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**PERMANENT ADMINISTRATIVE RULES**

|                                       |                                     |
|---------------------------------------|-------------------------------------|
| Department of Environmental Quality   | 340                                 |
| Agency and Division                   | Administrative Rules Chapter Number |
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| 04/16/2015                            |                                     |
| Adopted on                            |                                     |
| Upon filing.                          |                                     |
| Effective date                        |                                     |

**RULE CAPTION**

Update Oregon's air quality rules to address federal regulations

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Not more than 15 words

**RULEMAKING ACTION**

**ADOPT:** 340-230-0415, 340-230-0500

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**AMEND:**

340-230-0010, 340-230-0020, 340-230-0030, 340-238-0040, 340-238-0060, 340-238-0090, 340-244-0020, 340-244-0030, 340-244-0220

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**REPEAL:**

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**RENUMBER:**

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**AMEND & RENUMBER:**

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**Stat. Auth.:** ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050 and 468A.310

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**Other Auth.:**

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**Stats. Implemented:** ORS 468A.025, 468A.035, 468A.040, 468A.050 and 468A.310

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**RULE SUMMARY**

**Short summary**

The Environmental Quality Commission adopted new and amended federal air quality



regulations, including:

- 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
- Rules to implement new federal emission guidelines for commercial and industrial solid waste incineration units and the federal plan for hospital, medical and infectious waste incinerators

#### Brief history

The federal Clean Air Act requires the U.S. Environmental Protection Agency to establish National Emission Standards for Hazardous Air Pollutants, known as NESHAPs, for both major and area sources of hazardous air pollutants. A major industrial source is any facility with the potential to emit 10 tons of a single hazardous air pollutant or 25 tons of all hazardous air pollutants. An area source is any stationary source of hazardous air pollutants that is not a major source.

EPA finished establishing major source standards in 2004. EPA began establishing area source standards in 2006 and concluded in 2011. DEQ's rulemaking is the final phase for Oregon's adoption of EPA's existing area source standards. DEQ's first four phases of rulemaking adopting major and area source standards concluded in December 2008, December 2009, February 2011 and March 2013.

The Clean Air Act also requires EPA to develop New Source Performance Standards for categories of major and area sources that cause or significantly contribute to air pollution that may endanger public health or welfare. Such regulations apply to each new source of air pollution within a category without regard to source location or existing air quality. When EPA establishes New Source Performance Standards for a category of sources, it may also establish emission guidelines for existing sources in the same category. States must develop rules and a state plan to implement the emission guidelines or request delegation of the federal plan. State plans, called Section 111(d) plans, are subject to EPA review and approval.

EPA performs a residual risk analysis for major source NESHAPs and periodic technology reviews for New Source Performance Standards and NESHAPs. These reviews are ongoing and in some cases result in EPA updating the standards. EPA also revises NESHAPs to address errors, implementation issues and lawsuits and EPA may adopt additional NESHAPs in the future for new source categories.

#### Regulated parties

The rules affect facilities subject to new and modified NESHAPs and New Source Performance Standards outlined below.

#### Outline

DEQ proposed and EQC adopted:



1. New rules to incorporate the following federal changes by reference:
  - a. New federal area source NESHAP for commercial, industrial and institutional boilers, but only for sources required to have a DEQ permit, including a Title V operating permit or Air Contaminant Discharge Permit
  - b. New federal major and area source NESHAP for stationary internal combustion engines, but only for sources required to have a Title V permit or an Air Contaminant Discharge Permit
  - c. New federal major source NESHAP for commercial, industrial and institutional boilers and process heaters
  - d. New federal New Source Performance Standards for:
    - Stationary internal combustion engines, but only for sources required to have a Title V permit or an Air Contaminant Discharge Permit and excluding the requirements for engine manufacturers
    - Nitric acid plants
    - Crude oil and natural gas production, transmission and distribution
  - e. Federal plan for hospital, medical and infectious waste incinerators
2. A new rule to implement new federal emission guidelines for commercial and industrial solid waste incineration units
3. Updates to existing rules to incorporate the following federal changes by reference:
  - a. Amended federal area source NESHAP for chemical manufacturing
  - b. Amended federal major source NESHAP for:
    - Electric utility steam generating units
    - Petroleum refineries
    - The pulp and paper industry
    - Natural gas transmission and storage facilities
  - c. Amended federal major and area source NESHAP for:
    - Chromium electroplating and anodizing
    - Portland cement manufacturing
    - Oil and natural gas production
  - d. Amended federal New Source Performance Standards for:
    - Electric steam generating units
    - Hospital, medical and infectious waste incinerators
    - Nitric acid plants
    - Commercial and industrial solid waste incineration units
    - Portland cement plants
    - Petroleum refineries
    - Onshore natural gas processing plants

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