

DEPARTMENT OF ENVIRONMENTAL QUALITY
Chapter 340
Proposed Rulemaking
Adoption of Air Quality Permit Program Streamlining and Updates

Additional Information on Proposed Rule Changes: Proposed Rule Summary

Summary of Proposed Rule Changes

1. General Definitions

Proposed changes would relocate several definitions to the General Air Quality Definitions section to make it clear that they apply to all air quality rules. Revisions to the definition of “particulate matter” would improve the cross reference to DEQ’s Air Quality Source Sampling Manual and specify test methods.

2. Delisting HFE-7300 as a VOC

The proposed changes would add HFE-7300 to the list of compounds exempt from the definition of volatile organic compounds (VOC). According to EPA research, this substance has negligible reactivity and very low potential to form ground-level ozone or smog. HFE-7300 has a variety of potential uses including as a heat-transfer fluid and in coating, cleaning, and lubricating applications. This change should benefit air quality in Oregon, because exempting HFE-7300 will allow the Department to focus VOC reduction strategies on compounds that are more responsible for forming ground-level ozone or smog. Delisting will likely have an additional environmental benefit because HFE-7300 can be used in place of substances that deplete the earth’s protective ozone layer and substances with high global warming potentials.

3. Revisions to Standards for Clackamas, Columbia, Multnomah, and Washington Counties

The proposed changes would repeal outdated and redundant requirements. The Storage and Handling of Petroleum Products section in OAR 340-208-0560 is redundant with existing New Source Performance Standards (NSPS) and vapor control requirements in OAR 340-242-0520. The Sulfur Dioxide Emission Standard in OAR 340-208-0630 is redundant with existing fuel oil sulfur content limits and Kraft Pulp Mill regulations. These changes would result in the removal of unnecessary permit conditions and are not expected to affect air quality or rule stringency.

4. Revisions to make Title V procedural rules consistent with federal Part 70 requirements, and improve administration

In 2004, EPA began a comprehensive review of DEQ’s Title V Operating Permitting Program. In June 2006, EPA identified several areas where DEQ needed to change its rules for better alignment with federal requirements. Aligning DEQ regulations with federal Part 70 requirements would maintain clarity, enforceability, and continued federal approval of the Title V Program. The revisions would improve administration of the Title V Program by ensuring a full description of the comment procedures in public notices, and clarifying the process for responding to comments prior to issuance or denial of a permit. The proposed revisions would also clarify that for facilities with Title V or Air Contaminant Discharge

Permits (ACDPs), requirements established in preceding permits remain in effect unless specifically modified or terminated. The proposed revisions would satisfy federal requirements by updating the description of which facilities are exempted from the requirement to obtain a Title V Permit. Additional rule revisions in response to federal requirements would allow reporting or source testing dates to be changed by administrative permit amendment if a facility or parts of a facility are not operating, and disallow treatment of baseline and Plant Site Emission Limit (PSEL) corrections as administrative permit amendments.

DEQ also identified several streamlining improvements for Title V Permitting. These proposed revisions would eliminate redundancy by limiting the information needed in renewal applications to new or changed information only, decreasing the number of required application copies from four to three, and directing applicants to submit a copy of monitoring reports to DEQ regional offices. The Department does not expect these changes to affect air quality or rule stringency, but they may result in minor efficiencies for permitted facilities.

5. Revisions to make Excess Emissions rules consistent with federal Part 70 requirements
In its 2006 Title V Program Review, EPA identified several deficiencies in DEQ's Excess Emissions rules. Revisions to these rules would achieve two main objectives. First, they would clarify that the affirmative defense of emergency does not take away DEQ's enforcement discretion, but is relevant when evaluating a violation to determine the level of penalty. Second, the revisions would consolidate the notification and reporting requirements and the criteria for demonstrating emergency as an affirmative defense. These changes would improve enforceability and ensure continued Title V Program and State Implementation Plan (SIP) approval. The proposed revisions would make DEQ's rules consistent with 40 CFR part 70 requirements and also EPA SIP guidance. The EPA SIP guidance is contained in a September 20, 1999 memorandum titled "State Implementation Plans: Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown" from Steven A. Herman, Assistant for Enforcement and Compliance Assurance, and Robert Perciasepe, Assistant Administrator for Air and Radiation.
6. Changes to Basic Permit Categories
The proposed changes streamline the ACDP permitting program by eliminating basic permit categories with limited potential for environmental harm. In 2001, DEQ instituted 19 Basic Permit categories to track small air emission sources. DEQ intended that basic permits function as a registration, or means to track sources with potential to grow or require a different type of permit and to trigger control requirements. The purpose was to anticipate emission increases and reduce potential for source violations. DEQ has determined that there is little to no environmental benefit from tracking the 12 basic permit categories proposed for deletion.

The existence of unused basic permit categories results in lack of clarity about whether various small facilities must obtain basic ACDPs. Deleting the unused permit categories will eliminate confusion and align the rules with current program implementation. To date, DEQ has only issued basic permits to source categories that required ACDPs before the 2001 rulemaking. Because no basic permits have been issued in the 12 categories proposed for

repeal, this action would not result in termination of any existing permits. A general provision in the ACDP rules ensures that any facility with significant emissions is regulated through a permit. OAR 340-216-0020 Table 1 (B)(75) requires permits for all sources not otherwise listed with emissions of five or more tons a year of PM10 in a PM10 non-attainment or maintenance area, or 10 or more tons of any single criteria pollutant in any part of the state.

7. Update and Renewal of General Permits for Rock Crushers, Ready Mix Concrete Plants, Asphalt Plants, Sawmills/Plywood/Veneer Plants, Boilers and Crematories

DEQ proposes to adopt by reference updates and corrections to six categories of general permits. Since these permits were originally issued in 2001, the Department has identified various errors in need of correction. These changes will clarify monitoring, reporting and compliance procedures, and are not expected to affect air quality or rule stringency.

8. SO2 Averaging

To align with federal standards, DEQ proposes to change the averaging time in the sulfur dioxide standards for fuel-burning equipment from two to three hours. The averaging time is the period during which measurements are taken to determine compliance with a standard. Measurements of a pollutant are averaged for comparison to the standard. Currently, some facilities must demonstrate compliance with both two and three hour averaging periods. DEQ does not expect this change to affect air quality or rule stringency. It will simplify compliance determinations by eliminating duplicative standards.

9. Salt Laden Wood Exception

This proposal would add a requirement that the existing salt laden wood waste exemption is applicable only upon prior notice to DEQ. When burned, salt laden wood has higher emissions than “standard” wood. High salt content is caused by floating logs in salt water as a means of transportation. While this was a common practice 30 years ago, it is now a rare event. This proposal would allow the Department to have knowledge of this exemption so it can assure compliance with the appropriate standard.

10. Utility Mercury Rule Corrections

On December 15, 2006, the Environmental Quality Commission adopted the Utility Mercury Rule which opts Oregon into the national mercury cap-and-trade program through 2017, requires coal-fired power plants in Oregon to install mercury controls in 2012, and opts Oregon out of the national cap-and-trade program starting in 2018. As a result of opting out of the national cap-and-trade program, mercury emissions from coal-fired power plants in Oregon are capped at 60 pounds per year in 2018 and thereafter. The rule distributes the 60 pound cap among the existing Boardman plant and new plants, with the Boardman plant capped at 35 pounds of mercury per year and all new plants capped at a combined 25 pounds of mercury per year.

Since the adoption of the Utility Mercury Rule, DEQ has discovered that the method of distribution of the 25 pound mercury emission cap for new plants is flawed. Currently the Utility Mercury Rule distributes Oregon’s mercury emissions cap for new plants based on relative plant size. Under this distribution system, as new plants come on line, they could

potentially take a portion of the mercury allocation away from an existing plant putting the existing plant into non-compliance due to no fault of their own. This allocation method used by the federal Clean Air Mercury Rule makes sense when associated with a trading program because a plant could just purchase extra credits, but it creates problems in the absence of trading. It could also create unexpected and unavoidable non-compliance for the existing plant.

For instance, a 500 megawatt plant might be given a 25 pound mercury cap when it starts up. Then if a new 200 megawatt plant was built the credits would be redistributed based on plant size: the 500 megawatt plant would get 18 pounds and the 200 megawatt plant would get 7 pounds. The 500 megawatt plant would be seven pounds short of what it needs to operate.

The proposed corrections to the Utility Mercury Rule would require DEQ to distribute Oregon's mercury emissions cap for new plants on a first-come-first-served basis. This would ensure more equitable distribution of the mercury emissions cap for new plants and would not affect air quality or rule stringency.

Additional revisions to the Utility Mercury Rule correct cross references.

11. Revisions to Incinerator Rules

Proposed revisions to the incinerator rules would clarify and consolidate definitions and clarify the requirements for operating crematory incinerators. These revisions would be consistent with current implementation and rule interpretation. There will be no increase in workload for permitted sources or the Department and the changes are not expected to affect air quality or rule stringency.

12. Wigwam Prohibition

Because wigwam waste burners cannot be operated in compliance with other air quality regulations, DEQ proposes to repeal outdated regulations governing wigwam burners and prohibit their use statewide. The proposed revisions would specify that wigwam waste burner emissions not be subtracted from the netting basis in rare cases where wigwam burners were actually operated at facilities during the baseline period. These changes are not expected to affect workload, air quality or rule stringency.

13. Revisions to Kraft Pulp Mill Rules

The Department adopted the Kraft Pulp Mill Rules in 1973. Since then, EPA has promulgated New Source Performance Standards (NSPS) for kraft pulp mills. Process units at some mills were modified after the NSPS applicability date, making those units subject to the NSPS. Several sections of the Kraft Pulp Mill Rules are redundant for mills with process units that are subject to the NSPS. As a result of these redundancies, Title V permits now include multiple permit conditions that set similar requirements the same emission sources and pollutants. Revisions would streamline the Kraft Pulp Mill Rules by eliminating redundancies. The revisions would also simplify permitting and compliance determinations and eliminate unnecessary reporting. There could be a minimal decrease in workload for DEQ and permitted sources. These changes are not expected to affect workload, air quality or rule stringency.

14. Simplified Emission Standards for Plywood, Particleboard and Hardboard Manufacturing Operations

The current board product standards are confusing. In one section the standards are based on square foot of product, but in another section the standards are hourly emission limits based on maximum production rates. As a result, these standards have been interpreted inconsistently for many years. Proposed revisions to these standards would clarify emission requirements for plywood, particleboard and hardboard manufacturing facilities by specifying uniform measurements and compliance methods. These revisions would facilitate permitting and are not expected to affect air quality or rule stringency.

15. Changes to Emission Standards for Specific Industries

Proposed changes to these rules would consolidate definitions and clarify them for consistency with other divisions. These changes are not expected to affect air quality or rule stringency.

Table 1: Description of Proposed Changes

Topic	Rule Citation	Description of Proposed Change
General Definitions	340-200-0020 (11)	- “Ambient Air” Relocates definition and clarifies exclusion for areas to which the general public has no access.
	(78)	- “Opacity” Relocates definitions to the general section to apply to all air quality rules in divisions 200 through 268. Deletes reference to Director’s discretion to allow alternatives to emission limits, testing or monitoring methods in federal rules or the State Implementation Plan without prior EPA approval.
	(83)	- “Particulate Matter” Clarifies cross reference to Source Sampling Manual, clarifies test methods. Redundant definitions of “Particulate Matter” in other sections are deleted (340-228-0020).
	(130)	- “Source Test” Deletes reference to Director’s discretion to allow alternatives to emission limits, testing or monitoring methods in federal rules or the State Implementation Plan without prior EPA approval.
Delisting HFE-7300 as a	340-200-0020 (143)	- Adds HFE-7300 to the list of volatile organic

VOC		compounds that are not subject to regulation as ozone forming compounds because of a very low tendency to react with sunlight to form ozone.
Revision to definition of “fuel burning equipment”	340-208-0010(4)	- Revises the definition of “fuel burning equipment” to ensure that the particulate standards in OAR 340-208-0610 and Divisions 226 and 228 are applied correctly. The standards in 340-208-0610 and Division 228 should not apply to equipment such as veneer dryers and particle dryers that may burn fuel but use dilution to control the temperature of the gas. These types of equipment are subject to the general particulate standards in Division 226. The same is true for internal combustion engines. Gas turbines, for example, cannot be subject to the standards in 340-208-0610 and Division 228 because the exhaust gas stream is diluted by excess air. Divisions 208 and 228 have a correction to 12 percent CO ₂ or 50 percent excess air and are intended to apply only to boilers and process heaters with controlled, near stoichiometric combustion.
Revisions to Standards for Clackamas, Columbia, Multnomah, and Washington Counties	340-208-0560 340-208-0630	- Deletes Storage and Handling of Petroleum Products section which is redundant with existing New Source Performance Standards (NSPS) and vapor control requirements in 340-242-0520. - Deletes Sulfur Dioxide Emission Standard because of redundancy with existing fuel oil sulfur content limits and Kraft Pulp Mill regulations.
Making Title V procedural rules consistent with federal Part 70 requirements, and improving administration.	340-209-0040 340-209-0080 340-216-0020 and 0082	- Adds that public notices of proposed Title V Permit actions will include a description of procedures for making comments and requesting hearings. - For added clarity, moves procedures for responding to comments and taking action on Title V Permits into the rule section on Issuance or Denial of a Permit. - Clarifies that facilities with Air Contaminant Discharge Permits (ACDPs) may not be

	<p>340-216-0082 and 340-218-0010</p> <p>340-218-0020 (4)</p> <p>340-218-0040</p> <p>340-218-0050 (3)</p> <p>340-218-0150</p>	<p>operated if the permit expires or is terminated, unless a timely renewal application has been submitted or another type of permit has been issued.</p> <p>- Clarifies that for facilities with Title V or ACDPs, requirements established in preceding permits remain in effect unless specifically modified or terminated. Previous source specific emission reduction requirements must be incorporated into Title V Permits.</p> <p>- For consistency with federal regulations, updates description of which facilities are exempted from the requirement to obtain a Title V Permit.</p> <p>- Eliminates redundancy by limiting information needed on renewal applications to new or changed information. Decreases number of required application copies from 4 to 3.</p> <p>- Directs applicants to submit a copy of monitoring reports to DEQ regional offices. Deletes requirement to submit the excess emissions log with the annual report because revisions to the Excess Emissions rule require submission within 15 days of an excess emissions event. Changes the definition of “prompt” to 15 days after a deviation.</p> <p>- Clarifies that reporting or source testing dates may be changed by administrative permit amendment if a facility or parts of a facility are not operating. Deletes baseline or Plant Site Emission Limit correction as an administrative permit amendment.</p>
<p>Making Excess Emissions rules consistent with federal Part 70 requirements</p>	<p>340-214-0010</p> <p>340-214-0300</p>	<p>- Clarifies that a “Large Source” is a facility required to maintain a Title V Permit, and a “Small Source” is a facility required to maintain an ACDP.</p> <p>- Broadens applicability of the Excess Emissions rule to include excess emissions caused by reasons other than those enumerated</p>

	<p>340-214-300(3) and (4) 340-214-0310(3) 340-214-0320(2) 340-214-0330(4) 340-214-0350 340-214-360</p> <p>340-214-0330</p> <p>340-214-0340</p> <p>340-214-0360</p>	<p>in the rule.</p> <ul style="list-style-type: none"> - Aligns language with federal requirements by clarifying that the affirmative defense of emergency does not take away DEQ’s enforcement discretion, but is relevant when evaluating a violation to determine the level of penalty. - Consolidates notification requirements for excess emissions not addressed by planned startup and shutdown, scheduled maintenance or emergencies, in the All Other Excess Emissions section. - For clarity and ease of use, consolidates reporting requirements in one section. Many of the reporting requirements were located in the section on Enforcement Action Criteria. Clarifies that excess emission report must include whether a source followed approved procedures for startup, shutdown or maintenance activity when applicable. - Consolidates and further describes criteria for demonstrating emergency as an affirmative defense.
<p>Changes to Basic Permit Categories</p>	<p>340-216-0020 Table 1</p>	<ul style="list-style-type: none"> - To streamline permitting procedures, clarifies which facilities must obtain basic permits and update rules to current practices, deletes twelve unused Basic Permit categories: <ul style="list-style-type: none"> - Wood Furniture and Fixtures more than 5,000 but less than 25,000 board feet/maximum 8 hour input - Flour, Blended and/or Prepared and Associated Grain Elevators more than 2,000 but less than 10,000 tons per year throughput. - Grain Elevators used for intermediate storage more than 1,000 but less than 10,000 tons/yr. throughput. - Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries more than one ton/yr. but less than 100

		<p>tons/yr. metal charged (not elsewhere identified).</p> <ul style="list-style-type: none"> - Millwork (including kitchen cabinets and structural wood members) more than 5,000 but less than 25,000 bd. ft./maximum 8 hour input. - Non-Ferrous Metal Foundries more than one ton/yr. but less than 100 tons/yr. of metal charged. - Pesticide Manufacturing more than 1,000 tons/yr. but less than 5,000 tons/yr. - Sawmills and/or Planing Mills more than 5,000 but less than 25,000 board feet/maximum 8 hour finished product. - Seed Cleaning and Associated Grain Elevators more than 1,000 but less than 5000 tons per year throughput. - Bakeries, Commercial baking more than 500 tons of dough per year. - Cereal Preparations and Associated Grain Elevators more than 2,000 but less than 10,000 tons per year throughput. - Coffee Roasters roasting more than 6 tons coffee beans in a year, but less than 30 tons/yr.
Update and Renewal of General Permits for Rock Crushers, Ready Mix Concrete Plants, Asphalt Plants, Sawmills/Plywood/Veneer Plants, Boilers and Crematories	340-216-0060(5)(g), (h), (i), (j), (k), and (l)	- Adopts by reference updates and corrections to six categories of general permits.
SO2 Averaging	340-228-0200	- To match federal standards, changes the averaging time for sulfur dioxide standards for fuel-burning equipment from two hours to three hours.
Salt Laden Wood Exception	340-228-0210	- Adds requirement for notice to the Department prior to using an existing exemption allowing a higher emission rate for burning salt laden wood waste.
Utility Mercury Rule Corrections	340-228-0672	- Fixes Oregon's Utility Mercury Rule to direct the Department to distribute the 25 pound mercury emissions cap to new plants on a first-

	<p>340-228-0673 340-228-0674 340-228-0676 340-228-0678</p>	<p>come-first-served basis.</p> <p>- Corrects cross references.</p>
<p>Revisions to Incinerator Rules</p>	<p>340-230-0030(13) (36)</p> <p>340-230-0030(32)</p> <p>340-230-0030(16), (37) and (38)</p> <p>340-230-0030(38)</p> <p>340-230-0200</p> <p>340-230-0210</p> <p>340-230-0220(2)</p> <p>340-230-0230</p>	<p>- Deletes confusing “new” and “existing” definitions, places dates relating to requirements in regulations.</p> <p>- Deletes construction date in “Municipal waste combustor plant” definition, places dates relating to requirements in regulations.</p> <p>- Deletes “fugitive emissions”, “opacity” and “particulate matter” definitions because they are addressed in the General Definitions, Division 200.</p> <p>- Clarifies the “pyrolysis” definition by deleting references to hospital or medical waste.</p> <p>- Simplifies the opacity standard for crematory incinerators by changing it from an aggregate measurement of 6 minutes in 60 minutes to a 6 minute period.</p> <p>- Clarifies crematory operating requirements for units built before and after March 13, 1993.</p> <p>- For continuity of recordkeeping, increases from one to two years the requirement to maintain crematory temperature monitoring records.</p> <p>- Clarifies compliance demonstration requirements by describing specific source test procedures and citations.</p>
<p>Wigwam Prohibition</p>	<p>340-234-0100 through 0140</p>	<p>- Deletes outdated regulations governing the use of Wigwam Waste Burners and adds a prohibition statewide. Addresses rare historic cases in which wigwam emissions have been included in a source’s netting basis by specifying that these emissions shall not be</p>

		subtracted from the netting basis.
Revisions to Kraft Pulp Mill Rules	340-234-0010(12)	- In definition of “Daily Arithmetic Average” deletes reference to Director’s discretion to allow alternatives to emission limits, testing or monitoring methods in federal rules or the State Implementation Plan without prior EPA approval.
	340-234-0010 (26)(a)	- Adds additional exemptions to the list of “other sources” of Total Reduced Sulfur (TRS). Smelt dissolving tanks are covered by separate state limits. Sewers, drains and wastewater treatment facilities are not measurable sources of TRS. Categorically insignificant activities are very minor, difficult to evaluate and could include non-industrial sources such as restrooms.
	340-234-210(1)(c)(B)	- Deletes a section which no longer applies to existing Kraft Mills in Oregon.
	340-234-210(1)(e)(A)	- Deletes examples of “other sources” because this term is defined in the definitions section.
	340-234-220(2)	- Consistent with current practice, clarifies that the Department may require that a Kraft Pulp Mill undertake an odor emission reduction study program.
	340-234-230	- Deletes section on submission of plans for construction and modification because general permitting regulations in Division 210 address these requirements.
	340-234-0240(1)	- Deletes general monitoring section which has been superseded by specific Title V monitoring requirements.
	340-234-0240(1)(c)	- Clarifies that DEQ may require different vent sampling methods.
	340-234-0240(2)(c)	- Deletes section requiring use of obsolete sodium ion probes. Federal NSPS requirements address opacity monitoring.
	340-234-0240(5)	- For clarity, states the existing requirement

	<p>340-234-0250</p> <p>340-234-0260</p>	<p>that new or modified sources subject to federal standards must conduct monitoring and source tests in accordance with these standards. Clarifies that DEQ may require relevant monitoring when it is more stringent than federal requirements.</p> <p>- Clarifies that mills must follow state-specific reporting requirements if required in permit by DEQ.</p> <p>- Deletes Upset Conditions section because these conditions are addressed both in the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) and Division 214 (Excess Emissions Rules).</p>
Simplified emission standards for plywood, particleboard and hardboard manufacturing operations	<p>340-234-0510(2)</p> <p>340-234-0520(2)</p> <p>340-234-0530(2)</p>	<p>- Clarifies emission requirements for Board Products by specifying uniform measurements and compliance methods.</p>
Changes to Emission Standards for Specific Industries	<p>340-236-0010(6)</p> <p>340-236-0010(15)</p> <p>340-236-0010 (21)</p> <p>340-236-0010(22)</p> <p>340-236-0010(27)</p>	<p>- Clarification of “collection efficiency” definition.</p> <p>- In definition of “fluorides” deletes reference to Director’s discretion to allow alternatives to emission limits, testing or monitoring methods in federal rules or the State Implementation Plan without prior EPA approval.</p> <p>- In definition of “particulate matter” deletes reference to Director’s discretion to allow alternatives to emission limits, testing or monitoring methods in federal rules or the State Implementation Plan without prior EPA approval.</p> <p>- Deletes “opacity” definition because it is addressed in the General Definitions, Division 200.</p> <p>- Updates “source test” definition for consistency with other rules, adds reference to the Department’s Source Sampling Manual. Deletes reference to Director’s discretion to</p>

		allow alternatives to emission limits, testing or monitoring methods in federal rules or the State Implementation Plan without prior EPA approval.
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