

Oregon Bulletin

July 1, 2014

NOTICES OF PROPOSED RULEMAKING AND PROPOSED RULEMAKING HEARINGS

Department of Environmental Quality, Chapter 340

Rule Caption: Air quality permitting, Heat Smart, and gasoline dispensing facility updates

Date: Time: Location:

7-16-14, 6 p.m., 811 SW Sixth Ave., EQC A, Portland, OR 97204

7-16-14, 6 p.m., 475 NE Bellevue Dr., Suite 110, Bend, OR 97701

7-16-14, 6 p.m., 221 Stewart Ave., Suite 201, Medford, OR 97501

Hearing Officer: George Davis

Stat. Auth.: ORS 192, 468 & 468A

Stats. Implemented: ORS 183, 192, 468, 468A, 477, 2009 OL Ch. 754

Proposed Adoptions: 340-200-0035, 340-202-0225, 340-204-0300, 340-204-0310, 340-204-0320, 340-206-8010, 340-206-8020, 340-206-8030, 340-206-8040, 340-208-0005, 340-212-0005, 340-214-0005, 340-216-8010, 340-216-8020, 340-222-0035, 340-222-0046, 340-222-0048, 340-222-0051, 340-222-0055, 340-224-0025, 340-224-0034, 340-224-0038, 340-224-0045, 340-224-0055, 340-224-0245, 340-224-0250, 340-224-0255, 340-224-0260, 340-224-0270, 340-224-0500, 340-224-0510, 340-224-0520, 340-224-0530, 340-224-0540, 340-226-0005, 340-226-8010, 340-234-0005, 340-234-0540, 340-236-0005, 340-236-8010, 340-240-0050

Proposed Amendments: 340-200-0010, 340-200-0020, 340-200-0025, 340-200-0030, 340-200-0040, 340-200-0050, 340-200-0100, 340-200-0110, 340-200-0120, 340-202-0010, 340-202-0020, 340-202-0050, 340-202-0070, 340-202-0100, 340-202-0110, 340-202-0130, 340-202-0200, 340-202-0210, 340-202-0220, 340-204-0010, 340-204-0020, 340-204-0030, 340-204-0040, 340-204-0050, 340-204-0060, 340-204-0070, 340-204-0080, 340-204-0090, 340-206-0010, 340-206-0020, 340-206-0030, 340-206-0040, 340-206-0050, 340-206-0060, 340-206-0070, 340-208-0010, 340-208-0110, 340-208-0210, 340-208-0300, 340-208-0310, 340-208-0320, 340-208-0450, 340-209-0010, 340-209-0020, 340-209-0030, 340-209-0040, 340-209-0050, 340-209-0060, 340-209-0080, 340-210-0010, 340-210-0020, 340-210-0100, 340-210-0110, 340-210-0120, 340-210-0205, 340-210-0215, 340-210-0225, 340-210-0230, 340-210-0240, 340-210-0250, 340-212-0010, 340-212-0110, 340-212-0120, 340-212-0130, 340-212-0140, 340-212-0150, 340-212-0200, 340-212-0210, 340-212-0220, 340-212-0230, 340-212-0240, 340-212-0250, 340-212-0260, 340-212-0270, 340-212-0280, 340-214-0010, 340-214-0100, 340-214-0110, 340-214-0114, 340-214-0130, 340-214-0200, 340-214-0210, 340-214-0220, 340-214-0300, 340-214-0310, 340-214-0320, 340-214-0330, 340-214-0340, 340-214-0350, 340-214-0360, 340-216-0010, 340-216-0020, 340-216-0025, 340-216-0030, 340-216-0040, 340-216-0052, 340-216-0054, 340-216-0056, 340-216-0060, 340-216-0062, 340-216-0064, 340-216-0066, 340-216-0068, 340-216-0070, 340-216-0082, 340-216-0084, 340-216-0090, 340-216-0094, 340-218-0010, 340-218-0020, 340-218-0030, 340-218-0040, 340-218-0050, 340-218-0060, 340-218-0070, 340-218-0080, 340-218-0090, 340-218-0100, 340-218-0110, 340-218-0120, 340-218-0140, 340-218-0150, 340-218-0160, 340-218-0170, 340-218-0180, 340-218-0190, 340-218-0200, 340-218-0210, 340-218-0220, 340-218-0230, 340-218-0240, 340-220-

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Proposed Repeals: 340-208-0100, 340-208-0200, 340-208-0600, 340-209-0070, 340-214-0400, 340-214-0410, 340-214-0420, 340-214-0430, 340-218-0250, 340-222-0070, 340-225-0090, 340-226-0200, 340-228-0400, 340-228-0410, 340-228-0420, 340-228-0430, 340-228-0440, 340-228-0450, 340-228-0460, 340-228-0470, 340-228-0480, 340-228-0490, 340-228-0500, 340-228-0510, 340-228-0520, 340-228-0530, 340-234-0300, 340-234-0310, 340-234-0320, 340-234-0330, 340-234-0340, 340-234-0350, 340-234-0360, 340-234-0400, 340-234-0410, 340-234-0420, 340-234-0430, 340-236-0100, 340-236-0110, 340-236-0120, 340-236-0130, 340-236-0140, 340-236-0150, 340-236-0200, 340-236-0210, 340-236-0220, 340-236-0230, 340-236-0430, 340-240-0170, 340-240-0230, 340-240-0310, 340-242-0700, 340-242-0710, 340-242-0720, 340-242-0730, 340-242-0740, 340-242-0750, 340-242-0760, 340-242-0770, 340-242-0780, 340-242-0790, 340-264-0190

Last Date for Comment: 7-31-14, 5 p.m.

Summary: Short summary

DEQ proposes to streamline, reorganize and update Oregon's air quality permit rules. The Source Sampling Manual Volumes I and II and Continuous Monitoring Manual are part of the proposed rules.

DEQ also proposes changes to statewide particulate matter emission standards and the preconstruction permitting program. The changes would help Oregon comply with the U.S. Environmental Protection Agency's ambient air quality standard for fine particulates, commonly called PM_{2.5} and protect air quality through Oregon's permitting programs.

In addition, DEQ proposes rules to:

-Expand preconstruction permitting flexibility for small facilities,

-Allow DEQ to use technology such as teleconferencing for public meetings to improve community outreach, and

-Improve program implementation by proposing minor amendments to:

-The woodstove replacement program called Heat Smart, and

-The gasoline dispensing facility rules.

-This document describes the proposed rules under the following nine categories:

1. Clarify and update air quality rules
2. Update particulate matter emission standards
3. Change permitting requirements for emergency generators and small natural gas or oil-fired equipment
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. Designate Lakeview as a state sustainment area while retaining its federal attainment designation
6. Change the New Source Review preconstruction permitting program
7. Modernize methods allowed for holding public hearings and meetings
8. Re-establish the Heat Smart woodstove replacement program exemption for small commercial solid fuel boilers regulated under the permitting program
9. Remove annual reporting requirements for small gasoline dispensing facilities

DEQ proposes the Environmental Quality Commission approve the proposed rules for incorporation into Oregon’s State Implementation Plan. With EQC’s approval, DEQ would submit the proposed rules to the U. S. Environmental Protection Agency to be included in revisions to the State Implementation Plan required under the Clean Air Act.

Note: See DEQ’s crosswalk of rules changes, including the rules in the State Implementation Plan, for details.

Regulated parties

The proposed rules affect:

-All businesses, agencies, local governments and other entities holding air quality permits;

-Businesses and other entities required to submit construction approval notices;

-Businesses and other entities that sell small solid fuel boilers; and

-Businesses and other entities that dispense less than 10,000 gallons of gasoline a month.

Request for other options

During the public comment period, DEQ requests public comment on whether to consider other options for achieving the proposed rule's substantive goals while reducing any negative economic impact of the rules on business.

DEQ requests public comment on the ability of owners and operators of equipment to meet the proposed particulate standards, specifically the proposed grain loading and opacity standards.

Since DEQ is clarifying that state rules apply to Lane Regional Air Protection Agency unless they adopt their own rules, DEQ also requests public comment on which existing LRAPA rules are equivalent to or more strict than DEQ's proposed rules to ensure that LRAPA is authorized and required to implement in Lane County any new state rules that are more strict than existing LRAPA rules.

Rules Coordinator: Maggie Vandehey

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