DEQ roadmap of significant/substantial proposed rule changes

for the Environmental Quality Commission

| **DEQ division/**  **rule (OAR)** | **Description** | **Significant/Substantial Proposed Rule Changes** | **Purpose** |
| --- | --- | --- | --- |
| **340-200-0020** | Definitions | Definition of “categorically insignificant activity”   * Fuel and gas burning equipment should include the aggregate of all devices for determination of emissions. * Emergency generators and pumps should include the aggregate of all devices for determination of the horsepower rating threshold(s). * Oil/water separator equipment should include the throughput for determination of emissions. | Some equipment on the categorically insignificant activity list have significant emissions and some must comply with new EPA standards. |
| Definition of “greenhouse gases”  Include carbon dioxide emissions from the combustion or decomposition of biomass | 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. |
| Definition of “federal major source” and “major source”  Revise/eliminate greenhouse gas thresholds | DEQ proposes rules to align with the Supreme Court decision not to require Prevention of Significant Deterioration or Title V permitting for greenhouse gas emissions alone. |
| **340-204-0300**  **340-204-0310**  **340-204-0320** | Designation of Sustainment Areas  Designation of Reattainment Areas  Priority Sources | DEQ proposes establishing two new designations for the air quality in a localized area - “*Sustainment*” and “*Reattainment*” areas.  DEQ proposes that Lakeview be designated as a sustainment area. | Defining two new areas are part of the larger changes to the New Source Review pre-construction permitting program. These new areas will provide options for sources when constructing or modifying in these areas.  Lakeview currently exceeds the ambient air quality standard for PM2.5 but is not designated as a nonattainment area. The sustainment designation for Lakeview should help reduce emissions and allow facilities to construct or modify if air quality is protected. |
| **340-208-0110** | Visible Air Contaminant Limitations | DEQ is proposing lower opacity limits for non-wood-fired and wood-fired boilers 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. |
| DEQ is proposing to change the averaging time of the standard from an aggregation of three minutes in any one hour to a 6-minute block average. | A reference compliance method has not been developed for the 3 minute standard. |
| **340-208-0210** | Requirements for Fugitive Emissions | The proposed rule defines fugitive emissions and includes additional requirements for visible emission monitoring. | It is very difficult to read opacity from fugitive emission sources. Instead DEQ will require facilities to abate fugitive escaping from a source. |
| **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 results in an unusual rule that is interpreted as follows: a source can only be in violation of this rule after DEQ staff inform the source that the deposition exists and must be controlled. Normally, a rule itself serves as the notification that a certain activity or emission is not allowed and a second notification is not required before citing a violation. |
| **340-214-0114(5)** | Records; Maintaining and Reporting | The proposed rule adds a requirement to existing recordkeeping rules specifying that records must be kept for at least five years. | Some permits require a two year recordkeeping period. DEQ will change recordkeeping requirements for all facilities to 5 years for consistency and to avoid confusion. |
| **340-216-0040** | Application Requirements | The proposed rules specify dates when permit applications for new and renewed permits are due. | In order to improve permit issuance timeliness, DEQ is requiring businesses to submit renewal applications before the expiration date, giving DEQ enough time to issue the renewal. |
| **340-216-8010** | Table 1  Activities and Sources | The proposed Table 1 specifies permitting requirements for stationary internal combustion engines, recreational vehicle manufacturing, and portable sources and separates pathological waste incinerators from crematories. | DEQ has clarified some categories that require air permits and moved definitions out of the tables to the rules. |
| **340-222-0041** | Source Specific Annual PSEL | The proposed rules direct facilities to division 224 for increases in PSELs greater than the significant emission rate for Major and State New Source Review. | DEQ proposes to separate the minor New Source Review program (some of which is contained in division 222) from the major New Source Review program because of extensive changes to the New Source Review program, |
| **340-222-0046**  **340-222-0048**  **340-222-0051** | Netting Basis  Baseline Period and Baseline Emission Rate  Actual Emissions | The proposed rules have been moved from the definitions in OAR 340-200-0020 and clarified. | DEQ wants a clean of set definitions that do not contain permitting procedural requirements. |
| **340-222-0090** | Combining and Splitting Sources and Changing Primary SIC Code | The proposed rule limits the scope of changes to a facility where the netting basis is allotted between two combining and/or splitting sources by the inclusion of a primary SIC code criteria. | DEQ proposes to prevent unrelated facilities from combining and avoiding New Source Review by requiring that the combining sources have activities (2-digit SIC codes) in common, and that the resulting facility has the same primary 2-digit SIC as one of the facilities that are combining. |
| **Division 224** | New Source Review | The New Source Review program consists of two distinct components, Major New Source Review (major sources) and State New Source Review (minor sources).  DEQ is redefining Net Air Quality Benefit for all sources in all areas. | The proposed rule changes were made to increase permitting flexibility, remove roadblocks and improve air quality.  DEQ’s rules currently have two criteria for determining whether emission offsets from a new or modified facility provide a net air quality benefit that are virtually impossible to meet. |
| **340-225-0070(4)(b) and (7)** | Requirements for Demonstrating Compliance with Air Quality Related Values Protection | DEQ is making a 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. |
| **340-226-0210** | Particulate Emission Limitations for Sources Other Than Fuel Burning, and Refuse Burning Equipment and Fugitive Emissions | DEQ is proposing lower grain loading limits for non-wood-fired and wood-fired boilers 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. |
| **340-228-0210** | Grain loading standards (for fuel burning equipment) | DEQ is proposing lower grain loading limits for wood-fired boilers that existed prior to June 1, 1970. | See above |
| **340-232-0110** | Loading Gasoline or Volatile Organic Compound Liquids onto Marine Tank Vessels | George? |  |
| **340-240-0550** | Requirements for New Sources When Using Residential Wood Fuel-Fired Device Offsets | Allow facilities in all areas of the state to use woodstove offsets | Other areas besides Klamath Falls have marginal to poor air quality because of woodstove emissions. |