling demonstration to make it passable, while still protecting air quality. | 4.3, 6.5 |
| **340-225-0070(4)(b) and (7)** | Requirements for Demonstrating Compliance with Air Quality Related Values Protection | Make visibility and deposition analyses on the Columbia River Gorge National Scenic Area mandatory if affected by the source. | The Columbia River Gorge Air Study and Strategy uses the requirements of the federal Regional Haze Program to improve visibility in the Gorge. Therefore, the mandatory visibility and deposition analyses on the Columbia River Gorge are an important part of that strategy. | 1.26 |
| **Category** **7: Modernize methods allowed for holding public hearings and meetings** | | | | |
|  |  | No substantial rule changes are proposed. |  |  |
| **Category** **8: Re-establish the Heat Smart woodstove replacement program exemption for small commercial solid fuel boilers regulated under the permitting program** | | | | |
|  |  | No substantial rule changes are proposed. |  |  |
| **Category** **9: Remove annual reporting requirements for small gasoline dispensing facilities** | | | | |
|  |  | No substantial rule changes are proposed. |  |  |
| **Category** **10: Public Notice** | | | | |
|  |  | No substantial rule changes are proposed. | Commenters felt the comment period was too short. | 10.1 |
| **Category** **11: Other Comments** | | | | |
|  |  | No substantial rule changes are proposed. | Commenters expressed general concern about air quality. | 11 |