

Summary of Public Comment and Agency Response

Air Quality Permit Program Streamlining and Updates

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Date: May 1, 2007

Comment period

The public comment period opened on March 22, 2007 and closed at 5:00 p.m. on April 27, 2007. The Department of Environmental Quality (Department) held public hearings in Medford on April 23, 2007, at 6:00 p.m.; in Bend on April 24, 2007, at 6:00 p.m.; and in Portland on April 25, 2007, at 6:30 p.m. Five people attended the hearings and one person presented an oral comment. Seven other people submitted written comments.

Organization of comments and responses

Summaries of comments and the Department's responses are provided below. Comments are summarized in categories. The persons who provided each comment are referenced by number. A list of commenters and their reference numbers follows the summary of comments and responses.

Summary of Comments and Agency Responses		
From	Comment	DEQ response & proposed rule change
<i>General Definitions</i>		
6, 7, 8	Moving the definition of "Ambient Air" from Division 236 to the General Definitions in Division 200 has the unintended consequence of including in the definition areas at a plant site to which the public has no access. This is contrary to DEQ's historic interpretation of "ambient air" and national legal precedent. DEQ should not add this definition of "Ambient Air" to Division 200.	The Department agrees that the definition of "Ambient Air" should exclude areas to which the general public has no access. The Department proposes to change the definition to be consistent with federal regulations as follows: 340-200-0020 (11) "Ambient Air" means that portion of the atmosphere, external to buildings, to which the general public has access.
6, 7, 8	The revised definition of "Categorically insignificant activity" in 340-200-0020 (19) would require a facility to inventory all natural gas and propane fired units, and only consider as categorically exempt the subset that added up to less than 2.0 million Btu/hr as a plant site total. This change would dramatically increase paperwork requirements without environmental benefit.	The Department agrees that the additional burden could be significant with questionable environmental benefit and proposes to change the regulation as follows: 340-200-0020 (19) "Categorically insignificant activity" means any of the following listed pollutant emitting activities principally supporting the source or the major industrial group. Categorically insignificant activities must comply with all applicable requirements. (d) Natural gas and propane burning equipment rated at less than or equal to 2.0 million Btu/hr:

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Deleted: the air that surrounds the earth, excluding the general volume of gases contained within any building or structure.

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4	DEQ should update the definition of "Criteria Pollutant" in 340-200-0020 (30) to align with the federal Clean air Act definitions. PM 2.5 should be included as a criteria pollutant and volatile organic compounds should be mentioned as precursors to ozone.	The Department agrees that this definition should be updated, and plans to address this in the PM 2.5 rulemaking scheduled for 2008.
4	The measurement requirement for "Opacity" as defined in 340-200-0020 (78) should also refer to permit requirements. This would allow for more stringent opacity monitoring where a problem has been demonstrated.	The Department will consider updating reference methods for measuring opacity when it performs the PM 2.5 rulemaking in 2008. Division 212 and Title V periodic monitoring requirements authorize more stringent monitoring within permits on a case-by-case basis, so a specific reference to permit requirements is not necessary in the definition of "opacity."
2	DEQ should remove references to the Director's discretion that allow it to approve alternatives to emission limits, testing or monitoring methods, or other requirements where the alternatives are not specifically identified in the regulation or the regulation does not contain replicable criteria for approving alternatives. EPA cannot approve such provisions because they allow revisions to the State Implementation Plan (SIP) without complying with the requirements of sections 110(i) and 110(l) of the Clean Air Act. Specifically, Director's discretion provisions should be removed from the definitions of "Source Test" in 340-200-0010(130) and 340-236-0010(27), the definition of "Daily Arithmetic Average" in 340-234-010(12), the definition of "Fluorides" in 340-236-0010(15), and the definition of "Particulate Matter" in 340-236-0010(21).	<p>The Department agrees that in some circumstances, the Director's discretion provisions could cause revisions in federal SIP rules or plan without prior EPA approval. The definitions will be changed as follows:</p> <p>340-200-0020 (78) "Opacity" means the degree to which an emission reduces transmission of light and obscures the view of an object in the background as measured in accordance with OAR 340-212-0120 and 212-0140. Unless otherwise specified by rule, opacity shall be measured in accordance with EPA Method 9, <u>or a continuous opacity monitoring system (COMS) installed in and operated in accordance with the Department's Continuous Monitoring Manual.</u> For all standards, the minimum observation period shall be six minutes, though longer periods may be required by a specific rule or permit condition. Aggregate times (e.g. 3 minutes in any one hour) consist of the total duration of all readings during the observation period that equal or exceed the opacity percentage in the standard, whether or not the readings are consecutive.</p> <p>340-200-0020 (130) "Source Test" means the average of at least three test runs conducted in accordance with the Department's Source Sampling Manual.</p> <p>340-236-0010(27) "Source Test" means the average of at least three test runs conducted</p>

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		<p>in accordance with the Department's Source Sampling Manual.</p> <p>340-234-0010(12) "Daily Arithmetic Average" means the average concentration over the twenty-four hour period in a calendar day, as determined by continuous monitoring equipment or reference method testing. Determinations based on EPA reference methods in accordance with the Department's Source Sampling Manual consist of three separate consecutive runs having a minimum sampling time of sixty minutes each and a maximum sampling time of eight hours each. The three values for concentration (ppm or grains/dscf) are averaged and expressed as the daily arithmetic average which is used to determine compliance with process weight limitations, grain loading or volumetric concentration limitations and to determine daily emission rate.</p> <p>340-236-0010(15), "Fluorides" means matter containing fluoride ion emitted to the ambient air as measured by EPA Method 13A or 13B and Method 14 in accordance with the Department's Source Sampling Manual.</p> <p>340-200-0010(83) "Particulate Matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air. <u>When used in emission standards, particulate matter is defined by the method specified within the standard or by an applicable reference method in accordance with OAR 340-212-0120 and OAR 340-212-0140. Unless otherwise specified, sources with exhaust gases at or near ambient conditions may be tested with DEQ Method 5 or DEQ Method 8, as approved by the Department. Direct heat transfer sources shall be tested with DEQ Method 7; indirect heat transfer combustion sources and all other non-fugitive emissions sources not listed above shall be tested with DEQ Method 5.</u></p> <p>340-236-0010(21) "Particulate Matter" means:</p>	<p>Deleted: or other Department approved methods</p> <p>Deleted: or Department approved equivalent period</p> <p>Deleted: or equivalent methods</p> <p>Deleted: or an equivalent test method approved in writing by the Department.</p> <p>Deleted: 1</p> <p>Deleted: as measured by</p> <p>Deleted: the Department's Source Sampling Manual, (January, 1992).</p>
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		(a) as used in OAR 340-236-0100 through 340-236-0150 a small discrete mass of solid or liquid matter, but not including uncombined water emitted to the ambient air as measured by EPA Method 5 in accordance with the Department's Source Sampling Manual;
5	The definition of "Source Test" in 340-200-0010(130) should not be changed to delete the requirement to conduct source testing at a time that is representative of usual emissions.	The Department proposed to delete language requiring that source tests are conducted "during operating conditions representative of the period for which emissions are to be determined" because the language is vague and redundant. The existing requirement to test in accordance with the Department's Source Sampling Manual includes operating conditions representative of a facility's emissions. Paragraph 15 (c) of section 2.2 in the Source Sampling manual requires that a source to be tested must operate at a normal production rate during testing. The Source Sampling Manual is available at http://www.deq.state.or.us/aq/forms/sourcetest.htm .
4	The definition of "Significant Air Quality Impact" in 340-200-0020(125) should be updated to incorporate PM2.5.	The Department agrees that this definition should be updated, and plans to address this in the PM 2.5 rulemaking scheduled for 2008.
<i>Delisting HFE-7300 as a VOC</i>		
3	DEQ should not de-list HFE-7300 as a VOC because the EPA statement that it "does not appear to negatively impact human health or the environment" is speculative and not environmentally protective.	<p>Volatile organic compounds (VOC) are regulated because of their contribution to the formation of photochemical smog, which can negatively impact human health and the environment. EPA has concluded that HFE-7300 has an insignificant impact or no impact on the formation of photochemical smog.</p> <p>Individual VOCs may also be regulated by EPA as hazardous air pollutants (HAPs) or by the Department as air toxics. HAPs and air toxics are pollutants which can cause cancer and other serious health effects. HFE-7300 is not regulated as a HAP or air toxic, and EPA has concluded that it has low toxicity.</p> <p>According to EPA research, HFE-7300 has a variety of potential uses such as a heat-transfer fluid, coating, cleaner, and lubricant. The proposed de-listing should benefit air quality in Oregon, because exempting HFE-7300 will allow the Department to focus VOC</p>

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		reduction strategies on compounds that are more responsible for forming ground-level ozone or smog. In addition, de-listing will allow the environmental benefit of substituting HFE-7300 for other substances that deplete the earth's protective ozone layer and have high global warming potentials.
	Visible Emissions and Nuisance Requirements	
6, 7, 8	It is unclear why DEQ is proposing to change the definition of "Fuel Burning Equipment" in OAR 340-208-0010(4). Deleting the exclusion for marine installations and internal combustion engines could have unexpected effects and the change should be discussed before proceeding.	<p>The Department is making this change 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. The standards in Divisions 208 and 228 have a correction to 12 percent CO₂ or 50 percent excess air, and are intended to apply only to boilers and process heaters with controlled, near stoichiometric combustion.</p> <p>There is no need to have a specific exemption for marine installations because they are subject to either fuel burning equipment standards in Division 228 or the general emission standards in Division 226.</p>
	<i>Revisions to Standards for Clackamas, Columbia, Multnomah and Washington Counties</i>	
4	The odor control measures in 340-208-0550 should not be deleted because they are more specific about odor problems, mandating that highest and best practicable treatment is employed to reduce odor bearing gases to a minimum. The Highest and Best Practicable Treatment Rule in 340-226-0100(2) does not appear to introduce any new or unique requirements, merely referring to	The Department agrees that the odor control measures in 340-208-0550 are not precisely duplicated by Highest and Best Practicable Treatment requirements in 340-226-0100(2) or the Nuisance rules in 340-208-0300. While there is some overlap in applicability and use, all three rules could potentially be applied to odor situations. The Department proposes to retain this section.

	sections in other applicable regulations. The odor control measures in 340-208-0550 should be expanded to cover all counties in the state.	
	<i>Making Title V procedural rules consistent with federal Part 70 requirements and improving administration</i>	
1,5	To protect public health in accordance with DEQ's mission statement, language should be added to 340-209-0040 (1)(c) and (1)(o) to require additional information in public notices of permit actions for Air Contaminant Discharge Permits and Title V Permits. This additional language would require a description of expected health impacts of emissions from the facilities, using current, pertinent epidemiological data. It would apply to all sources, including major sources required to perform dispersion modeling in attainment areas.	In public notices of permit actions, the Department provides information about the identity and quantity of permitted pollutants. The Department appreciates public concerns about health impacts from permitted facilities, and has improved its public notice templates to provide more information about hazardous air pollutants. In addition, the Department plans to post health effect information for various pollutants on its website. However, the Department is neither staffed nor funded to provide toxicological and epidemiological data about possible health impacts near permitted facilities. This information is not readily available, and would require significant testing and analysis. Obtaining toxicological and epidemiological data for 1,253 facilities statewide would require program changes that are beyond the scope of this rulemaking.
4	In Hearing and Meeting Procedures, 340-209-0070(2)(b)(B), the rule should read :The Presiding Officer will then provide..."	The Department will make this correction.
6,7,8	The proposed changes to 340-216-0082(1)(a)(A) prohibit operation of a source after expiration of its permit unless either a timely renewal application has been submitted or another type of permit has been issued. This would create a problem for sources issued ACDPs with the requirement to apply for a Title V permit within one year of commencing operation. Because these ACDPs often expire before a Title V permit is issued, such a source would have to shut down despite having submitted a timely Title V Application. DEQ should amend 340-216-0082(1)(a)(A) to allow a new source to	The Department agrees and will make this change as follows: 340-216-0082 Expiration, Termination or Revocation of an ACDP (1) Expiration (a) A source may not be operated after the expiration date of a permit, unless any of the following occur prior to the expiration date of the permit: (A) a timely and complete application for renewal <u>or for an Oregon Title V Operating Permit</u> has been submitted; or

	continue to operate if it has submitted a timely and complete application for a Title V permit.	(B) another type of permit (ACDP or Title V) has been issued authorizing operation of the source.
6,7,8	The proposed changes to 340-216-0082(1)(b) and 340-218-0010(3)(b) which ensure that requirements established in preceding permits remain in effect in later permits are unnecessary because this issue is already addressed in the requirements for Title V permit applications in 340-218-0040(3)(i). In addition, the proposed language creates an unnecessarily burdensome format for revising ACDP conditions by requiring sources to utilize the procedures required to establish the requirements initially.	The Department proposed the revisions to the ACDP and Title V Permitting procedures to address a deficiency identified in EPA's 2006 Title V Program Review. These revisions clarify and broaden the statement that Title V permits do not supersede, or otherwise eliminate the independent enforceability of terms and conditions in SIP-approved permits. They also address the need for ACDP conditions to be modified by federally approved procedures. It is important that permit requirements are revised by the same procedures used to establish them initially because the changes could affect the stringency of the standards.
5	Limiting information needed on Title V renewal applications to new or changed information in 340-218-0040 will make it more time consuming for the public to gather information about major sources of air pollution. This will require more time and effort in searching files for complete information.	The Department expects that limiting Title V renewal applications to new or changed information will highlight relevant new information and newly applicable requirements. Original Title V applications and documentation are readily available and will be provided upon request.
6,7,8	The proposed extension of time for reporting permit deviations in 340-218-0050(3)(c)(B) should be further lengthened from 15 to 30 days. It would be sufficient for DEQ to learn about permit deviations within 30 days and result in a lesser burden to facilities.	The Department is proposing to change the permit deviation reporting deadline from 7 to 15 days to align with the excess emissions reporting requirement and the concept that 15 days represents "prompt" reporting. As with excess emissions, prompt reporting of permit deviations is necessary because it encourages consistent and timely response from The Department when appropriate. At 30 rather than 15 days, it is more likely that a reporting requirement would be overlooked and the agency would not have the opportunity to respond to more serious deviations in a timely manner.
6,7,8	DEQ could limit but should retain the provision in 340-218-0150(1)(i) that allows a Title V facility to make corrections to its baseline emissions or Plant Site Emission Limit (PSEL) through an Administrative Amendment when the changes do not increase	Because most Title V sources have established accurate baselines and PSELs, this provision is not frequently used. The Department is concerned that changes to baseline and PSEL can affect applicability of standards. Because of the potentially substantive nature of these changes, they are

	emissions. This provision is useful to address paperwork errors.	more appropriately made as modifications and renewals accompanied by public participation and review by affected states and EPA.
5	Would deleting baseline or PSEL correction as administrative amendments to Title V Permits result in no notification to the public of these changes?	In the original rule, which allows baseline and PSEL corrections to be made as administrative amendments, there is no notice to the public of these changes. Deleting these changes as administrative amendments would require that they occur as significant permit modifications or in Title V permit renewal; both require public notice and opportunity for public comment.
	<i>Making Excess Emissions rules consistent with federal Part 70 requirements</i>	
6,7,8	The changes to the Excess Emissions rule remove a longstanding exemption from enforcement action if a source operating under a Department approved startup/shutdown or maintenance plan has excess emissions that the Department determines are unavoidable. This is contrary to the previous federal approach and will have a significant impact on sources. The rules should not be changed to remove this exemption.	<p>The Department proposed the revisions to the Excess Emissions Rules specifically to address deficiencies identified in EPA's 2006 Title V Program Review. Title V regulations in 40 CFR Part 70 require that the Department maintain clear enforcement discretion. The revisions clarify that the Department retains enforcement discretion, but will consider compliance with the startup/shutdown or maintenance plan when evaluating the appropriateness of an enforcement action. This is a similar approach to considering whether the excess emissions were "avoidable" but it provides clearer criteria and remedies the apparent lack of enforcement discretion. The Department does not expect this revision to cause any additional enforcement actions.</p> <p>The proposed revisions limited the discretion to "penalty actions" instead of "enforcement actions". Because this could be interpreted to mean that the Department's enforcement discretion would be limited to penalty actions rather than the typical range of enforcement options, the Department is replacing "penalty action" with "enforcement action" in all sections of the rules except the provisions for emergency as an affirmative defense.</p> <p>The Department has never interpreted the Excess Emission rules to provide an actual exemption for excess emissions that occur during planned startup, shutdown or</p>

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		<p>maintenance. Instead, the rules offered, and will continue to offer an opportunity to have a pre-approved plan that, if followed, would indicate that excess emissions occurring during these events are probably unavoidable. To further clarify that compliance with a startup/shutdown or maintenance plan is relevant to the determination of enforcement actions, the Department proposes to change the reporting requirements of 340-214-0340(1)(e) as follows:</p> <p><u>340-214-0340 Reporting Requirements</u></p> <p>(1) For any excess emissions event at a source with a Title V permit and for any other source as required by permit, the owner or operator shall submit a written report of excess emissions for each calendar day of the event. The report must be submitted within 15 days of the date of the event and include the following:</p> <p>(a) The date and time of the beginning of the excess emissions event and the duration or best estimate of the time until return to normal operation;</p> <p>(b) The date and time the owner or operator notified the Department of the event;</p> <p>(c) The equipment involved;</p> <p>(d) Whether the event occurred during startup, shutdown, maintenance, or as a result of a breakdown, malfunction, or emergency;</p> <p>(e) Steps taken to mitigate emissions and corrective actions taken; <u>including whether the approved procedures for a planned startup, shutdown, or maintenance activity were followed.</u></p>
4	As part of the 340-214-0340 reporting requirements, DEQ should require additional detail on excess emissions reports. Permittees should be required to provide more information on the cause of a malfunction,	This comment is addressed by the language added above requiring excess emission reports to include a description of whether the approved procedures for a planned startup, shutdown, or maintenance activity were followed. This will help distinguish

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	breakdown or emergency, and permittees should not be allowed to group together for reporting purposes those excess emissions caused by startup/shutdown events with those caused by malfunctions, breakdowns or emergencies.	startup/shutdown and maintenance events from malfunctions, breakdowns and emergencies.
4	Section 340-214-0340(1)(d) should refer to “planned” startup, “planned” shutdown and “scheduled” maintenance to be consistent with the language in 340-214-0310 and 0320.	<p>The Department agrees that this change would increase consistency and proposes to change the rule as follows:</p> <p>340-214-0340 Reporting Requirements</p> <p>(1) For any excess emissions event at a source with a Title V permit and for any other source as required by permit, the owner or operator shall submit a written report of excess emissions for each calendar day of the event. The report must be submitted within 15 days of the date of the event and include the following:</p> <p>(a) The date and time of the beginning of the excess emissions event and the duration or best estimate of the time until return to normal operation;</p> <p>(b) The date and time the owner or operator notified the Department of the event;</p> <p>(c) The equipment involved;</p> <p>(d) Whether the event occurred during <u>planned</u> startup, <u>planned</u> shutdown, <u>scheduled</u> maintenance, or as a result of a breakdown, malfunction, or emergency;</p>
4	DEQ should define “malfunction” as used in 340-214-0340(d) and clarify that “malfunction” and “breakdown” are not encompassed in the provisions for planned startup and shutdown, for scheduled maintenance or for emergencies.	This definition is not necessary, as malfunctions and breakdowns are unplanned events not addressed in the provisions for startup, shutdown or maintenance.
6,7,8	DEQ should not make the change in the Excess Emissions Rules requiring an excess emissions report from all major sources within 15 days of the event. Not every excess emission is significant and warrants a follow-up report. This requirement will add	The Department proposed the change to the Excess Emission reporting requirement to address a deficiency identified in EPA’s 2006 Title V Program Review. Oregon’s current Excess Emission rules do not require prompt reporting of some excess emissions events. Instead, the rules contain a provision allowing

	workload for facilities and the Department without commensurate environmental benefit.	<p>the Department to <u>request</u> a report within 15 days of the event. The Department is proposing to change this provision to <u>require</u> a 15 day report for all excess emission events. The Department needs timely information to determine whether enforcement action is warranted. Current excess emissions rules allow a full report of an excess emission event up to six months after the event, making consistent and appropriate enforcement action is less likely.</p> <p>Permittees are currently required to maintain an excess emission log that includes all of the information required by the 15 day report. The 15 day report is not a substantial increase in workload, and 15 day reports would no longer need to be included in semi-annual reports. This will allow the Department to better track and evaluate excess emission events at the state's largest facilities.</p>
	<i>Update and renewal of General Permits for Rock Crushers, Ready Mix Concrete Plants, Asphalt Plants, Sawmills, Boilers and Crematories</i>	
7	Condition 2.7.c of the proposed Wood Products General ACDP(AQGP-010), allowing the Department to require more restrictive emission limits when a facility is located in a special problem area, should only be implemented in the Medford-Ashland Air Quality Maintenance Area and Grants Pass Urban Growth Area. These areas currently have more restrictive veneer dryer emission limits than other areas of the state.	The Department agrees that more restrictive emission limits should be implemented in previously designated problem areas where they align with more stringent industrial rules for particulate emissions. The Department will amend the permit condition accordingly.
7	Language should be added to condition 3.8 of the proposed Wood Products General ACDP (AQGP-010) and the Boiler General ACDP (AQGP 011) to acknowledge that EPA can grant an alternate fuel monitoring frequency.	The Department agrees and will provide for an alternate frequency as allowed by EPA in this permit condition.
7	The last sentence of condition 7.2 in the proposed Wood Products General ACDP (AQGP-010) should be removed to avoid confusion because exceeding a three minute opacity limit	The Department agrees that this information should be provided as an example and not the only case in which excess emissions must be reported.

	is only one example of excess emissions that must be recorded.	
7	Because there is a large variability in Hazardous Air Pollutant (HAP) emission factors for wood products sources, the use of factors listed in condition 12 of the proposed Wood Products General ACDP (AQGP-010) could result in underestimation of HAP emissions. The permit should be clear that use of the referenced emission factors does not guarantee that sources will be in compliance with federal requirements for major sources of HAPs.	The Department agrees that facilities should use the best available emission factors and will include a qualification that the factors listed in condition 12 represent a starting point for estimation of HAP emissions.
<i>Salt Laden Wood Exception</i>		
6,7,8	DEQ should not be required to approve the higher particulate emission standard for utilizing salt laden wood in 340-228-0210(2). It would be more appropriate for the rule to require notice to DEQ.	<p>The Department's goal is to have knowledge of facilities planning to utilize salt laden wood for the purpose of assuring compliance with the appropriate standard. Although this is a rarely used exemption, the Department may evaluate and seek to reduce the environmental impact of higher emissions from salt laden wood usage when it undertakes the PM2.5 rulemaking in 2008. The Department proposes to change the requirements for Salt Laden Wood as follows:</p> <p>(2) For sources burning salt laden wood waste on July 1, 1981, where salt in the fuel is the only reason for failure to comply with the above limits and when the salt in the fuel results from storage or transportation of logs in salt water, the resulting salt portion of the emissions shall be exempted from subsection (1)(a) or (b) of this rule and OAR 340-208-0110. In no case shall sources burning salt laden woodwaste exceed 0.6 grains per standard cubic foot.</p> <p>(a) This exemption and the alternative emissions standard are only applicable upon <u>prior notice to the Department.</u></p> <p>(b) Sources which utilize this exemption, to demonstrate compliance otherwise with subsection (1)(a) or (b) of this rule, shall submit the results of a particulate emissions source test of the boiler stacks bi-annually.</p>
<i>Revisions to Emission Standards for</i>		

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<i>VOC Point Sources</i>		
6,7,8	DEQ should retain sections (2) and (3) of the non-categorical RACT requirements for sources in areas that have violated ozone standards. It is possible that the Department could still identify additional RACT sources as VOC emissions continue to be better understood and sources find that they have larger emissions than previously thought. In this situation, the RACT procedures in this section would be required.	The Department agrees and proposes to retain the general non-categorical RACT requirements in 340-232-0040(2) and (3), and delete previously proposed language in new paragraph (2).
<i>Revisions to Kraft Pulp Mill Rules</i>		
6,7,8	A blanket inclusion of all sources potentially grouped as “categorically insignificant and aggregate insignificant sources” in the definition of “other sources” has unintended consequences of pulling the entire list of categorically insignificant sources into the Kraft Mill TRS rule. Sources like “personal care” facilities would have to be included in the TRS rule, causing pulp mills to account for and possibly test TRS emissions from on-site rest rooms. DEQ should not include categorically insignificant and aggregate insignificant sources in the definition of “other sources”.	<p>The Department agrees that “other sources” of TRS emissions should not include categorically insignificant activities because they are very minor, difficult to evaluate and would include non-industrial sources such as personal care facilities. The Department proposes to change the rules as follows:</p> <p>340-234-0010 Definitions (26) "Other Sources:"</p> <p>(a) As used in OAR 340-234-0200 through 340-234-0270 means sources of TRS emissions in a kraft mill other than recovery furnaces, lime kilns, smelt dissolving tanks, sewers, drains, categorically insignificant activities, and wastewater treatment facilities including but not limited to:</p> <p>(A) Vents from knotters, brown stock washing systems, evaporators, blow tanks, blow heat accumulators, black liquor storage tanks, black liquor oxidation system, pre-steaming vessels, tall oil recovery operations;</p>
4	When an odor or nuisance problem has been documented at any mill the section on More Restrictive Emission Limits in 340-234-220(2), should mandate reduction of TRS emissions below regulatory limits or mandate the mill to undertake an odor emission reduction study program. There should not be an implied alternative of no action.	The Department has existing authority to require TRS emissions below regulatory limits. The Department is proposing to expand this authority by adding that it may require the mill to undertake an odor emission reduction study program. Because of the complexity of odor problems at Kraft Pulp Mills, it is most appropriate for the Department to exercise its discretion in requiring the best option for odor reduction.

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		<p>In addition, the Department does not consider OAR 340-234-0220 to be a stand-alone nuisance rule for Kraft Pulp Mills; rather it is a possible adjunct to the basic nuisance rules in OAR 340-208-0300 through -0320. It is the Department's intent to use OAR 340-208-0300 through -0320 as the primary rules to determine if an odor nuisance exists and to determine if it is feasible to reduce the odor. If, after following the nuisance rules, the Department finds that OAR 340-234-0220 is necessary, justified and technically feasible, it may be applied.</p>
2	<p>The section on Chronic Upset Conditions in 340-234-0270 is duplicative of the requirements for reporting excess emissions in 340-214-0340 and should be deleted to avoid inconsistencies and confusion.</p>	<p>The Department agrees that the Kraft Pulp Mill requirements for Chronic Upset Conditions are more thoroughly addressed in the Excess Emission rules. However, the Department is not able to include this change because 340-234-0270 was not included in the public notice of proposed rulemaking. The Department will consider including this change in a future rulemaking.</p>
	<p>The Department proposes to withdraw changes to the Kraft Pulp Mill Emission Limitations.</p>	<p>When the Air Quality Permit Program Streamlining and Updates rules were placed on public notice, the Department proposed to add language to the Emission Limitations section (340-234-0210(1)) stating that the state-specific (TRS) emission limitations for recovery furnaces, lime kilns and smelt dissolving tanks would not apply to units subject to the federal regulations in 40 CFR Part 60, Subpart BB, Standards of Performance for Kraft Pulp Mills. This proposal would have streamlined requirements by eliminating what appeared to be duplicate standards. After further analysis, however, the Department now realizes that an oxygen correction factor present in the federal rule causes the existing state rule to be either more or less stringent than the federal rule, depending on where a process falls on the oxygen scale. For this reason the Department withdraws its proposal to exempt mills from the TRS limits in Oregon's Kraft Pulp Mill rules if they are subject to New Source Performance Standards (NSPS). Both sets of rules will apply if a mill is subject to NSPS, with the more stringent requirements controlling the</p>

		emission limitation. The Department is proposing to retain other streamlining measures in the Kraft Pulp Mill rules, including revisions to “Plans and Specifications”, “Monitoring”, and “Reporting”.
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List of Commenters and Reference Numbers				
Reference Number	Name	Organization	Address	Date on comments
1	David Gilmour	Jackson County Board of Commissioners	10 S. Oakdale Medford, OR 97501	4/23/2007
2	Debra Suzuki	U.S. Environmental Protection Agency	1200 SW 6 th Avenue Seattle, WA 98101	4/25/2007
3	Kyna Harris			4/25/2007
4	Dona Hippert	Concerned Citizens for Clean Air, Northwest Environmental Defense Center, Oregon Toxics Alliance	11723 SW 47 th Ave. Portland, OR 97219	4/27/2007
5	Gaylene Hurley		2158 Terrel Drive Medford, OR 97501	4/27/2007
6	John Ledger	Associated Oregon Industries	1149 Court Street NE Salem, OR 97301	4/27/2007
7	Russell Strader	Boise Cascade	1111 W. Jefferson St. Boise, ID 83728	4/27/2007
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