

# Air Quality Permitting Updates 2022 Rulemaking

Nov. 18, 2022, EQC meeting  
Agenda Item F (action)

# Agenda

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- Minor New Source Review Reconsideration
- Public Engagement/Response to Comment
- Proposed Policy Changes
- Proposed Streamlining/Process Changes
- Proposed Clarifications
- Effective Date of Proposed Rules

# Minor New Source Review Reconsideration

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- Continue discussions based on feedback from stakeholders
- Work with EPA based on their review of Minor NSR programs across the country
- Simplify and streamline Notice of Intent to Construct and permit modification processes
- Incorporate opportunities to further reduce emissions in Environmental Justice and overburdened communities

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# Public engagement

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**4** Rules Advisory Committee meetings



**1** Fiscal/Economic Impact Advisory Committee meeting

# Statement of fiscal and economic impact

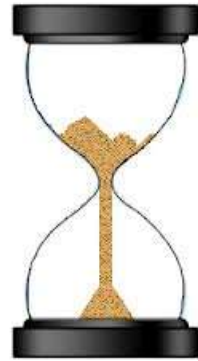
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- Input from Fiscal Advisory Committee based on proposed Minor New Source Review program
- No control technology fiscal impact for Minor NSR but may occur for NAAQS compliance
- Continued fiscal impact from air quality modeling analysis for Type 3 NCs
- Additional fiscal impact from new air quality modeling analysis for Type 2 NCs

# Public notice



**22,364** email notifications



**1** public notice extension



**2+** months of public notice



**1** virtual public hearing

# Response to comment



**23** Commenters



**99** Comments

**32** changes made in response to comments

**8** changes not made because of Minor New Source Review reconsideration

**5** comments did not need agency action

**22** DEQ agrees and no change was needed



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# Proposed Policy Changes

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- Eliminate Generic Plant Site Emission Limits
- Change Type 1 Notice of Intent to Construct approvals
- Require air quality modeling for smaller increases in emissions
- Eliminate ability to operate without pollution control devices for 48 hours

# Eliminate Generic Plant Site Emission Limits

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- Creates permits that more accurately reflect actual emissions
- Provides more regulatory certainty
- Avoids over-allocation of air resources
- Provides transparency for communities
- Allows review of AQ modeling to ensure compliance with short-term National Ambient Air Quality Standards

# Change Notice of Intent to Construct rules

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- Type 1 NC “notice and go” with optional 30 days for DEQ to approve de minimis equipment
- Clarify emissions calculation methodology
- Clarify emission thresholds apply to equipment, not entire source
- Clarify **no** increase in Plant Site Emission Limits is allowed
- Require all construction to commence within 18 months of approval

# More air quality modeling

- Require air quality modeling for smaller increases in emissions
  - Ensures the National Ambient Air Quality Standards are protected for new equipment
  - Alerts DEQ that an existing source should be prioritized for call-in



# Limit excess emissions

- Eliminate ability to operate without pollution control devices for 48 hours
- Mandatory shutdown except for these scenarios:
  - employee injury
  - equipment damage
  - emissions of shutdown/startup higher than continued operation



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# Proposed streamlining/process changes

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- Extend Simple permit terms from 5 to 10 years
- Provide no expiration date for construction permits that must be incorporated into Title V permits
- Require more complete permit renewal applications
- Expand the use of short-term activity permits for temporary operations in addition to unexpected and emergency activities



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# Proposed Clarifications

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- Effective date of permits
- Categories of sources that require permits
- Some Title V sources must also pay Air Contaminant Discharge Permit fees
- Process for reinstatement of permit for late renewal or no payment of fees
- Additional New Hazardous Air Pollutant

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# Effective date of proposed rulemaking

- Proposed effective rulemaking and implementation date is March 1, 2023, to allow DEQ to:
  - finalize implementation materials based on final rules adopted
  - plan and execute training for DEQ staff and regulated facilities

March 2023						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	





# Language of proposed EQC motion

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- I move that the Oregon Environmental Quality Commission
- Adopt the proposed rule amendments seen in Attachment A as part of Chapter 340 of the Oregon Administrative Rules with an effective date of Mar. 1, 2023;
  - Approve incorporating these rule amendments into the Oregon Clean Air Act State Implementation Plan under OAR 340-200-0040; and
  - Direct DEQ to submit this SIP revision to the U.S. Environmental Protection Agency for approval.