

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

**Relationship to Federal Requirements
Adoption of Air Quality Permit Program Streamlining and Updates**

Answers to the following questions identify how the proposed rulemaking relates to federal requirements and potential justification for differing from federal requirements. The questions are required by OAR 340-011-0029(1).

1. Are there federal requirements that are applicable to this situation? If so, exactly what are they?

This rulemaking proposes to adopt changes to State air quality regulations to better coordinate with and meet federal requirements. These federal requirements include the National Emission Standards for Hazardous Air Pollutants (NESHAPs), New Source Performance Standards (NSPS), Title V Permitting Regulations (40 CFR Part 70) and Clean Air Mercury Rule (CAMR). The Department initiated many of the proposed rule changes to streamline the permitting program and simplify compliance requirements. Other proposed changes are in response to the Federal Clean Air Act which requires that the EQC adopt certain federal regulations by reference or develop equivalent regulations in order to maintain federal approval of Oregon's Title V Operating Permit program for major industrial sources of air pollution.

2. Are the applicable federal requirements performance based, technology based, or both with the most stringent controlling?

The applicable federal requirements are both technology and performance based.

3. Do the applicable federal requirements specifically address the issues that are of concern in Oregon? Was data or information that would reasonably reflect Oregon's concern and situation considered in the federal process that established the federal requirements?

The proposed rule changes incorporate no new federal requirements. The majority of the proposed rules would streamline and update rules by better coordinating state rules and procedures with long-standing federal requirements that have been successfully adopted and implemented in Oregon's air quality permitting programs. These federal requirements are not specific to issues of concern in Oregon.

In adopting the VOC exemption for HFE 7300, there is no indication that EPA specifically considered data or information unique to Oregon.

4. Will the proposed requirement (rulemaking) improve the ability of the regulated community to comply in a more cost effective way by clarifying confusing or potentially

conflicting requirements (within or cross-media), increasing certainty, or preventing or reducing the need for costly retrofit to meet more stringent requirements later?

The primary goal of the proposed rulemaking is to streamline permitting and compliance by clarifying, simplifying and updating regulatory requirements. Clarifications will occur through consolidating and standardizing definitions, correcting general permit emission factors, aligning sulfur dioxide standards with federal requirements, updating the incinerator rules, simplifying emission standards for board product manufacturing, simplifying the Kraft Pulp Mill rules and consolidating the excess emissions requirements for notification, reporting and the emergency defense.

The proposed rulemaking could benefit kraft pulp mills and facilities located in Clackamas, Columbia, Multnomah, and Washington Counties as a result of the removal of redundant permit conditions. Reducing the number of Basic Permit categories may allow small businesses to avoid additional permitting costs. The proposal to exempt HFE-7300 from the definition of Volatile Organic Compounds may also reduce regulatory burden by lifting the requirement to track and limit use of this chemical. Businesses could benefit from the opportunity to substitute HFE-7300 for substances that deplete the earth's protective ozone layer and substances with high global warming potentials.

The proposal to correct the Utility Mercury Rule would increase certainty by establishing clear requirements for distributing the mercury cap for new plants. Revisions to make Title V and Excess Emissions rules consistent with federal requirements can bring greater certainty to facilities and the Department by eliminating discrepancies between the state and federal program. Better alignment will result in fewer compliance issues during federal oversight of the Department's permitting and inspection program.

The proposed changes to repeal outdated language should benefit all air quality stakeholders by making regulations easier to read and interpret. This effort includes deletion of Wigwam Waste Burner requirements, standards for Clackamas, Columbia, Multnomah, and Washington Counties, and RACT standards for VOC point sources.

5. Is there a timing issue which might justify changing the time frame for implementation of federal requirements?

There are no timing issues associated with clarifying federal requirements in the proposed rule revisions. To allow increased flexibility and certainty, the delisting of HFE-7300 and correction of the Utility Mercury Rule should be implemented expeditiously.

6. Will the proposed requirement (rulemaking) assist in establishing and maintaining a reasonable margin for accommodation of uncertainty and future growth?

This question is not applicable to this rulemaking because it would not impose new standards.

7. Does the proposed requirement (rulemaking) establish or maintain reasonable equity in the requirements for various sources? (level the playing field)

The proposed rulemaking maintains equity among sources by clarifying and simplifying compliance, monitoring, notification and reporting procedures. The Department expects that these changes will improve compliance and decrease the need for sources to spend additional resources on rule interpretation.

The Department's proposal to adopt the HFE-7300 exemption and equitably distribute the mercury cap provides a level playing field within Oregon and with other states.

8. Would others face increased costs if a more stringent rule is not enacted?

The proposed rules do not increase stringency. There would be no increased costs to others in the absence of more stringent rules.

9. Does the proposed requirement (rulemaking) include procedural requirements, reporting or monitoring requirements that are different from applicable federal requirements? If so, Why? What is the "compelling reason" for different procedural, reporting or monitoring requirements?

The proposed rules do not differ from applicable federal requirements.

10. Is demonstrated technology available to comply with the proposed requirement (rulemaking)?

The proposed rules impose no new standards or compliance requirements.

11. Will the proposed requirement (rulemaking) contribute to the prevention of pollution or address a potential problem and represent a more cost effective environmental gain?

The proposal to exempt HFE-7300 from the definition of Volatile Organic Compounds will 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 the formation of ground level ozone or smog. The proposal will also benefit the environment because it will allow increased use of HFE-7300 as a substitute for substances that deplete the earth's protective ozone layer and substances with high global warming potentials.