Updating Oregon’s air quality rules to address federal regulations

# Invitation to Comment

DEQ invites input on proposed permanent rule amendments and adoptions to chapter 340 of the Oregon Administrative Rules, proposed state plan to implement Federal Emission Guidelines, and proposed delegation request to implement Federal Plan Requirements.

DEQ proposal

DEQ proposes the following rule amendments and adoptions to implement federal air quality regulations. The proposal would affect OAR 340 division numbers 230, 238 and 244. The rulemaking proposal would adopt new and amended federal air quality regulations.

Specifically, the amendments would align Oregon’s rules with the following recent changes to federal emission standards:

* Adopt new and amended federal air quality regulations. This includes adopting:
  + new federal standards for boilers and process heaters, stationary internal combustion engines, nitric acid plants, and crude oil and natural gas production, transmission and distribution;
  + newly amended federal standards; and
  + rules to implement new federal emission guidelines for commercial and industrial solid waste incineration units; and adopting the federal plan for hospital, medical, and infectious waste incinerators.
* Adopt rules to implement the federal Emission Guidelines for commercial and industrial solid waste incineration units.
* Adopt by reference the federal plan for hospital, medical, and infectious waste incinerators.
* Update the adoption of previously adopted NESHAPs and NSPSs.

DEQ requests public comment on the following documents:

* State plan to implement the federal Emission Guidelines for commercial and industrial solid waste incineration units; and
* Delegation request to implement the Federal Plan Requirements for hospital, medical, and infectious waste incinerators.

DEQ’s objective

The need to maintain Oregon rules is ongoing because federal requirements change regularly. This rulemaking will update DEQ rules to ensure Oregon regulations are up to date with respect to federal air quality regulations. Doing so will ensure compliance with our obligation to EPA under the Performance Partnership Agreement and delegation approval.

This rulemaking also seeks to protect public health, implement federally-delegated programs that regulate hazardous air pollutants and other air pollutants, and improve Oregon’s implementation of these programs.

Who does this affect?

This rulemaking regulates:

* Facilities subject to newly promulgated NESHAPs and NSPSs;
* Facilities subject to the proposed rules and state plan to implement the federal Emission Guidelines for commercial and industrial solid waste incineration units;
* Facilities subject to the Federal Plan Requirements for hospital, medical, and infectious waste incinerators;
* Facilities and equipment subject to recently amended NESHAPs.

Sign up for notices

Sign up to receive rulemaking notices by email: <http://www.oregon.gov/deq/RulesandRegulations/Pages/2013/RulemakingActivities.aspx>.

Attend a hearing

DEQ invites you to attend one of the public hearings listed below. The presiding officer will provide a brief overview of the proposal before inviting your spoken or written comment.

Portland, 5:30 p.m., Dec. 18, 2013, DEQ Headquarters Building, Room EQC A on the 10th Floor, 811 SW 6th Ave, Portland, OR, 97204. Presiding Officer: Gregg Dahmen

If unable to attend the hearing in person, you can also participate by conference line at the following locations:

DEQ - Bend Regional Office

Conference Room

475 NE Bellevue Dr., Suite 110

Bend, OR 97701

DEQ - Medford Regional Office

Conference Room

221 Stewart Ave, Suite 201

Medford, OR 97501

Comment deadline

To consider comments on the proposed rules, state plan, and delegation request, DEQ must receive the comment by

5 p.m. on Monday, Dec. 23, 2013.

**More information**

The Rule Proposal and Notice for this rulemaking are on DEQ’s website: <http://www.oregon.gov/deq/RulesandRegulations/Pages/2013/aqfedregs.aspx>

**What has happened so far?**

Documents used to develop proposal

DEQ relied on the following documents when considering the need for the proposed rule and to prepare the rulemaking documents.

* [Code of Federal Regulations](http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR)
* [Federal Register](http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR)
* [Oregon Revised Statutes](http://www.deq.state.or.us/regulations/statutes.htm)
* [Oregon Administrative Rules](http://www.deq.state.or.us/regulations/rules.htm)

Also see the list of new and amended NESHAPs and NSPSs proposed for EQC adoption, which includes links to the Federal Register.

What will happen next?

We will review all comments

DEQ will prepare a written response to each comment or summary of similar comments received by the comment deadline. DEQ may modify the rule proposal, state plan, and delegation request based on the comments. Comments and responses will become part of the staff report that will go to the Oregon [Environmental Quality Commission](http://www.oregon.gov/DEQ/EQC/index.shtml) for final decision.

Present proposal to the EQC

The Governor selected the 5 members of the EQC to review all proposed changes to division 340 of the Oregon Administrative Rules. It is up to the EQC whether to approve the proposed changes or not.

DEQ plans to take this proposal to the EQC for final decision at its March 2014 meeting.

Upon EQC adoption, DEQ would submit the rules to EPA to update our New Source Performance Standard and NESHAP delegation and request delegation of the Federal Plan Requirements for hospital, medical and infectious waste incinerators. DEQ would also submit a plan to EPA to implement the federal Emission Guidelines for commercial and industrial solid waste incineration units.

Accessibility information

You may review copies of all websites and documents referenced in this announcement at:

Oregon DEQ Floor 10

811 SW 6th Avenue

Portland, OR 97204

To schedule a review, call Jerry Ebersole at 503-229-6974.

Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications and Outreach at 503-229-5696 or call toll-free in Oregon at 1-800-452-4011; fax to 503-229-6762; or email to

[deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us). Hearing impaired persons may call 711.

**Glossary**

ACDP – Air Contaminant Discharge Permit

DEQ – Department of Environmental Quality

EPA – U.S. Environmental Protection Agency

EQC – Environmental Quality Commission, a five-member panel of Oregonians appointed by the governor for four-year terms to serve as DEQ’s policy and rulemaking board

NESHAP – National Emission Standards for Hazardous Air Pollutants

NSPS – New Source Performance Standards

Performance Partnership Agreement – describes how DEQ and EPA Region 10 will work together to protect Oregon’s environment in relation to DEQ’s implementation of federally-delegated environmental programs