

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form

<u>Department of Environmental Quality</u>	340
Agency and Division	Administrative Rules Chapter Number
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Address	

RULE CAPTION

Updating Oregon's air quality rules to address federal regulations

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
12-18-13	5:00 p.m.	DEQ, 811 SW 6th Ave. Portland, OR 97201-1390	Gregg Dahmen
12-18-13	5:00 p.m.	DEQ, 475 NE Bellevue Dr., Suite 110, Bend, OR 97701	Gregg Dahmen via
12-18-13	5:00 p.m.	DEQ, 221 Stewart Ave. Suite 201, Medford, OR 97501	Gregg Dahmen via

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

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

AMEND:
OAR 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

REPEAL:

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:
ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050 & 468A.310

Other Authority:

Statutes Implemented:
ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050 & 468A.310

RULE SUMMARY

DEQ proposes rules to 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
- 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

BACKGROUND: 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. EPA finished establishing major source standards in 2004. EPA began establishing area source standards in 2006 and concluded in 2011. EPA may adopt additional NESHAPs in the future for new source categories or source categories it may have missed.

This proposed rulemaking is the final phase for Oregon's adoption of area source standards. The first four phases 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 sources that cause or significantly contribute to air pollution that may endanger public health or welfare. Such regulations apply to each new source 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 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.

The Agency requests public comment on whether other options should be considered for achieving the rule’s substantive goals while reducing negative economic impact of the rule on business.

12-23-2013 5:00 p.m.	Maggie Vandehey	maggie.vandehey@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Rules Coordinator Name	Email Address

FILED

11-15-13 10:06 AM

ARCHIVES DIVISION
SECRETARY OF STATE

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.