structurally unsound and in danger of imminent collapse must comply with the following:

(A) Obtain written approval from the Department for an ordered demolition procedure before that demolition takes place; and

(B) Send a copy of the order and an asbestos abatement project notification (as described in OAR 340-248-0260) to the Department before commencing demolition work; and

(C) Keep a copy of the order, Department's approval, and the notification form at the demolition site during all phases of demolition until final disposal of the project waste at an authorized landfill; and

(D) Keep asbestos-containing materials and asbestos contaminated debris adequately wet during demolition and comply with the disposal requirements set forth in OAR 340-248-0280 or 340-248-0290.

(g) Persons performing asbestos abatement outside full negative pressure containment must obtain written approval from the Department before using mechanical equipment to remove asbestos-containing material.

(h) Before a facility is demolished by intentional burning, all asbestos-containing material must be removed and disposed of in accordance with OAR 340-248-0010 through 340-248-0290.

(i) None of the operations in section (1) through (4) of this rule may cause any visible emissions. Any local exhaust ventilation and collection system or vacuuming equipment used during an asbestos abatement project, must be equipped with a HEPA filter or other filter of equal or greater collection efficiency.

(j) The Director may approve, on a case-by-case basis, requests to use an alternative to the requirements contained in this rule. The contractor or facility owner or operator must submit a written description of the proposed alternative and demonstrate to the Director's satisfaction that the proposed alternative provides public health protection equivalent to the protection that would be provided by the specific requirement, or that such level of protection cannot be obtained for the asbestos abatement project.

(k) Final Air Clearance Sampling Requirements apply to projects involving more than 160 square feet or 260 linear feet of asbestos-containing material. Before containment around such an area is removed, the person performing the abatement must have at least one air sample collected that documents that the air inside the containment has no more than 0.01 fibers per cubic centimeter of air. The air sample(s) collected may not exceed 0.01 fibers per cubic centimeter of air. The Department may grant a waiver to this section or exceptions to the following requirements upon receiving an advanced written request:

(A) The air clearance samples must be performed and analyzed by a party who is National Institute of Occupational Safety and Health (NIOSH) 582 certified and financially independent from the person(s) conducting the asbestos abatement project;

(B) Before final air clearance sampling is performed the following must be completed:

(i) All visible asbestos-containing material and asbestos-containing waste material must be removed according to the requirements of this section;

(ii) The air and surfaces within the containment must be sprayed with an encapsulant;

(iii) Air sampling may commence when the encapsulant has settled sufficiently so that the filter of the sample is not clogged by airborne encapsulant;

(iv) Air filtration units must remain on during the air-monitoring period.

(C) Air clearance sampling inside containment areas must be aggressive and comply with the following procedures:

(i) Immediately before starting the sampling pumps, direct exhaust from a minimum one horse power forced air blower against all walls, ceilings, floors, ledges, and other surfaces in the containment;

(ii) Then place stationary fans in locations that will not interfere with air monitoring equipment and then directed toward the ceiling. Use one fan per 10,000 cubic feet of room space;

(iii) Start sampling pumps and sample an adequate volume of air to detect concentrations of 0.01 fibers of asbestos per cubic centimeter according to NIOSH 7400 method;

(iv) When sampling is completed turn off the pump and then the fan(s);

(v) As an alternative to meeting the requirements of paragraphs (A) through (D) of this subsection, air clearance sample analysis may be performed according to Transmission Electron Microscopy Analytical Methods prescribed by 40 CFR 763, Appendix A to Subpart E (Interim Transmission Electron Microscopy Analytical Methods).

(D) The person performing asbestos abatement projects requiring air clearance sampling must submit the clearance results to the Department on a Department form. The clearance results must be received by the Department within 30 days after the completion date of the asbestos abatement project.

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.745
Hist.: DEQ 96, f. 9-2-75, ef. 9-25-75; DEQ 22-1982, f. & ef. 10-21-82; DEQ 9-1988, f. 5-19-88. ef. 6-1-88 (and corrected 6-3-88); DEQ 18-1991, f. & cert. ef. 10-7-91, Renumbered from 340-025-0465(6) - (12); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 18-1993, f. & cert. ef. 11-4-93, Renumbered from 340-025-0468; DEQ 15-1995, f. & cert. ef. 6-16-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-5640; DEQ 1-2002, f. & cert. ef. 2-4-02; DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03; DEQ 11-2015(Temp), f. 12-10-15, cert. ef. 1-1-16 thru 6-28-16; DEQ 3-2016, f. & cert. ef. 4-21-16

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Rule Caption: Air Quality 2016 Temporary Rules for Colored Art Glass Manufacturing
Adm. Order No.: DEQ 4-2016(Temp)
Filed with Sec. of State: 4-21-2016
Certified to be Effective: 4-21-16 thru 10-17-16
Notice Publication Date:
Rules Adopted: 340-244-9000, 340-244-9010, 340-244-9020, 340-244-9030, 340-244-9040, 340-244-9050, 340-244-9060, 340-244-9070, 340-244-9080, 340-244-9090
Rules Amended: 340-244-0010
Subject: Studies have found elevated and possibly unsafe levels of metals in the air around two glass manufacturing facilities in Portland. In May 2015, DEQ received the initial results of a study the U.S. Forest Service conducted looking at moss samples as an indicator or screening tool for contaminants in the air. This study used a new approach with no standard operating procedures. The study's results showed that the moss samples in areas near two colored art glass manufacturers contained high levels of the heavy metals cadmium and arsenic in Southeast Portland and cadmium in North Portland .

This pilot study prompted DEQ to set up air monitoring systems near a glass company in Southeast Portland. The study collected 24-hour air samples every few days over a 30-day period in October 2015. The results of DEQ's air monitoring confirmed that the glass company was the likely source of metals air emissions. DEQ completed its quality assurance and quality control review of those samples in late January 2016. DEQ then shared its analysis of the findings with the Oregon Health Authority and the Multnomah County Health Department.

DEQ also identified a second area of concern near a glass company in North Portland. The glass companies were operating in compliance with the current law. One company was operating within its permit and the other company is not required to have a permit.

The U.S. Congress amended the Clean Air Act In 1990 to allow EPA to oversee the control of 188 hazardous air pollutants (HAPs) to protect human health. The EPA works with local and state governments to implement technologies that control the emission of these chemicals. For glass manufacturing the industry standards focus on emissions for large facilities, such as those that make beer bottles.

DEQ established air toxics benchmarks in 2006 that set guidelines for 52 pollutants. Benchmarks are Oregon's protective "clean air" goals that DEQ developed to address toxic air pollutants. There are no direct regulatory requirements associated with benchmarks. In 2005, with EPA funding, DEQ measured concentrations of air toxics, including metals, at six locations in the Portland area. DEQ found levels of many pollutants above clean air benchmarks.

DEQ's work in 2006 and since then has identified levels of some toxic air pollutants that are still above Oregon's air toxics benchmarks. This is a significant problem because toxic air pollutants are connected with serious health effects like cancer, respiratory problems and organ damage. DEQ's air toxics benchmarks are very protective air concentrations that people could breathe for a lifetime

without increasing their cancer risk beyond a chance of one in a million.

Air toxics emissions from certain types of industrial businesses like small art glass manufacturers are not regulated under federal requirements. Based on sampling DEQ undertook last October, and in recent weeks, DEQ has concluded that uncontrolled furnaces used in such small art glass manufacturing are more likely than not to emit potentially unsafe levels of certain metals, including arsenic, cadmium, hexavalent chromium and nickel. The temporary rules that DEQ proposes for EQC adoption are intended to immediately protect the public health and the environment by ensuring the air emissions from small art glass facilities do not cause unsafe levels of metals in the air nearby.

The proposed rules would fill the regulatory gap by setting operation standards for art glass businesses that emit air toxics and potentially cause serious health effects.

The proposed rules create two tiers of colored art glass manufacturers based on production and furnace type. By prohibiting use of chromium VI, cadmium and arsenic prior to installation of emission control devices at larger colored art glass facilities, the temporary rules would immediately decrease risk from airborne metal exposure to people nearby, including children and other sensitive or vulnerable individuals. By prohibiting use of chromium III until DEQ establishes a maximum allowable usage rate, the temporary rules will ensure that facilities are not emitting potentially dangerous amounts of chromium VI.

Rules Coordinator: Meyer Goldstein—(503) 229-6478

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 & 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; DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thry 10-17-16

340-244-9000
Applicability

Notwithstanding OAR 340 Division 246, OAR 340-244-9000 through 9090 apply to facilities located within the Portland Air Quality Maintenance Area that:

(1)(a) Manufacture colored glass from raw materials, or a combination of raw materials and cullet, for use in art, architecture, interior design and other similar decorative applications, or

(b) Manufacture colored glass products from raw materials, or a combination of raw materials and cullet, for use by colored glass manufacturers 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 metal HAPs: arsenic, cadmium, chromium, lead, manganese and nickel.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040
Stats. Implemented: ORS 468A.025, & 468A.040
Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thry 10-17-16

340-244-9010
Definitions

The definitions in OAR 340-200-0020 and this rule apply to OAR 340-244-9000 through 9090. 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-making furnace to produce glass. Cullet does not include glass materials that contain metal HAPs in amounts that materially affect the color of the finished product and that are used as coloring agents; such materials are considered raw materials. 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 refractory-lined vessel in which raw materials are charged and melted at high temperature to produce molten glass.

(9) "Metal HAP" means arsenic, cadmium, chromium, lead, manganese or nickel in any form, such as the pure metal, in compounds or mixed with other materials.

(10) "Raw material" means:

(a) Substances that are intentionally added to a glass manufacturing batch and melted in glass-making furnace to produce glass, including but not limited to:

(A) Minerals, such as silica sand, limestone, and dolomite;

(B) Inorganic chemical compounds, such as soda ash (sodium carbonate), salt cake (sodium sulfate), and potash (potassium carbonate);

(C) Metal oxides and other metal-based compounds, such as lead oxide, chromium oxide, and sodium antimonate; and

(D) Metal ores, such as chromite and pyrolusite.

(b) Metals that are naturally-occurring trace constituents or contaminants of other substances are not considered to be raw materials.

(c) Raw material includes glass materials that contain metal HAPs in amounts that materially affect the color of the finished product and that are used as coloring agents.

(d) Cullet and material that is recovered from a glass-making furnace control device for recycling into the glass formulation are not considered to be raw materials.

(11) "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.

(12) "Tier 2 CAGM" means:

(a) A CAGM that produces 10 tons per year or more of colored art glass in fuel-heated or combination fuel- and electrically-heated glass-making furnaces; or

(b) Produces 100 tons per year or more of colored art glass in any type of glass-making furnace.

(13) "Uncontrolled" means the glass-making furnace emissions are not treated by an emission control device approved by DEQ.

(14) "Week" means Sunday through Saturday.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040
Stats. Implemented: ORS 468A.025, & 468A.040
Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thry 10-17-16

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
Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thry 10-17-16

340-244-9030
Requirements That Apply To Tier 2 CAGMs

Effective September 1, 2016, Tier 2 CAGMs may not use raw materials containing any metal HAPs except in glass-making furnaces that use an emission control device that meets the requirements of OAR 340-244-9070.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040
Stats. Implemented: ORS 468A.025, & 468A.040
Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thry 10-17-16

340-244-9040
Operating Restrictions That Apply To Tier 2 CAGMs

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

(2) A Tier 2 CAGM may use raw materials containing chromium III in a glass-making furnace (controlled or uncontrolled) if DEQ has established annual and daily maximum allowable chromium III usage rates for the glass-making furnace or group of glass-making furnaces that will prevent the source impact from exceeding an annual acceptable source impact level of 0.08 nanograms per cubic meter of chromium VI and a daily acceptable source impact level of 36 nanograms per cubic meter of chromium VI.

(3) After DEQ establishes the maximum allowable chromium III usage rates for a CAGM's glass-making furnace or 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) A source test must be performed 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 glass-making 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) The Tier 2 CAGM must perform dispersion modeling, using models and protocols approved by DEQ, to determine the annual average and daily maximum 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) Establish a maximum chromium III usage so that the source impact will not exceed either of the following:

(i) An annual acceptable source impact level for chromium VI concentration of 0.08 nanograms per cubic meter at the nearest sensitive receptor approved by DEQ. Sensitive receptors include, but are not limited to: residences, hospitals, schools, daycare facilities, elderly housing and convalescent facilities; and

(ii) A daily acceptable source impact level for chromium VI concentration of 36 nanograms per cubic meter at any off-site modeled receptor.

(c) Each Tier 2 CAGM must keep daily records of all glass formulations produced and, until such time as the Tier 2 CAGM has installed all emission control devices required under OAR 340-244-9030, provide to DEQ a weekly report of the daily amount of each metal HAP used.

(4) Tier 2 CAGMs may apply source testing protocols equivalent to those in section (3)(a) 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 prevent the source impact from exceeding an annual acceptable source impact level of 0.08 nanograms per cubic meter and a daily acceptable source impact level of 36 nanograms per cubic meter.

(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 approved by DEQ, 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
Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thry 10-17-16

340-244-9050
Requirements That Apply To Tier 1 CAGMs

(1) No later than October 1, 2016, each Tier 1 CAGM must comply with subsection (a), (b) or (c) for each glass-making furnace or group of glass-making furnaces:

(a) Install an emission control device to control a glass-making furnace or group of glass-making furnaces that uses raw material containing metal HAPs, and that meets the emission control device requirements in OAR 340-244-9070;

(b) Demonstrate that the glass-making furnace or group of glass-making furnaces meets the exemption in section (2); or

(c) Request a permit condition that prohibits the use of metal HAPs in the glass-making furnace or group of glass-making furnaces, and comply with that condition.

(2) A Tier 1 CAGM is exempt from the requirement to install emission controls under subsection (1)(a) on a glass-making furnace or group of glass-making furnaces if that CAGM meets the requirements of subsection (a) for each of the individual metal HAPs listed in paragraphs (a)(A) through (a)(F) below. This exemption is not allowed for a glass-making furnace or group of glass-making furnaces that use raw materials containing chromium VI.

(a) The CAGM shows through source testing and dispersion modeling if necessary, following the requirements of subsections (b) and (c), that the metal HAP concentrations modeled at the nearest sensitive receptor do not exceed the applicable concentration listed in paragraphs (A) through (F). For chromium VI resulting from the use of chromium III, the CAGM may source test for and model chromium VI, or may source test for and model total chromium in lieu of chromium VI to demonstrate that the ambient concentration is below the concentration listed in paragraph (C). If the modeled total chromium ambient concentration exceeds the concentration listed in paragraph (C), then the CAGM may conduct an additional source test to measure chromium VI and model to show that the ambient concentration of chromium VI does not exceed the concentration listed in paragraph (C).

(A) Arsenic, 0.2 nanograms per cubic meter;

(B) Cadmium, 0.6 nanograms per cubic meter;

(C) Chromium VI, 0.08 nanograms per cubic meter;

(D) Lead, 15 nanograms per cubic meter;

(E) Manganese, 90 nanograms per cubic meter;

(F) Nickel, 4 nanograms per cubic meter.

(b) Source testing for the purpose of demonstrating the exemption in this section must be performed as follows:

(A) Test using DEQ-approved protocols and methods for each metal HAP listed in paragraphs (a)(A) through (a)(F) that the Tier 1 CAGM intends to use.

(B) Test for particulate matter using DEQ Method 5 or equivalent; metals using EPA Method 29, CARB Method M-436 or an equivalent method approved by DEQ; and if the Tier 1 CAGM chooses, chromium VI using a method approved by DEQ.

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

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

(E) Keep records of the amount of each metal HAP regulated under this rule used in the formulations that are produced during the source test runs, as well as other operational parameters identified in the source test plan.

(c) Dispersion modeling for the purpose of demonstrating the exemption in this section is not required for any HAP metal that the source testing under subsection (b) shows is not greater than the applicable concentration listed in paragraphs (a)(A) through (a)(F); otherwise, dispersion modeling must be performed as follows:

(A) Submit a modeling protocol for DEQ approval;

(B) Use the EPA-approved model AERSCREEN or other EPA-approved model;

(C) Use the maximum emission rate for each metal to be modeled as determined by the source testing required by subsection (b); and

(D) Model the ambient concentration at the nearest sensitive receptor approved by DEQ. Sensitive receptors include, but are not limited to: residences, hospitals, schools, daycare facilities, elderly housing and convalescent facilities.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040
Stats. Implemented: ORS 468A.025, & 468A.040
Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thry 10-17-16

340-244-9060
Operating Restrictions That Apply To Tier 1 CAGMs

(1) Tier 1 CAGMs may not use raw materials that contain chromium VI in any uncontrolled glass-making furnace.

(2) 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
Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thry 10-17-16

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) A CAGM must obtain DEQ approval of the design of all emission control devices before installation, as provided in this rule.

(b) A 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 glass-making furnace.

(d) Each emission control device must be equipped with the following monitoring equipment:

(A) An inlet temperature monitoring device;

(B) A differential pressure monitoring device if the emission control device is a baghouse; and

(C) Any other monitoring device or devices specified in DEQ's approval of the Notice of Intent to Construct.

(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.

(g) After commencing operation of any emission control device, the CAGM must monitor the emission control device as required by OAR 340-244-9080.

(h) A CAGM must perform the following source testing on at least one emission control device. Source testing done under OAR 340-244-9040(2) may be used in whole or in part to comply with this requirement.

(A) 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;

(B) The emission control device to be tested must be approved by DEQ;

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

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

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040
Stats. Implemented: ORS 468A.025, & 468A.040
Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thry 10-17-16

340-244-9080
Emission Control Device Monitoring

(1) Each Tier 1 CAGM must perform the following monitoring on each emission control device it uses to comply with this rule:

(a) At least once each week, observe and record the inlet temperature and differential pressure (if applicable); and

(b) At least once every 12 months:

(A) Inspect the ductwork and emission control device housing for leakage;

(B) Inspect the interior of the emission control device for structural integrity and, and if a fabric filter (baghouse) is used, to determine the condition of the fabric filter; and

(C) Record the date, time and results of the inspection.

(2) Each Tier 2 CAGM must perform the following monitoring on each emission control device used to comply with this rule:

(a) At least once each day, observe and record the inlet temperature and differential pressure (if applicable); and

(b) At least once every 12 months:

(A) Inspect the ductwork and emission control device housing for leakage;

(B) Inspect the interior of the emission control device for structural integrity and, and if a fabric filter (baghouse) is used, to determine the condition of the fabric filter; and

(C) Record the date, time and results of the inspection.

(3) CAGMs must observe and record any parameters specified in a DEQ approval of the Notice of Intent to Construct applicable to a control device.

Stat. Auth.: ORS 468.020, 468A.025, & 468A.040
Stats. Implemented: ORS 468A.025, & 468A.040
Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thry 10-17-16

340-244-9090
Other Metal HAPs

(1) If DEQ determines that ambient concentrations of a metal HAP in the area of a CAGM pose an unacceptable risk to human health and that emissions from an uncontrolled glass-making furnace at the CAGM are a contributing factor, then DEQ must set a limit on the CAGM's use of the metal HAP of concern in uncontrolled glass-making 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
Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thry 10-17-16

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Rule Caption: Clean Fuels Program Corrections
Adm. Order No.: DEQ 5-2016(Temp)
Filed with Sec. of State: 4-22-2016
Certified to be Effective: 4-22-16 thru 9-1-16
Notice Publication Date:
Rules Amended: 340-253-8010, 340-253-8020, 340-253-8030, 340-253-8040
Subject: DEQ proposes to amend Oregon Clean Fuels Program rules under division 253 of chapter 340 of the Oregon Administrative Rules. The proposed rule changes would correct a miscalculation of how the clean fuel standards and the carbon intensity values of two fuel pathways were calculated in the rules the Environmental Quality Commission adopted on Dec. 9, 2015.
Rules Coordinator: Meyer Goldstein—(503) 229-6478

340-253-8010
Table 1 — Oregon Clean Fuel Standard for Gasoline and Gasoline Substitutes

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 468.020 & 2009 OL Ch. 754 Sec. 6 (2011 Edition)
Stats. Implemented: 2009 OL Ch. 754 Sec. 6 (2011 Edition)
Hist.: DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15; DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16; DEQ 5-2016(Temp), f. & cert. ef. 4-22-16 thru 9-1-16

340-253-8020
Table 2 — Oregon Clean Fuel Standard for Diesel Fuel and Diesel Substitutes

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 468.020, 2009 OL Ch. 754 Sec. 6 (2011 Edition) & 2015 OL Ch. 4 Sec. 3
Stats. Implemented: 2009 OL Ch. 754 Sec. 6 (2011 Edition)
Hist.: DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15; DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16; DEQ 5-2016(Temp), f. & cert. ef. 4-22-16 thru 9-1-16

340-253-8030
Table 3 — Oregon Carbon Intensity Lookup Table for Gasoline and Gasoline Substitutes

NOTE: DEQ recognizes that indirect effects, including indirect land use change, are real. However the methodologies to quantify these effects are still in development. DEQ intends to monitor the science of indirect effect and will adjust carbon intensity values through future rulemaking as methodologies improve.
[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 468.020, 2009 OL Ch. 754 Sec. 6 (2011 Edition) & 2015 OL Ch. 4 Sec. 3
Stats. Implemented: 2009 OL Ch. 754 Sec. 6 (2011 Edition) & 2015 OL Ch. 4 Sec. 3
Hist.: DEQ 8-2012, f. & cert. ef. 12-11-12; DEQ 15-2013(Temp), f. 12-20-13, cert. ef. 1-1-14 thru 6-30-14; DEQ 8-2014, f. & cert. ef. 6-26-14; Renumbered from 340-253-3010 by DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15; DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16; DEQ 5-2016(Temp), f. & cert. ef. 4-22-16 thru 9-1-16