# Clarify and update air quality rules

Columbia Riverkeeper/NEDC/Neighbors for Clean Air:

DEQ should provide additional information and analysis before removing state regulations for industries no longer operating in the state.

Under DEQ’s proposal, the five specific rules for neutral sulfite semi-chemical pulp mills, sulfite pulp mills, primary aluminum plants, laterite ore production of ferronickel, and charcoal producing plants would be repealed because the industries no longer operate in Oregon. DEQ states that if a new facility in one of these industrial categories wants to begin operation in Oregon, and requires an air permit, more stringent federal standards would apply and that these standards are incorporated by reference into Oregon’s regulations. DEQ does not state what specifically these federal standards are in the description of the rule change. In the “crosswalk” of the proposed rule changes, DEQ states that New Source Review/Prevention of Significant Deterioration (NSR/PSD), New Source Performance Standards (NSPS), and MACT would apply. DEQ states that these rules would be more stringent than the existing standards. The lack of detailed analysis provided to the public is very concerning, given that in some circumstances, the existing rules are more stringent than identifiable federal standards.

DEQ has not adequately demonstrated that existing federal requirements for new sources will be at least as stringent as the existing state regulations.

First, DEQ has failed to identify any specific requirements that would apply to new sources in these categories other than to say that, if they triggered NSR/PSD, they would have to show that they would not violate the National Ambient Air Quality Standards (NAAQS) or the PSD increment. However, this does not answer the question of whether the requirements of NSR/PSD, if triggered, would be at least as stringent as the current rules. The current rules regulate the level of pollution that comes out of the source, not the impact that the source has on the ambient air. Comparing compliance with the NAAQS and PSD increment to the current regulations to assess stringency is therefore comparing apples to oranges. A new source could comply with the NAAQS and PSD increment and emit pollutants at a level above the existing regulations because these two programs regulate different things.

|  |  |  |  |
| --- | --- | --- | --- |
| **Rules** | **Adoption Date** | **NSPS Applicability** | **NESHAP Applicability** |
| Primary Aluminum Standards | 1973 |  |  |
| Laterite Ore Production of Ferronickel | 1972 |  |  |
| Neutral Sulfite Semi-Chemical (NSSC) Pulp Mills | 1990 |  |  |
| Sulfite Pulp Mills | 1971 |  |  |
| Charcoal | 1978 |  |  |

Second, all of the regulations that DEQ is proposing to delete do not have thresholds and apply to all sources within their respective industrial categories. Both the triggering of NSR/PSD and the application of MACT to a source have threshold, triggering values; below those levels, these programs do not apply. It is therefore possible, or even likely, that new source in one of the industrial categories could be located in Oregon and not subject to these federal programs. To determine whether Oregon’s SIP will be as stringent as it currently is, and avoid violating the anti-backsliding clause of the Clean Air Act, DEQ should not rely on NSR/PSD or the application of MACT in its analysis.

Third, while NSPS regulations generally do not have thresholds on the size of the source, some of the industrial categories do not have NSPS regulations, or Oregon’s regulations appear to be more stringent than the federal NSPS standards. The repeal of the pulp mill regulations appears justified since these sources would likely be covered under 40 C.F.R. Part 60, Subpart BB. However, the Commenters believe that DEQ should hold off on repealing these rules until DEQ completes a full comparison of the applicability and stringency of the federal Subpart BB and state the rules DEQ is proposing to delete. Only when this analysis is done and subject to public scrutiny, should DEQ move forward with this change.

The only other applicable NSPS that the Commenters were able to find in reviewing the applicability of federal regulations as compared to Oregon’s existing rules was 40 C.F.R. Part 60, Subpart S, the regulation of Primary Aluminum Production Plants. The applicability of Subpart S appears to overlap with one of the regulations DEQ proposes deleting: OAR 340-236-0100.

However, it appears that Oregon’s regulation has more stringent emission control requirements for most if not all of the pollutants of concern. Oregon’s regulation sets a monthly limit of 1.2 lbs fluoride per ton and an annual limit of 1.0 lbs fluoride per ton. The comparable federal regulation is broken down by process type, with some limits as high as 2.0 lbs fluoride per ton. The federal standard also has a higher opacity limit for anode bake operations, 20%, than Oregon’s flat 10% requirement. Finally, Subpart S does not regulate particulate matter emissions while OAR 34-236-0120(1)(b) sets a monthly limit of 7.0 lbs per ton and an annual average of 5.0 lbs per ton.

The regulation that DEQ is proposing to delete appears more stringent than applicable federal standards. The Commenters are concerned that DEQ has not fully analyzed whether the existing backdrop of federal regulations is sufficiently stringent enough that these state regulations are superfluous. Until such time as DEQ has completed that analysis, the Commenters urge DEQ not to repeal these regulations as it could weaken Oregon’s program. Because these businesses are no longer located within the state, there is absolutely no reason to rush forward with repealing these regulations until a complete analysis is undertaken.

*Response:*

*DEQ has shown that the requirements of New Source Review/Prevention of Significant Deterioration would apply based on the emissions of the facilities that have shut down. All of the facilities below would trigger NSR/PSD because their emissions are greater than the major source threshold. The Lowest Achievable Emission Rate or Best Available Control Technology limits would be more stringent than the current rules proposed for repeal.*

| ***Application of New Source Review/Prevention of Significant Deterioration to Industrial Categories of Proposed Repealed Rules*** |
| --- |
| ***Source*** | ***Emissions*** | ***Major Source Threshold*** |
| *Reynolds Metals* | *CO – 13,138 tpy**NOx - 59 tpy**PM – 956 tpy**PM10 – 956 tpy**SO2 – 4,701 tpy**VOC - 86 tpy* *F – 171 tpy**HAPs – 1,796* | *100 tpy of any regulated pollutant* |
| *Northwest Aluminum* | *CO – 15,414 tpy**NOx - 63 tpy**PM – 421 tpy**PM10 – 421 tpy**SO2 - 484 tpy**VOC - 209 tpy* *F – 51 tpy**HAPs – 490 tpy* | *100 tpy of any regulated pollutant* |
| *Weyerhaeuser North Bend* | *CO – 1,282 tpy**NOx - 287 tpy**PM – 550 tpy**PM10 – 550 tpy**SO2 - 173 tpy**VOC - 297 tpy**HAPs – 143 tpy* | *250 tpy of any regulated pollutant* |
| *Glenbrook Nickel* | *CO – 3,416 tpy**NOx - 3,684 tpy**PM – 1,574 tpy**PM10 – 1,574 tpy**SO2 - 534 tpy**VOC - 165 tpy**HAPs – 43 tpy* | *250 tpy of any regulated pollutant* |
| *Royal Oak* | *CO – 27 tpy**NOx - 182 tpy**PM – 185 tpy**PM10 – 185 tpy**SO2 - NA**VOC – 38 tpy**HAPs - < 25 tpy* | *100 tpy of any regulated pollutant* |

*The table above shows the Plant Site Emission Limits for the facilities that have shut down in Oregon in the industrial categories of the rules DEQ is proposing to repeal. Any new facility in any of these industrial categories will be a major source for almost all criteria pollutants and also hazardous air pollutants, thus triggering New Source Review (NSR) and Maximum Achievable Control Technology for HAPs except Royal Oak was not a major source for HAPs.*

*Congress established the NSR permitting program as part of the 1977 Clean Air Act Amendments. NSR is a preconstruction permitting program that serves two important purposes.*

* *First, it ensures that air quality is not significantly degraded from the addition of new and modified factories, industrial boilers and power plants. In areas with unhealthy air, NSR assures that new emissions do not slow progress toward cleaner air. In areas with clean air, especially pristine areas like national parks, NSR assures that new emissions do not significantly worsen air quality.*
* *Second, the NSR program assures people that any large new or modified industrial source in their neighborhoods will be as clean as possible, and that advances in pollution control occur concurrently with industrial expansion.*

*When a new facility triggers NSR, one component of the application process is to do a control technology review. The owner/operator of the proposed facility must review similar facilities to see what the latest control technologies are being used and determine if that control technology can be used at their facility. If the facility is located in a nonattainment area, Lowest Achievable Emission Rate the most stringent emission limitation derived from either of the following:*

* *the most stringent emission limitation contained in the implementation plan of any State for such class or category of source; or*
* *the most stringent emission limitation achieved in practice by such class or category of source.*

*If the facility is located in an attainment area, Best Available Control Technology is an emissions limitation which is based on the maximum degree of control that can be achieved. It is a case-by-case decision that considers energy, environmental and economic impact. BACT can be add-on control equipment or modification of the production processes or methods.*

*The following facilities and any others that may be installed before a new primary aluminum plant, sulfite pulp mill, neutral sulfite semi-chemical pulp mill, ferronickel smelter, or charcoal manufacturing facility is proposed in Oregon will be used to determine the required control technology. These facilities from EPA’s Reasonably Achievable Control Technology/Best Available Control Technology/Lowest Achievable Emission Rate Clearinghouse (RACT/BACT/LAER clearinghouse) have emissions that are lower than the current DEQ standards.*

* *New primary aluminum plants for a control technology analysis comparison have been installed in South Carolina in 2002 and Kentucky in 2010.*
* *No sulfite or neutral sulfite semi-chemical pulp mills have been installed recently but the control technology would probably be similar to other types of pulp mills.*
* *Glenbrook Nickel was the only ferronickel smelter in the country. EPA was drafting a NESHAP for Glenbrook Nickel before it shut down in 1999. Numerous electric arc furnaces, which were used at Glenbrook Nickel, have been installed around the country in the ten year time period of 1994 to 2004. These similar facilities could be used in the control technology analysis for ferronickel smelting. In Glenbrook Nickel’s permit issued in 1997, DEQ did an analysis of New Source Performance Standards for similar industries to address fugitive emissions capture and monitoring.*
* *Charcoal manufacturing facilities were installed in Mississippi in 2005, Kentucky in 2004, 1999 and 1998.*

*In the tables below, DEQ has identified specific requirements, both New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants, which would apply to new sources in these industrial categories. The New Source Performance Standards for these industrial source categories do not have thresholds but are triggered by the date a facility commences construction or modification. The National Emission Standards for Hazardous Air Pollutants for these source categories apply to major sources of hazardous air pollutants and would apply to all of the following facilities except Royal Oak.*

| ***Neutral Sulfite Semi-Chemical (NSSC) Pulp Mill Rule Comparison***  |
| --- |
| ***NSSC OAR*** | ***CFR – NSPS Subpart BBa*** | ***CFR – NESHAP Subpart MM*** |
| ***SOURCE*** | ***LIMIT*** | ***SOURCE*** | ***LIMIT*** | ***SOURCE*** | ***LIMIT*** |
| ***Neutral Sulfite Semi-Chemical (NSSC) Pulp Mills*** ***OAR 340-234-0300****Existing and new sources**Spent Liquor Incinerator*  | *PM shall not exceed**3.6 grams/kg BLS (7.2 lbs/ton BLS) as a daily arithmetic average**opacity equal to or greater than 35 percent* *SO2 emissions shall not exceed a 3-hr arithmetic average of 10 ppm on a dry gas basis* *TRS shall not exceed 10 ppm and 0.07 gram/kg BLS (0.14 lb/ton BLS) as a daily arithmetic average.* | ***Subpart BBa—Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013****where kraft pulping is combined with neutral sulfite semi-chemical pulping, this subpart is applicable when any portion of the material charged to an affected facility is produced by the kraft pulping operation* | *From any new or reconstructed recovery furnace* *(i) filterable particulate matter in excess of 0.034 g/dscm (0.015 gr/dscf)* *straight kraft recovery furnace any gases which contain TRS in excess of 5 ppm* *cross recovery furnace (furnace used to recover chemicals …from the neutral sulfite semi-chemical process) any gases which contain TRS in excess of 25 ppm by volume* *20-percent opacity or greater, where an ESP emission control device is used* | ***Subpart MM—National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semi chemical Pulp Mills****kraft, soda, sulfite, or stand-alone semi-chemical pulp mill that is a major source of hazardous air pollutants (04/15/98)* | *PM in the exhaust gases discharged to the atmosphere is less than or equal to 0.046 g/dscm (0.020 gr/dscf)*  |
|  *Acid Absorption Tower.*  | *SO2 emissions shall not exceed 20 ppm as a 3-hr arithmetic average on a dry gas basis.* |  |  |  |  |
| *All NSSC sources, except spent liquor incinerators* | *shall not exhibit an opacity equal to or greater than 20 percent*  |  |  |  |  |

*The table above compares DEQ’s Neutral Sulfite Semi-Chemical (NSSC) Pulp Mill rules adopted in 1990 with EPA’s New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants, rules which would apply to any new neutral sulfite semi-chemical pulp mill in the state. As can be seen, the DEQ particulate matter for spent liquor incinerators is 7.2 pounds per ton of black liquor solids. The NSPS and NESHAP are much more stringent and require a 0.015 gr/dscf and a 0.020 gr/dscf limit, respectively, which calculate to 0.46 and 0.61 pounds per ton of black liquor solids using source test data from the Weyerhaeuser spent liquor incinerator. The NSPS opacity limit from a cross recovery furnace (20%) is lower than the DEQ limit (35%). SO2 emissions are not regulated by the NSPS or NESHAP.*

*The DEQ total reduced sulfur emission limit for spent liquor incinerators is 10 ppm. The NSPS TRS limit from a straight kraft recovery furnace is 5 ppm and from cross recovery furnace is 25 ppm. When EPA promulgated 40 CFR part 60 subpart BB—Standards of Performance for Kraft Pulp Mills in February of 1978, the cross recovery TRS limits were included. The data collected from EPA’s Information Collection Request indicated that there were no cross recovery furnaces subject to BB, so EPA was not provided any TRS emissions data to analyze for these units. The reasons used in the original rule (and the ones referenced in the docket for BBa) for higher TRS limits for cross recovery furnaces are as follows:*

* *The sulfur content of semi-chemical liquor is higher than traditional kraft liquor*
* *The heat content of the liquor is lower because it contains less organic material that kraft pulping liquor (higher pulping yields)*
* *The heavier sulfur loading and lower operating temperature puts a restriction on the amount of excess oxygen available to oxidize sulfur compounds*

*The only cross recovery furnace in Oregon is at Georgia Pacific in Toledo. GP staff said their semi-chemical liquor has the same sulfur content of their Kraft liquor so there would be no difference in TRS emissions from their cross recovery furnace in relation to a straight kraft recovery furnace. Therefore, the TRS limit from a straight kraft recovery furnace (5 ppm) is more stringent that DEQ’s limit (10 ppm).*

*DEQ did not find any neutral sulfite semi-chemical pulp mills in the RACT/BACT/LAER clearinghouse but the control technology would probably be similar to other types of pulp mills. Therefore, repealing the Neutral Sulfite Semi-Chemical (NSSC) Pulp Mills will not weaken DEQ’s air permitting program.*

| ***Primary Aluminum Plant Rule Comparison***  |
| --- |
| ***Primary Aluminum OAR*** | ***CFR – NSPS Subpart S*** | ***CFR – NESHAP Subpart LL*** |
| ***RULE*** | ***LIMIT*** | ***RULE*** | ***LIMIT*** | ***RULE*** | ***LIMIT*** |
| ***Primary Aluminum Standards*** ***OAR 340-236-0110 Applicability****all sources at each primary aluminum plant constructed after January 1, 1973* | *Total fluoride emissions shall not exceed:**(A) A monthly average of 1.2 pounds of fluoride ion per ton of aluminum produced; and**(B) An annual average of 1.0 pound of fluoride ion per ton of aluminum produced; and**(C) 12.5 tons of fluoride ions per month from any single aluminum plant without prior written approval by the Department.**total of organic and inorganic particulate matter emissions shall not exceed:**(A) A monthly average of 7.0 pounds of particulate per ton of aluminum produced; and**(B) An annual average of 5.0 pounds of particulate per ton of aluminum produced.* | ***Subpart S—Primary Aluminum Reduction Plants****commences construction or modification after October 23, 1974* | ***§ 60.192******Standard for fluorides.****total fluorides in excess of:**(1) 1.0 kg/Mg (2.0 lb/ton) of aluminum produced for potroom groups at Soderberg plants**(2) 0.95 kg/Mg (1.9 lb/ton) of aluminum produced for potroom groups at prebake plants**(3) 0.05 kg/Mg (0.1 lb/ton) of aluminum equivalent for anode bake plants.* | ***Subpart LL—Primary Aluminum Reduction Plants****primary aluminum production and located at a major source as defined in §63.2 (09/26/96)* | ***§ 63.844.****(a) Potlines.* *(1) TF limit. Emissions of TF shall not exceed 0.6 kg/Mg (1.2 lb/ton) of aluminum produced**(2) POM limit. Emissions of POM from Soderberg potlines shall not exceed 0.32 kg/Mg (0.63 lb/ton) of aluminum produced.**(c) Anode bake furnaces.* *(1) TF limit. Emissions of TF shall not exceed 0.01 kg/Mg (0.02 lb/ton) of green anode; and**(2) POM limit. Emissions of POM shall not exceed 0.025 kg/Mg (0.05 lb/ton) of green anode.* |
| ***340-236-0120(1)(c)*** *any source* | *10 percent opacity at any time.* | ***§ 60.193   Standard for visible emissions*** |  *From any potroom group any gases which exhibit 10 percent opacity or greater* *From any anode bake plant any gases which exhibit 20 percent opacity or greater* | ***§63.845   Incorporation of new source performance standards for potroom groups******(h) Opacity*** | *new potroom group any emissions of gases**10 percent opacity or greater.* |

*The table above compares DEQ’s primary aluminum rules adopted in 1973 with EPA’s New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants, rules which would apply to any new primary aluminum smelter in the state. As can be seen, the total fluoride limits for Soderberg potlines are comparable across the three standards but the limits for the anode bake furnaces are dramatically lower in the NSPS (0.1 lb/ton of aluminum) than DEQ’s rules (1.2 lb/ton of aluminum). The NSPS opacity limit for anode bake plants (20%) is higher than the DEQ and NESHAP limits (10%). Even though the NSPS or NESHAP do not regulate particulate matter emissions, since the total fluoride and opacity limits are similar, the NSPS and NESHAP would also control particulate matter emissions indirectly to the same degree since particulate matter is a subset of total fluoride.*

*An aluminum smelter triggered Prevention of Significant Deterioration in South Carolina in 2002. Best Available Control Technology limits were as follows:*

 *Total fluoride = 0.0400 pounds per ton of aluminum produced*

 *Particulate matter = 0.0050 grains/dry standard cubic foot*

 *Opacity = 10%*

*Any new aluminum smelter in Oregon would also trigger PSD and would be subject to standards at least as restrictive as those for the South Carolina facility. Therefore, repealing the Primary Aluminum Standards**will not weaken DEQ’s air permitting program.*

*NEED NW ALUMINUM ST DATA TO CALCULATE LB/TON PM FROM GRAIN LOADING*

| ***Laterite Ore Production of Ferronickel Rule Comparison*** |
| --- |
| ***OAR*** | ***CFR – NSPS Subpart Z*** | ***CFR – NESHAP Subpart XXX*** |
| ***SOURCE*** | ***LIMIT*** | ***SOURCE*** | ***LIMIT*** | ***SOURCE*** | ***LIMIT*** |
| ***Laterite Ore Production of Ferronickel******340-236-0210*** ***Applicability****laterite ore production of ferronickel* | *particulate matter from all sources shall not exceed 3.5 pounds per ton of dry laterite ore produced, based upon the average dry laterite ore production rate.* | ***Subpart Z—Ferroalloy Production Facilities****Electric submerged arc furnaces which produce silicon metal, ferrosilicon, calcium silicon, silicomanganese zirconium, ferrochrome silicon, silvery iron, high-carbon ferrochrome, charge chrome, standard ferromanganese, silicomanganese, ferromanganese silicon, or calcium carbide; and dust-handling equipment**commences construction after October 21, 1974* | *particulate matter in excess of 0.99 lb/MW-hr while producing silicon metal, ferrosilicon, calcium silicon, or silicomanganese zirconium* *particulate matter in excess of 0.23 kg/MW-hr (0.51 lb/MW-hr) while producing high-carbon ferrochrome, charge chrome, standard ferromanganese, silicomanganese, calcium carbide, ferrochrome silicon, ferromanganese silicon, or silvery iron*  | ***Subpart XXX—Ferroalloys Production: Ferromanganese and Silicomanganese****new ferromanganese and silicomanganese production facilities and are major sources* |  *New and reconstructed submerged arc furnaces. 0.51 pounds per hour per megawatt [lb/hr/MW], or**0.015 grains per dry standard cubic foot [gr/dscf]* *Crushing and screening equipment— particulate matter in excess of 50 mg/dscm (0.022 gr/dscf).* |
|  | *20 percent opacity* |  | *15 percent opacity or greater* |  | *20 percent opacity*  |

*The table above compares DEQ’s Laterite Ore Production of Ferronickel rules adopted in 1972 with EPA’s New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants, rules which would apply to any new Ferroalloy Production Facility in the state. EPA was working on a NESHAP specifically for Glenbrook Nickel but withdrew the proposed rule. The following information is from the Technical Document for Promulgation of Standards: National Emission Standards for Ferroalloys Production: Ferromanganese and Silicomanganese Comment and Response Summary (April 13, 1999):*

*At the time of publication of the proposed rule (August 1998), the only existing facility in the United States producing ferronickel (Glenbrook Nickel Company) had suspended operations. Since that time, the company has said that they will permanently close the facility. The EPA has decided to exercise its authority to withdraw the proposed rule because there is no major source currently operating or expected to begin operating that would emit the HAP associated with ferronickel production. Should a new major source of ferronickel production commence operation after promulgation, the EPA will evaluate at that time how and whether to set a MACT standard. In any case, in the unlikely event a new ferronickel furnace were to be built, it would likely be subject to new source review requirements for particulate matter and section 112(g) preconstruction review for HAP.*

*The NESHAP for Ferroalloys Production: Ferromanganese and Silicomanganese is the closest NESHAP available and is much more stringent with a 0.015 gr/dscf limit, which calculates to 0.66 pounds per ton of dry laterite ore produced from the electric arc furnace. The emission factor used in the Glenbrook Nickel permit for the electric arc furnace baghouses was 1.786 pounds per ton of dry Laterite ore produced, almost three times higher than the NESHAP limit. NEED MW-HR TO COMPARE NSPS TO OAR. The NESHAP also includes a grain loading limit for crushing and screening equipment (0.022 gr/dscf) which is lower than the OAR limit for this type of equipment (0.1 gr/dscf). The NSPS opacity limit for Ferroalloy Production Facilities (15%) is lower than the DEQ and NESHAP limits (20%).*

*An electric arc furnace triggered Prevention of Significant Deterioration in Arkansas in 2004. A Best Available Control Technology limit of 0.0018 gr/dscf was set for particulate matter emissions, even lower than the NESHAP limit of 0.015 gr/dscf. Any new electric arc furnace producing ferronickel from laterite ore in Oregon would also trigger PSD and would be subject to standards at least as restrictive as those for the Arkansas facility. Therefore, repealing the Laterite Ore Production of Ferronickel rules will not weaken DEQ’s air permitting program.*

| ***Charcoal Producing Plant Rule Comparison*** |
| --- |
| ***OAR*** | ***CFR – NSPS Subpart Y*** |
| ***SOURCE*** | ***LIMIT*** | ***SOURCE*** | ***LIMIT*** |
| ***340-240-0170*** ***Charcoal Producing Plants****charcoal producing plant sources including, but not limited to, charcoal furnaces, heat recovery boilers, and wood dryers using any portion of the charcoal furnace off-gases as a heat source,* | *PM in excess of a total from all sources within the plant site of 10.0 pounds per ton of char produced.* *Emissions from char storage, briquette making, boilers not using charcoal furnace off-gases, and fugitive sources are excluded in determining compliance with 10.0 pounds per ton of char produced.* *Charcoal producing plants exempt from 0.1 grains per standard cubic foot for sources after June 1, 1970 and process weight in division 226.*  | ***Subpart Y—Standards of Performance for Coal Preparation and Processing Plants****If a charcoal briquet manufacturing plant processes over 200 tons of coal a day and meets the definition of a "coal preparation plant" then it would be subject to NSPS subpart Y.**commenced construction after May 27, 2009: Thermal dryers, pneumatic coal-cleaning equipment, coal processing and conveying equipment (including breakers and crushers), coal storage systems, transfer and loading systems, and open storage piles.* *Coal preparation and processing plant any facility … which prepares coal by… breaking, crushing, screening, wet or dry cleaning, and thermal drying.* | *10 percent opacity or greater except equipment for loading, unloading, and conveying operations of open storage piles.**particulate matter in excess of 0.023 g/dscm (0.010 gr/dscf) from thermal dryer; pneumatic coal-cleaning equipment; mechanical vent* *open storage pile, includes equipment for loading, unloading, and conveying operations operate in accordance with fugitive coal dust control plan**…minimize fugitive emissions from each open storage pile…partial enclosure, … water spray or fogging system, …chemical dust suppression agents, wind barrier, compaction, or vegetative cover*  |

*The table above compares DEQ’s charcoal producing plant rules adopted in 1978 with EPA’s New Source Performance Standards rules which would apply to any new charcoal producing plant in the state. As can be seen, DEQ’s rules exempt new charcoal producing plants from the grain loading standard of 0.1 gr/dscf. The NSPS requires a 0.010 gr/dscf limit, much more stringent that DEQ’s rules. If the NSPS grain loading limit of 0.010 gr/dscf applied, emissions from Royal Oak’s heat recovery boiler would be 15 tons/year of particulate matter rather than the permitted 106 tons per year using the limit in OAR 340-24-0170 (10.0 pounds per ton of char produced).*

*A briquette manufacturing facility triggered Prevention of Significant Deterioration in Mississippi in 2004. A Best Available Control Technology limit of 1.6200 pounds per ton of dry wood (converted to 4.187 pounds per ton of char) for the thermal oxidizer that controls emissions from the rotary wood dryer, the charcoal retort furnace and the solvent treated briquette operations was set for particulate matter emissions along with a 0.3000 pounds per ton of dry briquettes limit for briquette coolers and dryers. Adding these two BACT limits to obtain 4.487 pounds per ton of briquettes would make it comparable to the OAR limit for charcoal furnaces, heat recovery boilers, and wood dryers using any portion of the charcoal furnace off-gases as a heat source of 10.0 pounds per ton of char produced. Any new briquette manufacturing facility in Oregon would also trigger PSD and would be subject to standards at least as restrictive as those for the Mississippi facility. Therefore, repealing the charcoal producing plant rules will not weaken DEQ’s air permitting program.*

| **OAR** | **CFR – NESHAP Subpart MM** |
| --- | --- |
| **SOURCE** | **LIMIT** | **SOURCE** | **LIMIT** |
| **Sulfite Pulp Mills****OAR 340-234-0400** existing and new sulfite pulp mills recovery furnace stacks | PM shall not exceed four pounds per air dried ton of unbleached pulp produced. | **Subpart MM—Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semi-chemical Pulp Mills** kraft, soda, sulfite, or stand-alone semi-chemical pulp mill that is a major source of hazardous air pollutants (HAP) emissions as defined in §63.2. (04/15/98) | (4) The owner or operator of any new sulfite combustion unit must ensure that the concentration of PM in the exhaust gases discharged to the atmosphere is less than or equal to 0.046 g/dscm (0.020 gr/dscf) corrected to 8 percent oxygen. |

1. **The addition of a definition for “day” is unnecessary, inconsistent with other definitions, and intrudes on normal daily operations of facilities. Roseburg Forest Products**

Roseburg is concerned over the addition of the definition for “day”, which the proposed rulemaking defines as “a 24-hour period beginning at 12:00 a.m. midnight,” to Division 200 General Air Pollution Procedures and Definitions. It is standard for many of our facilities to measure a production day based on shift schedules, which may start anywhere from 6:00 a.m. to 8:00 a.m., and occur on an 8-hr, 10-hr, or 12-hr rotational basis. Therefore, a production day may begin at 8:00 a.m., and not 12:00 a.m. The terms “month” and “quarter” have not been defined in the Division 200. “Year” means “any consecutive 12 month period of time.” There is no compelling reason to define “day” within Division 200. Furthermore, if there is an underlying reason to clarify the term “day” for a specific source, the language can be incorporated into the source’s air permit.

The DEQ did not provide any reasoning or basis for making this change. Therefore, we request that DEQ remove the proposed rule language for “day”.

IQ Collision Center:

I believe we need to take care our world and by doing this Cain of inspections is the only way we will get a better place to live the only thing I'm not agreed is that the system take advantage of the situation and they forget what this services are for, they only see how to make money from the public for them to keep their job secure, reason I'm saying this is because I pay $860.00 every year (well they started $640.004 years ago now is $860.00 my question is they increase the rate according to what? according how mach raises they have? again why I'm saying this people never stop by my shop and see what do I need to do different they never stop to give a good information what we can do better for this world. but they do threat me if I don't pay the bill on time, so that show me that we us a public, all we are for this associations is MONEY, for they to have a job, also for the smock on the regular vehicles I ask the other day why there price went up to the person is at the services, answer from that person NO IDEA , I ask if they have a new equipment he replied to me no that the equipment is being there for so many years, so again I hope this entities do what they suppose to do not yes for their pay checks and keep giving their self a raises or bonuses,)

*Response:*

*INSPECTIONS FOR AUTOBODY SHOPS??*

Friends provides the following recommendation as a supplement to our prior comment. Friends recommends that the DEQ designated the Mark O. Hatfield Wilderness as a Class I area subject to the Prevention of Significant Deterioration standards. The Clean Air Act expressly authorizes that "a State may redesignate such areas as it deems appropriate as class one areas[.]" 42 USC 7474. Pursuant to this authority, the state should provide additional protection to the Mark O. Hatfield Wilderness. Friends provides the following recommendation as a supplement to our prior comment. Friends recommends that the DEQ designated the Mark O. Hatfield Wilderness as a Class I area subject to the Prevention of Significant Deterioration standards. The Clean Air Act expressly authorizes that "a State may redesignate such areas as it deems appropriate as class one areas[.]" 42 USC 7474. Pursuant to this authority, the state should provide additional protection to the Mark O. Hatfield Wilderness. Sincerely, Richard Till Conservation Legal Advocate Friends provides the following recommendation as a supplement to our prior comment. Friends recommends that the DEQ designated the Mark O. Hatfield Wilderness as a Class I area subject to the Prevention of Significant Deterioration standards. The Clean Air Act expressly authorizes that "a State may redesignate such areas as it deems appropriate as class one areas[.]" 42 USC 7474. Pursuant to this authority, the state should provide additional protection to the Mark O. Hatfield Wilderness. Sincerely, Richard Till Conservation Legal Advocate