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TEMPORARY ADMINISTRATIVE RULES

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|---------------------------------------|-------------------------------------|
| Department of Environmental Quality | 340 |
| Agency and Division | Administrative Rules Chapter Number |
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| Address | Telephone |
| 05/05/2016 | |
| Adopted on | |
| 05/06/2016 thru 10/17/2016 | |
| Effective dates | |

RULE CAPTION

Correction to Colored Art Glass Manufacturers Rules

Not more than 15 words

RULEMAKING ACTION

ADOPT:

AMEND: 340-244-9070

SUSPEND:

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.310

Other Auth.:

Stats. Implemented: ORS 468A.025, & 468A.040

RULE SUMMARY

At the Environmental Quality Commission's regular meeting on April 21, 2016, under agenda item I, EQC adopted proposed temporary rules regulating Colored Art Glass Manufacturers, as OAR 340-244-9000 through 9090.

After EQC adopted the temporary rules, DEQ found that the rules included a substantive technical error. DEQ proposes that EQC adopt a correction to the temporary rules to revise only the rule text. DEQ does not propose to alter the effective date or the expiration date of the temporary rules.

OAR 340-244-9000 through -9090 impose requirements on CAGMs. These requirements

include requirements for Tier 2 CAGMs to install emission control devices, and requirements for Tier 1 CAGMs to either install emission control devices, demonstrate that the requirements for an exemption from installing emission control devices are met, or to request a permit condition prohibiting the use of certain metal hazardous air pollutants.

When emission control devices are installed, the rules also require emission testing to demonstrate that the emission control devices meet 99.0 percent removal efficiency using a specified emission test method. The error is that OAR 340-244-9070 specifies the wrong test method.

As adopted, this rule specifies using a test method referred to as DEQ Method 5 to demonstrate the removal efficiency. The rule should instead specify EPA Method 5. Both test methods are used to measure particulate matter emissions. But EPA Method 5 tests only for filterable particulate matter while DEQ Method 5 tests for both filterable and condensable particulate matter.

STATEMENT OF NEED AND JUSTIFICATION

Correction to Colored Art Glass Manufacturers Rules

In the Matter of

None

Documents Relied Upon, and where they are available

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Method 5 tests only for filterable particulate matter while DEQ Method 5 tests for both filterable and condensable particulate matter.

In an exhaust gas stream, some material is present in solid form and some is present in vapor form. A filter captures the solid particles that are called filterable particulate matter. Gases and vapors pass through a filter without being captured but condense to form liquid droplets when cooled to ambient conditions. The term condensable particulate matter refers to the vapors that can condense to liquids but are not captured by a filter. Total particulate matter includes both filterable and condensable particulate matter. But many emissions standards apply only to filterable particulate matter.

DEQ Method 5 measures total particulate matter which includes both filterable and condensable particulate matter. EPA Method 5 measures only filterable particulate matter.

In a diagram of the emission sampling system, referred to as the sample train, for DEQ Method 5, at upper left is a glass filter holder, which holds a filter disk. The filter captures the filterable particulate matter. The filter is heated to prevent condensation on the filter. To the right of the filter are a number glass tubes known as impingers, which are placed in an ice bath. The cold impingers are used to condense and capture the condensable particulate matter. After sampling is completed, the amount of particulate matter on the filter and in the impingers is measured.

The sample train for EPA Method 5 is similar but does not include the impingers. It therefore only measures the filterable particulate matter.

One of the primary purposes of OAR 340-244-9000 through 9090 is to control metal hazardous air pollutant emissions from CAGMs. DEQ expects the CAGMs to use baghouses to control these emissions. At the operating temperature of a baghouse, the metal hazardous air pollutants will be in the form of solid particulate matter. A baghouse is essentially a large air filter and is analogous to the filter in the sample train. Like the filter, a baghouse only captures filterable particulate matter. To properly measure the efficiency of the baghouse, it is appropriate to use a test method that measures only what the baghouse removes, which is filterable particulate matter. For this reason, the rule should specify EPA Method 5 as the test method associated with baghouse removal efficiency, not DEQ Method 5.

One of the other requirements in OAR 340-244-9000 through 9090 is that CAGMs must apply for an air permit. In air permits, DEQ establishes Plant Site Emission Limits, which are limits on the total emissions of criteria pollutants from a facility. Criteria pollutants include particulate matter. For the purpose of PSEs, DEQ counts total (filterable plus condensable) particulate matter. DEQ has an interest in determining the total particulate matter emissions from CAGMs. For this reason, the emission testing that is required for the emission control devices still specifies DEQ Method 5, but only the filterable particulate matter

measured in the test will apply to the control device removal efficiency.

Need for the Temporary Rule(s)

What would the consequences be of not taking immediate action:

The consequence of not taking immediate action is that the rule would continue to specify a test method that is inappropriate for the purpose of testing the removal efficiency of filterable particulate matter. To properly measure the efficiency of a baghouse, it is appropriate to use a test method that measures only what the baghouse removes, which is filterable particulate matter. Because DEQ Method 5 includes condensable particulate matter, DEQ Method 5 will give a biased result that is incompatible with the intent of the rule and which may make it impossible to demonstrate the required removal efficiency. As a result, DEQ will not be able to verify compliance with the rule and therefore the rule's purpose will not be met. This will result in serious prejudice to the public interest because DEQ will not be able to determine whether the rules will have their intended effect of protecting public health.


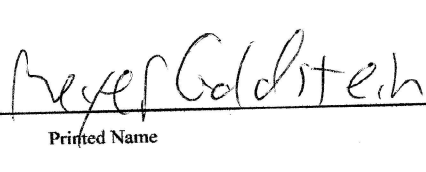
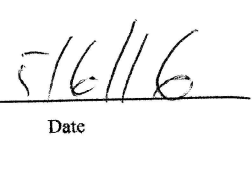
Who are the affected parties:

The affected parties are colored art glass manufacturers because they will not be able to show compliance with the proposed rules.

How will the temporary rule avoid or mitigate the consequences of not taking immediate action:

The temporary rule will avoid the consequences of not taking immediate action because it will correct the source test method so that colored art glass manufacturers can show compliance and DEQ will be able to verify compliance with the proposed rules.

Justification of Temporary Rules

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| Authorized Signer | Printed Name | Date |

Authorization Page replaces the ink signature on paper filings. Have your authorized signer sign and date, then scan and attach it to your filing. You must complete this step before submitting your Permanent and Temporary filings.