**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**DIVISION 244**

**OREGON FEDERAL AND STATE HAZARDOUS AIR POLLUTANT PROGRAM**

General Provisions for Stationary Sources

**340-244-0010**

**Policy and Purpose**

The Environmental Quality Commission finds that certain air contaminants for which there are no ambient air quality standards may cause or contribute to an identifiable and significant increase in mortality or to an increase in serious irreversible or incapacitating reversible illness or to irreversible ecological damage, and are therefore considered to be hazardous air pollutants. It shall be the policy of the Commission that no person may cause, allow, or permit emissions into the ambient air of any hazardous substance in such quantity, concentration, or duration determined by the Commission to be injurious to public health or the environment. The purpose of this Division is to establish emissions limitations on sources of these air contaminants. In order to reduce the release of these hazardous air pollutants and protect public health and the environment, it is the intent of the Commission to adopt by rule within this Division the source category specific requirements that are promulgated by the EPA, and state standards to reduce the release of these hazardous air pollutants. Furthermore, it is hereby declared the policy of the Commission that the standards contained in this Division are considered minimum standards, and as technology advances, protection of public health and the environment warrants, more stringent standards may be adopted and applied.

Stat. Auth.: ORS 468.020 & ORS 468A.310
Stats. Implemented: ORS 468A.025
Hist.: DEQ 13-1993, f. & cert. ef. 9-24-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0100

**Colored Art Glass Manufacturing Facility Rules**

**340-244-9000**

**Applicability**

Notwithstanding OAR 340 Division 246, OAR 340-244-9000 through 9080 apply to facilities located within the Portland Air Quality Maintenance Area that:

(1) Manufacture colored glass for use in art, architecture, interior design and other similar decorative applications, or manufacture colored glass products for use by manufacturers of colored glass for use in art, architecture, interior design and other similar decorative applications; and

(2) Manufacture 10 tons per year or more of colored glass using raw materials that contain any of the following metals or compounds of these metals: arsenic, cadmium, chromium, lead, manganese and nickel.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040
Stats. Implemented: ORS 468A.025, & 468A.040

**340-244-9010**

**Definitions**

The definitions in OAR 340-200-0020 and this rule apply to OAR 340-244-9000 through 9080. If the same term is defined in this rule and 340-200-0020, the definition in this rule applies to this division.

(1) “Colored Art Glass Manufacturer” or “CAGM” means a facility that meets the applicability requirements in OAR 340-244-9000 and refers to the owner or operator of such a facility when the context requires.

(2) “Chromium III” means chromium in the +3 oxidation state, also known as trivalent chromium;

(3) “Chromium VI” means chromium in the +6 oxidation state, also known as hexavalent chromium;

(4) “Chromium”, without a following roman numeral, means total chromium;

(5) “Controlled” means the glass-making furnace emissions are treated by an emission control device approved by DEQ;

(6) “Cullet” means recycled glass that is mixed with raw materials and charged to a glass melting furnace to produce glass. Cullet does not include glass materials that are used in lieu of a powered raw material and contain arsenic, cadmium, chromium, lead, manganese or nickel. Cullet is not considered to be a raw material;

(7) “Emission control device” means control device as defined in OAR 340 Division 200.

(8) “Glass-making furnace” means a unit comprising a refractory-lined vessel in which raw materials are charged and melted at high temperature to produce molten glass.

(9) “Raw material” means minerals, such as silica sand, limestone, and dolomite; inorganic chemical compounds, such as soda ash (sodium carbonate), salt cake (sodium sulfate), and potash (potassium carbonate); metal oxides and other metal-based compounds, such as lead oxide, chromium oxide, and sodium antimonate; metal ores, such as chromite and pyrolusite; and other substances that are intentionally added to a glass manufacturing batch and melted in glass melting furnace to produce glass. Metals that are naturally-occurring trace constituents or contaminants of other substances are not considered to be raw materials. Cullet and material that is recovered from a furnace control device for recycling into the glass formulation are not considered to be raw materials;

(10) “Tier 1 CAGM” means a CAGM that produces 10 tons per year or more of colored art glass, but not more than 100 tons per year, and produces colored art glass in glass-making furnaces that are only electrically heated.

(11) “Tier 2 CAGM” means a CAGM that produces 10 tons per year or more of colored art glass in fuel-heated or combination fuel- and electrically-heated furnaces; or produces 100 tons per year or more of colored art glass in any type of glass-making furnace.

(12) “Uncontrolled” means the glass-making furnace emissions are not treated by an emission control device approved by DEQ; and

(13) “Week” means Sunday through Saturday.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040
Stats. Implemented: ORS 468A.025, & 468A.040

Rule valid until October 18 (180 days)

**340-244-9020**

**Permit Required**

Not later than September 1, 2016, all CAGMs not otherwise subject to a permitting requirement must apply for a permit under OAR 340-216-8010 Table 1, Part B, category #84.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040
Stats. Implemented: ORS 468A.025, & 468A.040

**340-244-9030**

**Requirements That Apply To Tier 2 CAGMs**

(1) OAR 340-244-9030 applies only to Tier 2 CAGMs.

(2) No later than September 1, 2016, each Tier 2 CAGM must install one or more emission control devices to control all glass-making furnaces that use raw material containing any of the following metals: arsenic, cadmium, chromium, lead, manganese or nickel; and meet the emission control device requirements in OAR 340-244-9070.

 Stat. Auth.: ORS 468.020, 468A.025, & 468A.040
Stats. Implemented: ORS 468A.025, & 468A.040

**340-244-9040**

**Operating Restrictions That Apply To Tier 2 CAGMs**

(1) OAR 340-244-9040 applies only to Tier 2 CAGMs.

(2) Tier 2 CAGMs may not use raw materials containing arsenic, cadmium or chromium VI in any glass-making furnace that is not controlled by an emission control device approved by DEQ.

 (3) A Tier 2 CAGM may not use raw materials containing chromium III in controlled or uncontrolled glass-making furnaces until DEQ establishes maximum allowable chromium III usage rates for uncontrolled or controlled glass-making furnaces that will not cause ambient concentrations to exceed 1.6 ng/m3 of chromium VI. After DEQ establishes the maximum allowable chromium III usage rates for uncontrolled or controlled glass-making furnaces, the CAGM must comply with the rates DEQ establishes. For the purpose of establishing maximum allowable chromium III usage rates, the following are required:

(a) Perform a source test as specified below:

(A) Test using DEQ-approved protocols and methods for total chromium, chromium VI, and particulate matter using DEQ Method 5 or a DEQ-approved equivalent method and submit a source test plan detailing the approach to DEQ for approval;

(B) Test for chromium, chromium VI and particulate matter at the outlet of an uncontrolled furnace; or test for chromium, chromium VI and particulate matter at the inlet of an emission control device and for particulate matter at the outlet of the emission control device;

(C) Test while making a glass that DEQ agrees is made under the most oxidizing combustion conditions and that contains a high percentage of chromium III as compared to other formulas used by the CAGM; and

(D) Keep records of the amount of chromium III used in the formulations that are produced during the source test runs, as well as other operational parameters identified in the source test plan.

(b) Perform dispersion modeling, using models and protocols approved by DEQ, to determine the highest offsite ambient concentrations that result from the Tier 2 CAGM’s air emissions as follows:

(A) Submit a modeling protocol for DEQ approval;

(B) Use the maximum chromium VI emission rate;

(C) Use a background concentration of 0.8 ng/m3 determined by DEQ; and

(D) Establish a maximum chromium III usage so as not to exceed an ambient concentration of 1.6 ng/m3 of chromium VI.

(c) The Tier 2 CAGM must keep daily records of all glass formulations produced and provide to DEQ, each week, the daily amount of metal HAP used.

(4) Tier 2 CAGMs may apply source testing protocols equivalent to those in section (3) to the use of chromium VI in a glass-making furnace to establish maximum usage rates for chromium VI in controlled glass-making furnaces that will not cause ambient concentrations to exceed 1.6 ng/m3 of chromium VI.

(5) Tier 2 CAGMs are not restricted on the raw materials that may be used in glass-making furnaces that are controlled by an emission control device DEQ approved, except that the use of raw materials containing chromium III and chromium VI will be subject to maximum usage rates determined by DEQ.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040
Stats. Implemented: ORS 468A.025, & 468A.040

**340-244-9050**

**Requirements That Apply To Tier 1 CAGMs**

(1) OAR 340-244-9050 applies only to Tier 1 CAGMs.

(2) No later than October 1, 2016, each Tier 1 CAGM must do one of the following:

(a) Install one or more emission control devices to control all glass-making furnaces that use raw material containing any of the following metals: arsenic, cadmium, chromium, manganese, lead or nickel, and meet the emission control device requirements in OAR 340-244-9070;

(b) Demonstrate that the Tier 1 CAGM meets the exemption in sections (3) and (4).

(3) A Tier 1 CAGM is exempt from the requirement to install emission controls under subsection (2)(a) if, for each metal listed in subsections (a) through (f), the Tier 1 CAGM either shows through source testing approved by DEQ that the metal concentration measured in the stack does not exceed the applicable concentration listed in subsections (a) through (f), or requests a permit condition that prohibits the use of that metal.

(a) Arsenic, ng/m3;

(b) Cadmium, ng/m3;

(c) Chromium (total) , ng/m3;

(d) Lead, ng/m3;

(e) Manganese, ng/m3;

(f) Nickel, ng/m3.

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|  | **Action Levels \*** |
| --- | --- |
| **Metal** | **Reduce Use****Level****(ng/m3)** | **Stop Use****Level****(ng/m3)** |
| Chromium III as related to levels of Chromium VI in air 1 | 0.8 a | 1.6 a |
| Nickel 2 | 40 | 80 |
| Cobalt 3 | 50 | 100 |
| Manganese 4 | 45 | 90 |
| Lead 5 | 150 | 150 |
| ARSENIC |  |  |
| CADMIUM |  |  |

(4) Source testing for the purpose of demonstrating the exemption under section (2) must be performed as follows:

(a) Test using DEQ approved protocols and methods for each metal listed in subsections (3)(a) through (3)(f) that the Tier 1 CAGM intends to use.

(b) Test for the metals using EPA Method 29, CARB Method M-436 or an equivalent method, and for particulate matter using DEQ Method 5 or equivalent.

(c) Submit a source test plan to DEQ for approval at least 30 days before the test date;

(d) For each metal to be tested for, test while making a glass formulation that DEQ agrees has the highest potential emissions of that metal. More than one source test may be required if a single glass formulation cannot meet this requirement for all metals to be tested for.

(e) Keep records of the amount of each target metal used in the formulations that are produced during the source test runs, as well as other operational parameters identified in the source test plan.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040
Stats. Implemented: ORS 468A.025, & 468A.040

**340-244-9060**

**Operating Restrictions That Apply To Tier 1 CAGMs**

(1) OAR 340-244-9060 applies only to Tier 1 CAGMs.

(2) Tier 1 CAGMs may not use raw materials that contain chromium VI in any glass-making furnace until the requirements in OAR 340-244-9050(2) have been met.

(3) Tier 1 CAGMs are not restricted on the raw materials that may be used in glass-making furnaces that are controlled by an emission control device approved by DEQ.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040
Stats. Implemented: ORS 468A.025, & 468A.040

**340-244-9070**

**Emission Control Device Requirements**

(1) Each emission control device used to comply with this rule must meet 99.0 percent or more removal efficiency for particulate matter as measured by DEQ Method 5 or an equivalent method approved by DEQ.

(2) Emission control device requirements:

(a) DEQ must approve the design of all emission control devices before installation.

(b) Each CAGM must submit a Notice of Intent to Construct as required by OAR 340-210-0205 through 340-210-0250 no later than 15 days before the date installation begins. If DEQ does not deny or approve the Notice of Intent to Construct within 10 days after receiving the Notice, the Notice will be deemed to be approved.

(c) Emission control devices may control emissions from more than one furnace.

(d) Each emission control device must be equipped with an inlet temperature monitoring device, and any other monitoring device or devices specified in DEQ’s approval of the Notice of Intent to Construct subsection (b) requires.

(e) Each emission control device must be equipped with inlet ducting that provides the following:

(A) Sufficient cooling of exhaust gases to no more than the maximum design inlet temperature under worst-case conditions; and

(B) Provision for inlet emissions testing, including sufficient duct diameter, sample ports, undisturbed flow conditions, and access for testing.

(f) Each emission control device must be equipped with outlet ducting that provides for outlet emissions testing, including sufficient duct diameter, sample ports, undisturbed flow conditions, and access for testing.

(A) After commencing operation of any emission control device, each Tier 2 CAGM must observe and record the parameters DEQ specified in DEQ’s approval of the Notice of Intent to Construct required under subsection (b).

(B) Each CAGM must perform the following source testing on at least one emission control device. Source testing done under OAR 340-244-9040(3) may be used in whole or in part to comply with this paragraph.

(i) Within 60 days of commencing operation of the emission control devices, test control device inlet and outlet for particulate matter using DEQ Method 5 or equivalent method;

(ii) The emission control device to be tested must be approved by DEQ.

(ii) A source test plan must be submitted at least 30 days before conducting the source test; and

(iii) The source test plan must be approved by DEQ before conducting the source test.

**340-244-9080**

**Other Metals**

(1) If DEQ determines that ambient concentrations of a metal in the area of a CAGM pose an unacceptable risk to human health and that emissions from an uncontrolled furnace at the CAGM are a contributing factor, then DEQ must set a limit on the CAGM’s use of the metal of concern in uncontrolled furnaces, by agreement or in a permit, to reduce such risk. DEQ must consult with the Oregon Health Authority when applying this rule.

(2) Exceeding the limits established under the authority of this rule is a violation of this rule.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040
Stats. Implemented: ORS 468A.025, & 468A.040