



State of Oregon Department of Environmental Quality

Air Quality Permitting Updates 2022 Rules – Edits Highlighted

Key to Identifying Changed Text:

TYPOS & NON-TECHNICAL CLARIFICATIONS

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Division 200

GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

340-200-0020

General Air Quality Definitions

As used in OAR 340 divisions 200 through 268, unless specifically defined otherwise:

- (1) "Act" or "FCAA" means the Federal Clean Air Act, 42 U.S.C.A. § 7401 to 7671q.
- (2) "Activity" means any process, operation, action, or reaction (e.g., chemical) at a source that emits a regulated pollutant.
- (3) "Actual emissions" means the mass emissions of a regulated pollutant from an emissions source during a specified time period as set forth in OAR 340 divisions 214, 220 and 222.
- (4) "Adjacent", as used in the definitions of major source and source and in OAR 340-216-0070, means interdependent facilities that are nearby to each other.
- (5) "Affected source" means a source that includes one or more affected units that are subject to emission reduction requirements or limitations under Title IV of the FCAA.
- (6) "Affected states" means all states:
 - (a) Whose air quality may be affected by a proposed permit, permit modification, or permit renewal and that are contiguous to Oregon; or
 - (b) That are within 50 miles of the permitted source.

(7) "Aggregate insignificant emissions" means the annual actual emissions of any regulated pollutant from one or more designated activities at a source that are less than or equal to the lowest applicable level specified in this section. The total emissions from each designated activity and the aggregate emissions from all designated activities must be less than or equal to the lowest applicable level specified:

(a) One ton for total reduced sulfur, hydrogen sulfide, sulfuric acid mist, any Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA, and each criteria pollutant, except lead;

(b) 120 pounds for lead;

(c) 600 pounds for fluorides;

(d) 500 pounds for PM10 in a PM10 nonattainment area;

(e) 500 pounds for direct PM2.5 in a PM2.5 nonattainment area;

(f) The lesser of the amount established in 40 C.F.R. 68.130 or 1,000 pounds;

(g) An aggregate of 5,000 pounds for all hazardous air pollutants;

(h) 2,756 tons CO₂e for greenhouse gases.

(8) "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid, particulate matter, regulated pollutant, or any combination thereof.

(9) "Air Contaminant Discharge Permit" or "ACDP" means written authorization issued, renewed, amended, or revised by DEQ, under OAR 340 division 216.

(10) "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to DEQ's satisfaction to, in specific cases, produce results adequate for determination of compliance. The alternative method must comply with the intent of the rules, is at least equivalent in objectivity and reliability to the uniform recognized procedures, and is demonstrated to be reproducible, selective, sensitive, accurate, and applicable to the program. An alternative method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to DEQ.

(11) "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.

(12) "Applicable requirement" means all of the following as they apply to emissions units in an Oregon Title V Operating Permit program source or ACDP program source, including requirements that have been promulgated or approved by the EPA through rule making at the time of issuance but have future-effective compliance dates:

- (a) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by the EPA through rulemaking under Title I of the FCAA that implements the relevant requirements of the FCAA, including any revisions to that plan promulgated in 40 C.F.R. part 52;
- (b) Any standard or other requirement adopted under OAR 340-200-0040 of the State of Oregon Clean Air Act Implementation Plan that is more stringent than the federal standard or requirement which has not yet been approved by the EPA, and other state-only enforceable air pollution control requirements;
- (c) Any term or condition in an ACDP, OAR 340 division 216, including any term or condition of any preconstruction permits issued under OAR 340 division 224, New Source Review, until or unless DEQ revokes or modifies the term or condition by a permit modification;
- (d) Any term or condition in a Notice of Construction and Approval of Plans, OAR 340-210-0205 through 340-210-0240, until or unless DEQ revokes or modifies the term or condition by a Notice of Construction and Approval of Plans or a permit modification;
- (e) Any term or condition in a Notice of Approval, OAR 340-218-0190, issued before July 1, 2001, until or unless DEQ revokes or modifies the term or condition by a Notice of Approval or a permit modification;
- (f) Any term or condition of a PSD permit issued by the EPA until or unless the EPA revokes or modifies the term or condition by a permit modification;
- (g) Any standard or other requirement under section 111 of the FCAA, including section 111(d);
- (h) Any standard or other requirement under section 112 of the FCAA, including any requirement concerning accident prevention under section 112(r)(7) of the FCAA;
- (i) Any standard or other requirement of the acid rain program under Title IV of the FCAA or the regulations promulgated thereunder;
- (j) Any requirements established under section 504(b) or section 114(a)(3) of the FCAA;
- (k) Any standard or other requirement under section 126(a)(1) and(c) of the FCAA;
- (l) Any standard or other requirement governing solid waste incineration, under section 129 of the FCAA;
- (m) Any standard or other requirement for consumer and commercial products, under section 183(e) of the FCAA;
- (n) Any standard or other requirement for tank vessels, under section 183(f) of the FCAA;
- (o) Any standard or other requirement of the program to control air pollution from outer

continental shelf sources, under section 328 of the FCAA;

(p) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the FCAA, unless the Administrator has determined that such requirements need not be contained in an Oregon Title V Operating Permit; and

(q) Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the FCAA, but only as it would apply to temporary sources permitted under section 504(e) of the FCAA.

(13) "Attainment area" or "unclassified area" means an area that has not otherwise been designated by EPA as nonattainment with ambient air quality standards for a particular regulated pollutant. Attainment areas or unclassified areas may also be referred to as sustainment or maintenance areas as designated in OAR 340 division 204. Any particular location may be part of an attainment area or unclassified area for one regulated pollutant while also being in a different type of designated area for another regulated pollutant.

(14) "Attainment pollutant" means a pollutant for which an area is designated an attainment or unclassified area.

(15) "Baseline emission rate" means the actual emission rate during a baseline period as determined under OAR 340 division 222.

(16) "Baseline period" means the period used to determine the baseline emission rate for each regulated pollutant under OAR 340 division 222.

(17) "Best Available Control Technology" or "BACT" means an emission limitation, including, but not limited to, a visible emission standard, based on the maximum degree of reduction of each air contaminant subject to regulation under the FCAA which would be emitted from any proposed major source or major modification which, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air contaminant. In no event may the application of BACT result in emissions of any air contaminant that would exceed the emissions allowed by any applicable new source performance standard or any standard for hazardous air pollutant. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required. Such standard must, to the degree possible, set forth the emission reduction achievable and provide for compliance by prescribing appropriate permit conditions.

(18) "Biomass" means non-fossilized and biodegradable organic material originating from plants, animals, and microorganisms, including products, byproducts, residues and waste from agriculture, forestry, and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic matter.

(19) "Capacity" means the maximum regulated pollutant emissions from a stationary source under its physical and operational design.

(20) "Capture efficiency" means the amount of regulated pollutant collected and routed to an air pollution control device divided by the amount of total emissions generated by the process being controlled.

(21) "Capture system" means the equipment, including but not limited to hoods, ducts, fans, and booths, used to contain, capture and transport a regulated pollutant to a control device.

(22) "Carbon dioxide equivalent" or "CO₂e" means an amount of a greenhouse gas or gases expressed as the equivalent amount of carbon dioxide, and is ~~be~~ computed by multiplying the mass of each of the greenhouse gases by the global warming potential published for each gas at 40 C.F.R. part 98, subpart A, Table A-1-Global Warming Potentials, and adding the resulting value for each greenhouse gas to compute the total equivalent amount of carbon dioxide.

(23) "Categorically insignificant activity" means any of the following listed regulated pollutant emitting activities principally supporting the source or the major industrial group. Categorically insignificant activities must comply with all applicable requirements.

(a) Constituents of a chemical mixture present at less than 1 percent by weight of any chemical or compound regulated under divisions 200 through 268 excluding divisions 248 and 262 of this chapter, or less than 0.1 percent by weight of any carcinogen listed in the U.S. Department of Health and Human Service's Annual Report on Carcinogens when usage of the chemical mixture is less than 100,000 pounds/year;

(b) Evaporative and tailpipe emissions from on-site motor vehicle operation;

(c) Distillate oil, kerosene, gasoline, natural gas or propane burning equipment, provided the aggregate expected actual emissions of the equipment identified as categorically insignificant do not exceed the de minimis level for any regulated pollutant, based on the expected maximum annual operation of the equipment. If a source's expected emissions from all such equipment exceed the de minimis levels, then the source may identify a subgroup of such equipment as categorically insignificant with the remainder not categorically insignificant. The following equipment may never be included as categorically insignificant:

(A) Any individual distillate oil, kerosene or gasoline burning equipment with a rating greater than 0.4 million Btu/hour;

(B) Any individual natural gas or propane burning equipment with a rating greater than 2.0 million Btu/hour.

(d) Distillate oil, kerosene, gasoline, natural gas or propane burning equipment brought on site for six months or less for maintenance, construction or similar purposes, such as but not limited to generators, pumps, hot water pressure washers and space heaters, provided that any such equipment that performs the same function as the permanent equipment, must be operated within the source's existing PSEL;

- (e) Office activities;
- (f) Food service activities;
- (g) Janitorial activities;
- (h) Personal care activities;
- (i) Groundskeeping activities including, but not limited to building painting and road and parking lot maintenance;
- (j) On-site laundry activities;
- (k) On-site recreation facilities;
- (l) Instrument calibration;
- (m) Maintenance and repair shop;
- (n) Automotive repair shops or storage garages;
- (o) Air cooling or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;
- (p) Refrigeration systems with less than 50 pounds of charge of ozone depleting substances regulated under Title VI, including pressure tanks used in refrigeration systems but excluding any combustion equipment associated with such systems;
- (q) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated vacuum producing devices but excluding research and development facilities;
- (r) Temporary construction activities;
- (s) Warehouse activities;
- (t) Accidental fires;
- (u) Air vents from air compressors;
- (v) Air purification systems;
- (w) Continuous emissions monitoring vent lines;
- (x) Demineralized water tanks;
- (y) Pre-treatment of municipal water, including use of deionized water purification systems;
- (z) Electrical charging stations;

- (aa) Fire brigade training;
- (bb) Instrument air dryers and distribution;
- (cc) Process raw water filtration systems;
- (dd) Pharmaceutical packaging;
- (ee) Fire suppression;
- (ff) Blueprint making;
- (gg) Routine maintenance, repair, and replacement such as anticipated activities most often associated with and performed during regularly scheduled equipment outages to maintain a plant and its equipment in good operating condition, including but not limited to steam cleaning, abrasive use, and woodworking;
- (hh) Electric motors;
- (ii) Storage tanks, reservoirs, transfer and lubricating equipment used for ASTM grade distillate or residual fuels, lubricants, and hydraulic fluids;
- (jj) On-site storage tanks not subject to any New Source Performance Standards (NSPS), including underground storage tanks (UST), storing gasoline or diesel used exclusively for fueling of the facility's fleet of vehicles;
- (kk) Natural gas, propane, and liquefied petroleum gas (LPG) storage tanks and transfer equipment;
- (ll) Pressurized tanks containing gaseous compounds;
- (mm) Vacuum sheet stacker vents;
- (nn) Emissions from wastewater discharges to publicly owned treatment works (POTW) provided the source is authorized to discharge to the POTW, not including on-site wastewater treatment and/or holding facilities;
- (oo) Log ponds;
- (pp) Stormwater settling basins;
- (qq) Fire suppression and training;
- (rr) Paved roads and paved parking lots within an urban growth boundary;
- (ss) Hazardous air pollutant emissions in fugitive dust from paved and unpaved roads except for those sources that have processes or activities that contribute to the deposition and entrainment of hazardous air pollutants from surface soils;

(tt) Health, safety, and emergency response activities;

(uu) Emergency generators and pumps used only during loss of primary equipment or utility service due to circumstances beyond the reasonable control of the owner or operator, or to address a power emergency, provided that the aggregate horsepower rating of all stationary emergency generator and pump engines is not more than 3,000 horsepower. If the aggregate horsepower rating of all stationary emergency generator and pump engines is more than 3,000 horsepower, then no emergency generators and pumps at the source may be considered categorically insignificant;

(vv) Non-contact steam vents and leaks and safety and relief valves for boiler steam distribution systems;

(ww) Non-contact steam condensate flash tanks;

(xx) Non-contact steam vents on condensate receivers, deaerators and similar equipment;

(yy) Boiler blowdown tanks;

(zz) Industrial cooling towers that do not use chromium-based water treatment chemicals;

(aaa) Ash piles maintained in a wetted condition and associated handling systems and activities;

(bbb) Uncontrolled oil/water separators in effluent treatment systems, excluding systems with a throughput of more than 400,000 gallons per year of effluent located at the following sources:

(A) Petroleum refineries;

(B) Sources that perform petroleum refining and re-refining of lubricating oils and greases including asphalt production by distillation and the reprocessing of oils and/or solvents for fuels; or

(C) Bulk gasoline plants, bulk gasoline terminals, and pipeline facilities;

(ccc) Combustion source flame safety purging on startup;

(ddd) Broke beaters, pulp and repulping tanks, stock chests and pulp handling equipment, excluding thickening equipment and repulpers;

(eee) Stock cleaning and pressurized pulp washing, excluding open stock washing systems; and

(fff) White water storage tanks.

(24) "Certifying individual" means the responsible person or official authorized by the owner or operator of a source who certifies the accuracy of the emission statement.

(25) "Class I area" or "PSD Class I area" means any Federal, State or Indian reservation land which is classified or reclassified as a Class I area under OAR 340-204-0050 and 340-204-0060.

(26) "Class II area" or "PSD Class II area" means any land which is classified or reclassified as a Class II area under OAR 340-204-0050 and 340-204-0060.

(27) "Class III area" or "PSD Class III area" means any land which is reclassified as a Class III area under OAR 340-204-0060.

(28) "Commence" or "commencement" means that the owner or operator has obtained all necessary preconstruction approvals required by the FCAA and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed in a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed in a reasonable time.

(29) "Commission" or "EQC" means Environmental Quality Commission.

(30) "Constant process rate" means the average variation in process rate for the calendar year is not greater than plus or minus ten percent of the average process rate.

(31) "Construction":

(a) Except as provided in subsection (b) means any physical change including, but not limited to, fabrication, erection, installation, demolition, or modification of a source or part of a source;

(b) As used in OAR 340 division 224 means any physical change including, but not limited to, fabrication, erection, installation, demolition, or modification of an emissions unit, or change in the method of operation of a source which would result in a change in actual emissions.

(32) "Continuous compliance determination method" means a method, specified by the applicable standard or an applicable permit condition, which:

(a) Is used to determine compliance with an emission limitation or standard on a continuous basis, consistent with the averaging period established for the emission limitation or standard; and

(b) Provides data either in units of the standard or correlated directly with the compliance limit.

(33) "Continuous monitoring systems" means sampling and analysis, in a timed sequence, using techniques which will adequately reflect actual emissions or concentrations on a

continuing basis as specified in the DEQ Continuous Monitoring Manual, found in OAR 340-200-0035, and includes continuous emission monitoring systems, continuous opacity monitoring system (COMS) and continuous parameter monitoring systems.

(34) "Control device" means equipment, other than inherent process equipment that is used to destroy or remove a regulated pollutant prior to discharge to the atmosphere. The types of equipment that may commonly be used as control devices include, but are not limited to, fabric filters, mechanical collectors, electrostatic precipitators, inertial separators, afterburners, thermal or catalytic incinerators, adsorption devices, such as carbon beds, condensers, scrubbers, such as wet collection and gas absorption devices, selective catalytic or non-catalytic reduction systems, flue gas recirculation systems, spray dryers, spray towers, mist eliminators, acid plants, sulfur recovery plants, injection systems, such as water, steam, ammonia, sorbent or limestone injection, and combustion devices independent of the particular process being conducted at an emissions unit, e.g., the destruction of emissions achieved by venting process emission streams to flares, boilers or process heaters. For purposes of OAR 340-212-0200 through 340-212-0280, a control device does not include passive control measures that act to prevent regulated pollutants from forming, such as the use of seals, lids, or roofs to prevent the release of regulated pollutants, use of low-polluting fuel or feedstocks, or the use of combustion or other process design features or characteristics. If an applicable requirement establishes that particular equipment which otherwise meets this definition of a control device does not constitute a control device as applied to a particular regulated pollutant-specific emissions unit, then that definition will be binding for purposes of OAR 340-212-0200 through 340-212-0280.

(35) "Control efficiency" means the product of the capture and removal efficiencies.

(36) "Criteria pollutant" means any of the following regulated pollutants: nitrogen oxides, volatile organic compounds, particulate matter, PM10, PM2.5, sulfur dioxide, carbon monoxide, and lead.

(37) "Data" means the results of any type of monitoring or method, including the results of instrumental or non-instrumental monitoring, emission calculations, manual sampling procedures, recordkeeping procedures, or any other form of information collection procedure used in connection with any type of monitoring or method.

(38) "Day" means a 24-hour period beginning at 12:00 a.m. midnight or a 24-hour period as specified in a permit.

(39) "De minimis emission level" means the level for the regulated pollutants listed below:

(a) Greenhouse Gases (CO₂e) = 2,756 tons per year.

(b) CO = 1 ton per year.

(c) NO_x = 1 ton per year.

(d) SO₂ = 1 ton per year.

- (e) VOC = 1 ton per year.
- (f) PM = 1 ton per year.
- (g) PM10 (except Medford AQMA) = 1 ton per year.
- (h) PM10 (Medford AQMA) = 0.5 ton per year and 5.0 pounds/day.
- (i) Direct PM2.5 = 1 ton per year.
- (j) Lead = 0.1 ton per year.
- (k) Fluorides = 0.3 ton per year.
- (l) Sulfuric Acid Mist = 0.7 ton per year.
- (m) Hydrogen Sulfide = 1 ton per year.
- (n) Total Reduced Sulfur (including hydrogen sulfide) = 1 ton per year.
- (o) Reduced Sulfur = 1 ton per year.
- (p) Municipal waste combustor organics (dioxin and furans) = 0.0000005 ton per year.
- (q) Municipal waste combustor metals = 1 ton per year.
- (r) Municipal waste combustor acid gases = 1 ton per year.
- (s) Municipal solid waste landfill gases (measured as nonmethane organic compounds) = 1 ton per year
- (t) Single HAP = 1 ton per year
- (u) Combined HAP (aggregate) = 1 ton per year
- (40) "Department" or "DEQ":
 - (a) Means Department of Environmental Quality; except
 - (b) As used in OAR 340 divisions 218 and 220 means Department of Environmental Quality, or in the case of Lane County, LRAPA.
- (41) "DEQ method [#]" means the sampling method and protocols for measuring a regulated pollutant as described in the DEQ Source Sampling Manual, found in OAR 340-200-0035.
- (42) "Designated area" means an area that has been designated as an attainment, unclassified, sustainment, nonattainment, reattainment, or maintenance area under OAR 340 division 204 or applicable provisions of the FCAA.

- (43) "Destruction efficiency" means removal efficiency.
- (44) "Device" means any machine, equipment, raw material, product, or byproduct at a source that produces or emits a regulated pollutant.
- (45) "Direct PM_{2.5}" has the meaning provided in the definition of PM_{2.5}.
- (46) "Director" means the Director of DEQ or the Director's designee.
- (47) "Draft permit" means the version of an Oregon Title V Operating Permit for which DEQ or LRAPA offers public participation under OAR 340-218-0210 or the EPA and affected State review under 340-218-0230.
- (48) "Dry standard cubic foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions.
- (49) "Effective date of the program" means the date that the EPA approves the Oregon Title V Operating Permit program submitted by DEQ on a full or interim basis. In case of a partial approval, the "effective date of the program" for each portion of the program is the date of the EPA approval of that portion.
- (50) "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency does not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- (51) "Emission" means a release into the atmosphere of any regulated pollutant or any air contaminant.
- (52) "Emission estimate adjustment factor" or "EEAF" means an adjustment applied to an emission factor to account for the relative inaccuracy of the emission factor.
- (53) "Emission factor" means an estimate of the rate at which a regulated pollutant is released into the atmosphere, as the result of some activity, divided by the rate of that activity (e.g., production or process rate).
- (54) "Emission limitation" or "Emission standard" or "Emission limitation or standard" means:
- (a) Except as provided in subsection (b), a requirement established by a state, local government, or the EPA which limits the quantity, rate, or concentration of emissions of regulated pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

(b) As used in OAR 340-212-0200 through 340-212-0280, any applicable requirement that constitutes an emission limitation, emission standard, standard of performance or means of emission limitation as defined under the FCAA. An emission limitation or standard may be expressed in terms of the pollutant, expressed either as a specific quantity, rate or concentration of emissions, e.g., pounds of SO₂ per hour, pounds of SO₂ per million British thermal units of fuel input, kilograms of VOC per liter of applied coating solids, or parts per million by volume of SO₂, or as the relationship of uncontrolled to controlled emissions, e.g., percentage capture and destruction efficiency of VOC or percentage reduction of SO₂. An emission limitation or standard may also be expressed either as a work practice, process or control device parameter, or other form of specific design, equipment, operational, or operation and maintenance requirement. For purposes of 340-212-0200 through 340-212-0280, an emission limitation or standard does not include general operation requirements that an owner or operator may be required to meet, such as requirements to obtain a permit, operate and maintain sources using good air pollution control practices, develop and maintain a malfunction abatement plan, keep records, submit reports, or conduct monitoring.

(55) "Emission Reduction credit banking" means to presently reserve, subject to requirements of OAR 340 division 268, Emission Reduction Credits, emission reductions for use by the reserver or assignee for future compliance with air pollution reduction requirements.

(56) "Emission reporting form" means a paper or electronic form developed by DEQ that must be completed by the permittee to report calculated emissions, actual emissions, or permitted emissions for interim emission fee assessment purposes.

(57) "Emissions unit" means any part or activity of a source that emits or has the potential to emit any regulated pollutant.

(a) A part of a source is any machine, equipment, raw material, product, or byproduct that produces or emits regulated pollutants. An activity is any process, operation, action, or reaction, e.g., chemical, at a stationary source that emits regulated pollutants. Except as described in subsection (d), parts and activities may be grouped for purposes of defining an emissions unit if the following conditions are met:

(A) The group used to define the emissions unit may not include discrete parts or activities to which a distinct emissions standard applies or for which different compliance demonstration requirements apply; and

(B) The emissions from the emissions unit are quantifiable.

(b) Emissions units may be defined on a regulated pollutant by regulated pollutant basis where applicable.

(c) The term emissions unit is not meant to alter or affect the definition of the term "unit" under Title IV of the FCAA.

(d) Parts and activities cannot be grouped for determining emissions increases from an emissions unit under OAR 340 divisions 210 and 224, or for determining the applicability of

any New Source Performance Standard.

(58) "EPA" or "Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

(59) "EPA Method 9" means the method for Visual Determination of the Opacity of Emissions From Stationary Sources described in 40 C.F.R. part 60, Appendix A-4.

(60) "Equivalent method" means any method of sampling and analyzing for a regulated pollutant that has been demonstrated to DEQ's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions. An equivalent method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to DEQ.

(61) "Event" means excess emissions that arise from the same condition and occur during a single calendar day or continue into subsequent calendar days.

(62) "Exceedance" means a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions, or opacity, are greater than the applicable emission limitation or standard, or less than the applicable standard in the case of a percent reduction requirement, consistent with any averaging period specified for averaging the results of the monitoring.

(63) "Excess emissions" means emissions in excess of [an applicable requirement](#), a permit or permit attachment limit, in excess of a risk limit under OAR chapter 340, division 245, or in violation of any applicable air quality rule.

(64) "Excursion" means a departure from an indicator range established for monitoring under OAR 340-212-0200 through 340-212-0280 and 340-218-0050(3)(a), consistent with any averaging period specified for averaging the results of the monitoring.

(65) "Federal Land Manager" means with respect to any lands in the United States, the Secretary of the federal department with authority over such lands.

(66) "Federal Major Source" means any source listed in subsections (a) or (d) below:

(a) A source with potential to emit:

(A) 100 tons per year or more of any individual regulated pollutant, excluding greenhouse gases and hazardous air pollutants listed in OAR 340 division 244 if in a source category listed in subsection (c), or

(B) 250 tons per year or more of any individual regulated pollutant, excluding greenhouse gases and hazardous air pollutants listed in OAR 340 division 244, if not in a source category listed in subsection (c).

(b) Calculations for determining a source's potential to emit for purposes of subsections (a)

and (d) must include the following:

(A) Fugitive emissions and insignificant activity emissions; and

(B) Increases or decreases due to a new or modified source.

(c) Source categories:

(A) Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input;

(B) Coal cleaning plants with thermal dryers;

(C) Kraft pulp mills;

(D) Portland cement plants;

(E) Primary zinc smelters;

(F) Iron and steel mill plants;

(G) Primary aluminum ore reduction plants;

(H) Primary copper smelters;

(I) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(J) Hydrofluoric acid plants;

(K) Sulfuric acid plants;

(L) Nitric acid plants;

(M) Petroleum refineries;

(N) Lime plants;

(O) Phosphate rock processing plants;

(P) Coke oven batteries;

(Q) Sulfur recovery plants;

(R) Carbon black plants, furnace process;

(S) Primary lead smelters;

(T) Fuel conversion plants;

(U) Sintering plants;

(V) Secondary metal production plants;

(W) Chemical process plants, excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;

(X) Fossil fuel fired boilers, or combinations thereof, totaling more than 250 million BTU per hour heat input;

(Y) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(Z) Taconite ore processing plants;

(AA) Glass fiber processing plants;

(BB) Charcoal production plants.

(d) A major stationary source as defined in part D of Title I of the FCAA, including:

(A) For ozone nonattainment areas, sources with the potential to emit 100 tons per year or more of VOCs or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tons per year or more in areas classified as "serious," 25 tons per year or more in areas classified as "severe," and 10 tons per year or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tons per year of nitrogen oxides do not apply with respect to any source for which the Administrator has made a finding, under section 182(f)(1) or (2) of the FCAA, that requirements under section 182(f) of the FCAA do not apply;

(B) For ozone transport regions established under section 184 of the FCAA, sources with the potential to emit 50 tons per year or more of VOCs;

(C) For carbon monoxide nonattainment areas that are classified as "serious" and in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tons per year or more of carbon monoxide.

(D) For PM10 nonattainment areas classified as "serious," sources with the potential to emit 70 tons per year or more of PM10.

(67) "Final permit" means the version of an Oregon Title V Operating Permit issued by DEQ or LRAPA that has completed all review procedures required by OAR 340-218-0120 through 340-218-0240.

(68) "Form" means a paper or electronic form developed by DEQ.

(69) "Fuel burning equipment" means equipment, other than internal combustion engines, the principal purpose of which is to produce heat or power by indirect heat transfer.

(70) "Fugitive emissions":

(a) Except as used in subsection (b), means emissions of any air contaminant which escape to the atmosphere from any point or area that is not identifiable as a stack, vent, duct, or equivalent opening.

(b) As used to define a major Oregon Title V Operating Permit program source, means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(71) "General permit":

(a) Except as provided in subsection (b), means an Oregon Air Contaminant Discharge Permit established under OAR 340-216-0060;

(b) As used in OAR 340 division 218 means an Oregon Title V Operating Permit established under OAR 340-218-0090.

(72) "Generic PSEL" means the levels for the regulated pollutants listed below:

(a) Greenhouse Gases (CO₂e) = 74,000 tons per year

(b) CO = 99 tons per year

(c) NO_x = 39 tons per year

(d) SO₂ = 39 tons per year

(e) VOC = 39 tons per year

(f) PM = 24 tons per year

(g) PM₁₀ (except Medford AQMA) = 14 tons per year

(h) PM₁₀ (Medford AQMA) = 4.5 tons per year and 49 pounds per day

(i) PM_{2.5} = 9 tons per year

(j) Lead = 0.5 tons per year

(k) Fluorides = 2 tons per year

(l) Sulfuric Acid Mist = 6 tons per year

(m) Hydrogen Sulfide = 9 tons per year

(n) Total Reduced Sulfur (including hydrogen sulfide) = 9 tons per year

(o) Reduced Sulfur = 9 tons per year

- (p) Municipal waste combustor organics (Dioxin and furans) = 0.0000030 tons per year
- (q) Municipal waste combustor metals = 14 tons per year
- (r) Municipal waste combustor acid gases = 39 tons per year
- (s) Municipal solid waste landfill gases (measured as nonmethane organic compounds) = 49 tons per year
- (t) Single HAP = 9 tons per year
- (u) Combined HAPs (aggregate) = 24 tons per year

(73)(a) "Greenhouse gases" or "GHGs" means ~~the aggregate group of the following six gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Each gas is also individually a greenhouse gas.~~ carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and other fluorinated greenhouse gases or fluorinated GHG as defined in 40 C.F.R. part 98.

~~(b) The definition of greenhouse gases in subsection (a) of this section does not include, for purposes of division 216, 218, and 224, carbon dioxide emissions from the combustion or decomposition of biomass except to the extent required by federal law.~~

(74) "Growth allowance" means an allocation of some part of an airshed's capacity to accommodate future proposed sources and modifications of sources.

(75) "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.

(76) "Hazardous Air Pollutant" or "HAP" means an air contaminant listed by the EPA under section 112(b) of the FCAA or determined by the EQC to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.

(77) "Immediately" means as soon as possible but in no case more than one hour after a source knew or should have known of an excess emission period.

(78) "Indian governing body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(79) "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(80) "Inherent process equipment" means equipment that is necessary for the proper or safe functioning of the process, or material recovery equipment that the owner or operator documents is installed and operated primarily for purposes other than compliance with air pollution regulations. Equipment that must be operated at an efficiency higher than that

achieved during normal process operations in order to comply with the applicable emission limitation or standard is not inherent process equipment. For the purposes of OAR 340-212-0200 through 340-212-0280, inherent process equipment is not considered a control device.

(81) "Insignificant activity" means an activity or emission that DEQ has designated as categorically insignificant, or that meets the criteria of aggregate insignificant emissions.

(82) "Insignificant change" means an off-permit change defined under OAR 340-218-0140(2)(a) to either a significant or an insignificant activity which:

- (a) Does not result in a re-designation from an insignificant to a significant activity;
- (b) Does not invoke an applicable requirement not included in the permit; and
- (c) Does not result in emission of regulated pollutants not regulated by the source's permit.

(83) "Internal combustion engine" means stationary gas turbines and reciprocating internal combustion engines.

(84) "Late payment" means a fee payment which is ~~postmarked~~received after the due date.

(85) "Liquefied petroleum gas" has the meaning given by the American Society for Testing and Materials in ASTM D1835-82, "Standard Specification for Liquid Petroleum Gases."

(86) "Lowest Achievable Emission Rate" or "LAER" means that rate of emissions which reflects: the most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent. The application of this term cannot permit a proposed new or modified source to emit any air contaminant in excess of the amount allowable under applicable New Source Performance Standards (NSPS) or standards for hazardous air pollutants.

(87) "Maintenance area" means any area that was formerly nonattainment for a criteria pollutant but has since met the ambient air quality standard, and EPA has approved a maintenance plan to comply with the standards under 40 C.F.R. 51.110. Maintenance areas are designated by the EQC according to division 204.

(88) "Maintenance pollutant" means a regulated pollutant for which a maintenance area was formerly designated a nonattainment area.

(89) "Major Modification" means any physical change or change in the method of operation of a source that results in satisfying the requirements of OAR 340-224-0025.

(90) "Major New Source Review" or "Major NSR" means the new source review process and requirements under OAR 340-224-0010 through 340-224-0070 and 340-224-0500 through 340-224-0540 based on the location and regulated pollutants emitted.

(91) "Major source":

(a) Except as provided in subsection (b) of this section, means a source that emits, or has the potential to emit, any regulated air pollutant at a Significant Emission Rate. The fugitive emissions and insignificant activity emissions of a stationary source are considered in determining whether it is a major source. Potential to emit calculations must include emission increases due to a new or modified source and may include emission decreases.

(b) As used in OAR 340 division 210, Stationary Source Notification Requirements; OAR 340 division 218, Oregon Title V Operating Permits; OAR 340 division 220, Oregon Title V Operating Permit Fees; [OAR 340-216-0066](#), Standard ACDPs; ~~and~~ OAR 340 division 236, Emission Standards for Specific Industries; [and Compliance Assurance Monitoring, 340-212-0200 through 0280](#), means any stationary source or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control of the same person or persons under common control belonging to a single major industrial grouping or supporting the major industrial group and that is described in paragraphs (A), (B), or (C). For the purposes of this subsection, a stationary source or group of stationary sources is considered part of a single industrial grouping if all of the regulated pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987) or support the major industrial group.

(A) A major source of hazardous air pollutants, which means:

(i) For hazardous air pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year or more of any hazardous air pollutants that has been listed under OAR 340-244-0040; 25 tons per year or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Emissions from any oil or gas exploration or production well, along with its associated equipment, and emissions from any pipeline compressor or pump station will not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(ii) For radionuclides, "major source" will have the meaning specified by the Administrator by rule.

(B) A major stationary source of regulated pollutants, as defined in section 302 of the FCAA, that directly emits or has the potential to emit 100 tons per year or more of any regulated pollutant, except greenhouse gases, including any major source of fugitive emissions of any such regulated pollutant. The fugitive emissions of a stationary source are not considered in determining whether it is a major stationary source for the purposes of section 302(j) of the FCAA, unless the source belongs to one of the following categories of stationary sources:

(i) Coal cleaning plants (with thermal dryers);

- (ii) Kraft pulp mills;
- (iii) Portland cement plants;
- (iv) Primary zinc smelters;
- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;
- (viii) Municipal incinerators capable of charging more than 50 tons of refuse per day;
- (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- (x) Petroleum refineries;
- (xi) Lime plants;
- (xii) Phosphate rock processing plants;
- (xiii) Coke oven batteries;
- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants (furnace process);
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants, excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;
- (xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or

(xxvii) Any other stationary source category, that as of August 7, 1980 is being regulated under section 111 or 112 of the FCAA.

(C) From July 1, 2011 through November 6, 2014, a major stationary source of regulated pollutants, as defined by Section 302 of the FCAA, that directly emits or has the potential to emit 100 tons per year or more of greenhouse gases and directly emits or has the potential to emit 100,000 tons per year or more CO₂e, including fugitive emissions.

(92) "Material balance" means a procedure for determining emissions based on the difference in the amount of material added to a process and the amount consumed and/or recovered from a process.

(93) "Modification," except as used in the terms "major modification" "permit modification" and "Title I modification," means any physical change to, or change in the method of operation of, a source or part of a source that results in an increase in the source or part of the source's potential to emit any regulated pollutant on an hourly basis. Modifications do not include the following:

(a) Increases in hours of operation or production rates that do not involve a physical change or change in the method of operation;

(b) Changes in the method of operation due to using an alternative fuel or raw material that the source or part of a source was physically capable of accommodating during the baseline period; and

(c) Routine maintenance, repair and like-for-like replacement of components unless they increase the expected life of the source or part of a source by using component upgrades that would not otherwise be necessary for the source or part of a source to function.

(94) "Monitoring" means any form of collecting data on a routine basis to determine or otherwise assess compliance with emission limitations or standards. Monitoring may include record keeping if the records are used to determine or assess compliance with an emission limitation or standard such as records of raw material content and usage, or records documenting compliance with work practice requirements. Monitoring may include conducting compliance method tests, such as the procedures in appendix A to 40 C.F.R. part 60, on a routine periodic basis. Requirements to conduct such tests on a one-time basis, or at such times as a regulatory authority may require on a non-regular basis, are not considered monitoring requirements for purposes of this definition. Monitoring may include one or more than one of the following data collection techniques as appropriate for a particular circumstance:

(a) Continuous emission or opacity monitoring systems.

- (b) Continuous process, capture system, control device or other relevant parameter monitoring systems or procedures, including a predictive emission monitoring system.
- (c) Emission estimation and calculation procedures (e.g., mass balance or stoichiometric calculations).
- (d) Maintaining and analyzing records of fuel or raw materials usage.
- (e) Recording results of a program or protocol to conduct specific operation and maintenance procedures.
- (f) Verifying emissions, process parameters, capture system parameters, or control device parameters using portable or in situ measurement devices.
- (g) Visible emission observations and recording.
- (h) Any other form of measuring, recording, or verifying on a routine basis emissions, process parameters, capture system parameters, control device parameters or other factors relevant to assessing compliance with emission limitations or standards.
- (95) "Natural gas" means a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal component is methane.
- (96) "Netting basis" means an emission rate determined as specified in OAR 340-222-0046.
- (97) "Nitrogen oxides" or "NO_x" means all oxides of nitrogen except nitrous oxide.
- (98) "Nonattainment area" means a geographical area of the state, as designated by the EQC or the EPA, that exceeds any state or federal primary or secondary ambient air quality standard. Nonattainment areas are designated by the EQC according to division 204.
- (99) "Nonattainment pollutant" means a regulated pollutant for which an area is designated a nonattainment area. Nonattainment areas are designated by the EQC according to division 204.
- (100) "Normal source operation" means operation that does not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.
- (101) "Odor" means that property of an air contaminant that affects the sense of smell.
- (102) "Offset" means an equivalent or greater emission reduction that is required before allowing an emission increase from a source that is subject to Major NSR or State NSR.
- (103) "Opacity" means the degree to which emissions, excluding uncombined water, reduce the transmission of light and obscure the view of an object in the background as measured by EPA Method 9 or other method, as specified in each applicable rule.
- (104) "Oregon Title V operating permit" or "Title V permit" means written authorization

issued, renewed, amended, or revised under OAR 340 division 218.

(105) "Oregon Title V operating permit program" or "Title V program" means the Oregon program described in OAR 340 division 218 and approved by the Administrator under 40 C.F.R. part 70.

(106) "Oregon Title V operating permit program source" or "Title V source" means any source subject to the permitting requirements, OAR 340 division 218.

(107) "Ozone precursor" means nitrogen oxides and volatile organic compounds.

(108) "Ozone season" means the contiguous 3 month period during which ozone exceedances typically occur, i.e., June, July, and August.

(109) "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.

(110) "Particulate matter":

(a) Except as provided in subsection (b) of this section, means all finely divided solid ~~and~~ liquid material, other than uncombined water, that is emitted to the ambient air as measured by the test method specified in each applicable rule, or where not specified by rule, in the permit.

(b) As used in OAR 340 division 208, Visible Emissions and Nuisance Requirements, means all finely divided solid material, including dust, and all finely divided liquid material, other than uncombined water, that is emitted to the ambient air.

(111) "Permit" means an Air Contaminant Discharge Permit or an Oregon Title V Operating Permit, permit attachment and any amendments or modifications thereof.

(112) "Permit modification" means a permit revision that meets the applicable requirements of OAR 340 division 216, OAR 340 division 224, or OAR 340-218-0160 through 340-218-0180.

(113) "Permit revision" means any permit modification or administrative permit amendment.

(114) "Permitted emissions" as used in OAR 340 division 220 means each regulated pollutant portion of the PSEL, as identified in an ACDP, Oregon Title V Operating Permit, review report, or by DEQ under OAR 340-220-0090.

(115) "Permittee" means the owner or operator of a source, authorized to emit regulated pollutants under an ACDP or Oregon Title V Operating Permit.

(116) "Person" means individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the State of Oregon and any agencies thereof, and the federal government and any agencies thereof.

(117) "Plant Site Emission Limit" or "PSEL" means the total mass emissions per unit time of an individual regulated pollutant specified in a permit for a source. The PSEL for a major source may consist of more than one permitted emission for purposes of Oregon Title V Operating Permit Fees in OAR 340 division 220.

(118) "Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.

(119) "PM10":

(a) When used in the context of emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 10 micrometers, emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit;

(b) When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured under 40 C.F.R. part 50, Appendix J or an equivalent method designated under 40 C.F.R. part 53.

(120) "PM2.5":

(a) When used in the context of direct PM2.5 emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit.

(b) When used in the context of PM2.5 precursor emissions, means sulfur dioxide (SO₂) and nitrogen oxides (NO_x) emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit.

(c) When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured under 40 C.F.R. part 50, Appendix L, or an equivalent method designated under 40 C.F.R. part 53.

(121) "PM2.5 fraction" means the fraction of PM2.5 in relation to PM10 for each emissions unit that is included in the netting basis and PSEL.

(122) "Pollutant-specific emissions unit" means an emissions unit considered separately with respect to each regulated pollutant.

(123) "Portable" means designed and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(124) "Potential to emit" or "PTE" means the lesser of:

(a) The regulated pollutant emissions capacity of a stationary source; or

(b) The maximum allowable regulated pollutant emissions taking into consideration any physical or operational limitation, including use of control devices and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, if the limitation is enforceable by the [U.S. EPA](#) Administrator.

(c) This definition does not alter or affect the use of this term for any other purposes under the FCAA or the term "capacity factor" as used in Title IV of the FCAA and the regulations promulgated thereunder. Secondary emissions are not considered in determining the potential to emit.

(125) "ppm" means parts per million by volume unless otherwise specified in the applicable rule or an individual permit. It is a dimensionless unit of measurement for gases that expresses the ratio of the volume of one component gas to the volume of the entire sample mixture of gases.

(126) "Predictive emission monitoring system" or "PEMS" means a system that uses process and other parameters as inputs to a computer program or other data reduction system to produce values in terms of the applicable emission limitation or standard.

(127) "Press/cooling vent" means any opening through which particulate and gaseous emissions from plywood, particleboard, or hardboard manufacturing are exhausted, either by natural draft or powered fan, from the building housing the process. Such openings are generally located immediately above the board press, board unloader, or board cooling area.

(128) "Process upset" means a failure or malfunction of a production process or system to operate in a normal and usual manner.

(129) "Proposed permit" means the version of an Oregon Title V Operating Permit that DEQ or LRAPA proposes to issue and forwards to the Administrator for review in compliance with OAR 340-218-0230.

(130) "Reattainment area" means an area that is designated as nonattainment and has three consecutive years of monitoring data that shows the area is meeting the ambient air quality standard for the regulated pollutant for which the area was designated a nonattainment area, but a formal redesignation by EPA has not yet been approved. Reattainment areas are designated by the EQC according to division 204.

(131) "Reattainment pollutant" means a regulated pollutant for which an area is designated a reattainment area.

(132) "Reference method" means any method of sampling and analyzing for a regulated pollutant as specified in 40 C.F.R. part 52, 60, 61 or 63.

(133) "Regional agency" means Lane Regional Air Protection Agency.

(134) "Regulated air pollutant" or "Regulated pollutant":

(a) Except as provided in subsections (b), (c) and (d), means:

(A) Nitrogen oxides or any VOCs;

(B) Any pollutant for which an ambient air quality standard has been promulgated, including any precursors to such pollutants;

(C) Any pollutant that is subject to any standard promulgated under section 111 of the FCAA;

(D) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA;

(E) Any pollutant listed under OAR 340-244-0040 or 40 C.F.R. 68.130;

(F) Greenhouse gases; and

(G) Toxic Air Contaminants.

(b) As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, regulated pollutant means particulate matter, volatile organic compounds, oxides of nitrogen and sulfur dioxide.

(c) As used in OAR 340 division 222, Plant Site Emission Limits and division 224, New Source Review, regulated pollutant does not include any pollutant listed in OAR 340 divisions ~~244 and 246~~ [or 247](#).

(d) As used in OAR 340 division 202 Ambient Air Quality Standards And PSD Increments through division 208 Visible Emissions and Nuisance Requirements; division 215 Greenhouse Reporting Requirements; division 222 Stationary Source Plant Site Emission Limits through division 244 Oregon Federal Hazardous Air Pollutant Program; and division 248 Asbestos Requirements through division 268 Emission Reduction Credits; regulated pollutant means only the air contaminants listed under paragraphs (a)(A) through (F).

(135) "Removal efficiency" means the performance of an air pollution control device in terms of the ratio of the amount of the regulated pollutant removed from the airstream to the total amount of regulated pollutant that enters the air pollution control device.

(136) "Renewal" means the process by which a permit is reissued at the end of its term.

(137) "Responsible official" means one of the following:

(a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more

manufacturing, production, or operating facilities applying for or subject to a permit and either:

(A) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

(B) The delegation of authority to such representative is approved in advance by DEQ or LRAPA.

(b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

(c) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this division, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of EPA (e.g., a Regional Administrator of the EPA); or

(d) For affected sources:

(A) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the FCAA or the regulations promulgated there under are concerned; and

(B) The designated representative for any other purposes under the Oregon Title V Operating Permit program.

(138) "Secondary emissions" means emissions that are a result of the construction and/or operation of a source or modification, but that do not come from the source itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source associated with the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships and trains coming to or from a facility;

(b) Emissions from off-site support facilities that would be constructed or would otherwise increase emissions as a result of the construction or modification of a source.

(139) "Section 111" means section 111 of the FCAA, 42 U.S.C. § 7411, which includes Standards of Performance for New Stationary Sources (NSPS).

(140) "Section 111(d)" means subsection 111(d) of the FCAA, 42 U.S.C. § 7411(d), which requires states to submit to the EPA plans that establish standards of performance for existing sources and provides for implementing and enforcing such standards.

(141) "Section 112" means section 112 of the FCAA, 42 U.S.C. § 7412, which contains regulations for Hazardous Air Pollutants.

(142) "Section 112(b)" means subsection 112(b) of the FCAA, 42 U.S.C. § 7412(b), which

includes the list of hazardous air pollutants to be regulated.

(143) "Section 112(d)" means subsection 112(d) of the FCAA, 42 U.S.C. § 7412(d), which directs the EPA to establish emission standards for sources of hazardous air pollutants. This section also defines the criteria to be used by the EPA when establishing the emission standards.

(144) "Section 112(e)" means subsection 112(e) of the FCAA, 42 U.S.C. § 7412(e), which directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit hazardous air pollutants.

(145) "Section 112(r)(7)" means subsection 112(r)(7) of the FCAA, 42 U.S.C. § 7412(r)(7), which requires the EPA to promulgate regulations for the prevention of accidental releases and requires owners or operators to prepare risk management plans.

(146) "Section 114(a)(3)" means subsection 114(a)(3) of the FCAA, 42 U.S.C. § 7414(a)(3), which requires enhanced monitoring and submission of compliance certifications for major sources.

(147) "Section 129" means section 129 of the FCAA, 42 U.S.C. § 7429, which requires the EPA to establish emission standards and other requirements for solid waste incineration units.

(148) "Section 129(e)" means subsection 129(e) of the FCAA, 42 U.S.C. § 7429(e), which requires solid waste incineration units to obtain Oregon Title V Operating Permits.

(149) "Section 182(f)" means subsection 182(f) of the FCAA, 42 U.S.C. § 7511a(f), which requires states to include plan provisions in the SIP for NO_x in ozone nonattainment areas.

(150) "Section 182(f)(1)" means subsection 182(f)(1) of the FCAA, 42 U.S.C. § 7511a(f)(1), which requires states to apply those plan provisions developed for major VOC sources and major NO_x sources in ozone nonattainment areas.

(151) "Section 183(e)" means subsection 183(e) of the FCAA, 42 U.S.C. § 7511b(e), which requires the EPA to study and develop regulations for the control of certain VOC sources under federal ozone measures.

(152) "Section 183(f)" means subsection 183(f) of the FCAA, 42 U.S.C. § 7511b(f), which requires the EPA to develop regulations pertaining to tank vessels under federal ozone measures.

(153) "Section 184" means section 184 of the FCAA, 42 U.S.C. § 7511c, which contains regulations for the control of interstate ozone air pollution.

(154) "Section 302" means section 302 of the FCAA, 42 U.S.C. § 7602, which contains definitions for general and administrative purposes in the FCAA.

(155) "Section 302(j)" means subsection 302(j) of the FCAA, 42 U.S.C. § 7602(j), which

contains definitions of "major stationary source" and "major emitting facility."

(156) "Section 328" means section 328 of the FCAA, 42 U.S.C. § 7627, which contains regulations for air pollution from outer continental shelf activities.

(157) "Section 408(a)" means subsection 408(a) of the FCAA, 42 U.S.C. § 7651g(a), which contains regulations for the Title IV permit program.

(158) "Section 502(b)(10) change" means a change which contravenes an express permit term but is not a change that:

(a) Would violate applicable requirements;

(b) Would contravene federally enforceable permit terms and conditions that are monitoring, recordkeeping, reporting, or compliance certification requirements; or

(c) Is a FCAA Title I modification.

(159) "Section 504(b)" means subsection 504(b) of the FCAA, 42 U.S.C. § 7661c(b), which states that the EPA can prescribe by rule procedures and methods for determining compliance and for monitoring.

(160) "Section 504(e)" means subsection 504(e) of the FCAA, 42 U.S.C. § 761c(e), which contains regulations for permit requirements for temporary sources.

(161) "Significant emission rate" or "SER," except as provided in subsections (v) and (w), means an emission rate equal to or greater than the rates specified for the regulated pollutants below:

(a) Greenhouse gases (CO₂e) = 75,000 tons per year

(b) Carbon monoxide = 100 tons per year except in a serious nonattainment area = 50 tons per year, provided DEQ has determined that stationary sources contribute significantly to carbon monoxide levels in that area.

(c) Nitrogen oxides (NO_x) = 40 tons per year.

(d) Particulate matter = 25 tons per year.

(e) PM₁₀ = 15 tons per year.

(f) Direct PM_{2.5} = 10 tons per year.

(g) PM_{2.5} precursors (SO₂ or NO_x) = 40 tons per year.

(h) Sulfur dioxide (SO₂) = 40 tons per year.

(i) Ozone precursors (VOC or NO_x) = 40 tons per year except:

- (I) In a serious or severe ozone nonattainment area = 25 tons per year.
- (II) In an extreme ozone nonattainment area = any emissions increase.
- (j) Lead = 0.6 tons per year.
- (k) Inorganic fluorides compounds, excluding hydrogen fluoride, (as measured by EPA method 13A or 13B) = 3 tons per year.
- (l) Sulfuric acid mist = 7 tons per year.
- (m) Hydrogen sulfide = 10 tons per year.
- (n) Total reduced sulfur (including hydrogen sulfide) = 10 tons per year.
- (o) Reduced sulfur compounds (including hydrogen sulfide) = 10 tons per year.
- (p) Municipal waste combustor organics (measured as total tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans) = 0.0000035 tons per year.
- (q) Municipal waste combustor metals (measured as particulate matter) = 15 tons per year.
- (r) Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride) = 40 tons per year.
- (s) Municipal solid waste landfill emissions (measured as nonmethane organic compounds) = 50 tons per year.
- (t) Ozone depleting substances in aggregate = 100 tons per year.
- (u) For the Medford-Ashland Air Quality Maintenance Area, the SER for PM10 is defined as 5.0 tons per year on an annual basis and 50.0 pounds per day on a daily basis.
- (v) For regulated pollutants not listed in subsections (a) through (u), the SER is zero ~~unless DEQ determines the rate that constitutes a SER.~~
- (w) Any new source or modification with an emissions increase less than the rates specified above and that is located within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m³ (24 hour average) is emitting at a SER. This subsection does not apply to greenhouse gas emissions.
- (162) "Significant impact" means an additional ambient air quality concentration equal to or greater than the significant impact level. For sources of VOC or NO_x, a source has a significant impact if it is located within the ozone impact distance defined in OAR 340 division 224.
- (163) "Significant impact level" or "SIL" means the ambient air quality concentrations listed below. The threshold concentrations listed below are used for comparison against the ambient air quality standards and PSD increments established under OAR 340 division 202,

but do not apply for protecting air quality related values, including visibility.

(a) For Class I areas:

(A) PM_{2.5}:

(i) Annual = 0.06 µg/m³.

(ii) 24-hour = 0.07 µg/m³.

(B) PM₁₀:

~~(i) Annual = 0.20 µg/m³.~~

(ii) 24-hour = 0.30 µg/m³.

(C) Sulfur dioxide:

(i) Annual = 0.10 µg/m³.

(ii) 24-hour = 0.20 µg/m³.

(iii) 3-hour = 1.0 µg/m³.

(D) Nitrogen dioxide: annual = 0.10 µg/m³.

(b) For Class II areas:

(A) PM_{2.5}:

(i) Annual = 0.3 µg/m³.

(ii) 24-hour = 1.2 µg/m³.

(B) PM₁₀:

~~(i) Annual = 0.20 µg/m³.~~

(ii) 24-hour = 1.0 µg/m³.

(C) Sulfur dioxide:

(i) Annual = 1.0 µg/m³.

(ii) 24-hour = 5.0 µg/m³.

(iii) 3-hour = 25.0 µg/m³.

(iv) 1-hour = 8.0 µg/m³.

(D) Nitrogen dioxide:

(i) Annual = 1.0 $\mu\text{g}/\text{m}^3$.

(ii) 1-hour = 8.0 $\mu\text{g}/\text{m}^3$.

(E) Carbon monoxide:

(i) 8-hour = 0.5 mg/m^3 .

(ii) 1-hour = 2.0 mg/m^3 .

(c) For Class III areas:

(A) PM_{2.5}:

(i) Annual = 0.3 $\mu\text{g}/\text{m}^3$.

(ii) 24-hour = 1.2 $\mu\text{g}/\text{m}^3$.

(B) PM₁₀:

~~(i) Annual = 0.20 $\mu\text{g}/\text{m}^3$.~~

(ii) 24-hour = 1.0 $\mu\text{g}/\text{m}^3$.

(C) Sulfur dioxide:

(i) Annual = 1.0 $\mu\text{g}/\text{m}^3$.

(ii) 24-hour = 5.0 $\mu\text{g}/\text{m}^3$.

(iii) 3-hour = 25.0 $\mu\text{g}/\text{m}^3$.

(D) Nitrogen dioxide: annual = 1.0 $\mu\text{g}/\text{m}^3$

(E) Carbon monoxide:

(i) 8-hour = 0.5 mg/m^3 .

(ii) 1-hour = 2.0 mg/m^3 .

(164) "Significant impairment" occurs when DEQ determines that visibility impairment interferes with the management, protection, preservation, or enjoyment of the visual experience within a Class I area. DEQ will make this determination on a case-by-case basis after considering the recommendations of the Federal Land Manager and the geographic extent, intensity, duration, frequency, and time of visibility impairment. These factors will be considered along with visitor use of the Class I areas, and the frequency and occurrence of natural conditions that reduce visibility.

(165) "Small scale local energy project" means:

(a) A system, mechanism or series of mechanisms located primarily in Oregon that directly or indirectly uses or enables the use of, by the owner or operator, renewable resources including, but not limited to, solar, wind, geothermal, biomass, waste heat or water resources to produce energy, including heat, electricity and substitute fuels, to meet a local community or regional energy need in this state;

(b) A system, mechanism or series of mechanisms located primarily in Oregon or providing substantial benefits to Oregon that directly or indirectly conserves energy or enables the conservation of energy by the owner or operator, including energy used in transportation;

(c) A recycling project;

(d) An alternative fuel project;

(e) An improvement that increases the production or efficiency, or extends the operating life, of a system, mechanism, series of mechanisms or project otherwise described in this section of this rule, including but not limited to restarting a dormant project;

(f) A system, mechanism or series of mechanisms installed in a facility or portions of a facility that directly or indirectly reduces the amount of energy needed for the construction and operation of the facility and that meets the sustainable building practices standard established by the State Department of Energy by rule; or

(g) A project described in subsections (a) to (f), whether or not the existing project was originally financed under ORS 470, together with any refinancing necessary to remove prior liens or encumbrances against the existing project.

(h) A project described in subsections (a) to (g) that conserves energy or produces energy by generation or by processing or collection of a renewable resource.

(166) "Source" means any building, structure, facility, installation or combination thereof that emits or is capable of emitting air contaminants to the atmosphere, is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control. The term includes all air contaminant emitting activities that belong to a single major industrial group, i.e., that have the same two-digit code, as described in the Standard Industrial Classification Manual, U.S. Office of Management and Budget, 1987, or that support the major industrial group.

(167) "Source category":

(a) Except as provided in subsection (b), means all the regulated pollutant emitting activities that belong to the same industrial grouping, i.e., that have the same two-digit code, as described in the Standard Industrial Classification Manual, U.S. Office of Management and Budget, 1987.

(b) As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, means a group

of major sources that DEQ determines are using similar raw materials and have equivalent process controls and pollution control device.

(168) "Source test" means the average of at least three test runs conducted under the DEQ Source Sampling Manual found in 340-200-0035.

(169) "Standard conditions" means a temperature of 68° Fahrenheit (20° Celsius) and a pressure of 14.7 pounds per square inch absolute (1.03 Kilograms per square centimeter).

(170) "Startup" and "shutdown" means that time during which a source or control device is brought into normal operation or normal operation is terminated, respectively.

(171) "State Implementation Plan" or "SIP" means the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 and approved by EPA.

(172) "State New Source Review" or "State NSR" means the new source review process and requirements under OAR 340-224-0010 through 340-224-0038, 340-224-0245 through 340-224-0270 and 340-224-0500 through 340-224-0540 based on the location and regulated pollutants emitted.

(173) "Stationary source" means any building, structure, facility, or installation at a source that emits or may emit any regulated pollutant. Stationary source includes portable sources that are required to have permits under OAR 340 division 216.

(174) "Substantial underpayment" means the lesser of 10 percent of the total interim emission fee for the major source or five hundred dollars.

(175) "Sustainment area" means a geographical area of the state for which DEQ has ambient air quality monitoring data that shows an attainment or unclassified area could become a nonattainment area but a formal redesignation by EPA has not yet been approved. The presumptive geographic boundary of a sustainment area is the applicable urban growth boundary in effect on the date this rule was last approved by the EQC, unless superseded by rule. Sustainment areas are designated by the EQC according to division 204.

(176) "Sustainment pollutant" means a regulated pollutant for which an area is designated a sustainment area.

(177) "Synthetic minor source" means a source that would be classified as a major source under OAR 340-200-0020, but for limits on its potential to emit regulated pollutants contained in an ACDP or Oregon Title V permit issued by DEQ.

(178) "Title I modification" means one of the following modifications under Title I of the FCAA:

(a) A major modification subject to OAR 340-224-0050, Requirements for Sources in Nonattainment Areas or OAR 340-224-0055, Requirements for Sources in Reattainment Areas;

(b) A major modification subject to OAR 340-224-0060, Requirements for Sources in Maintenance Areas;

(c) A major modification subject to OAR 340-224-0070, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas or 340-224-0045 Requirements for Sources in Sustainment Areas;

(d) A modification that is subject to a New Source Performance Standard under Section 111 of the FCAA; or,

(e) A modification under Section 112 of the FCAA.

(179) "Total reduced sulfur" or "TRS" means the sum of the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present expressed as hydrogen sulfide (H₂S).

(180) "Toxic air contaminant" means an air pollutant that has been determined by the EQC to cause, or reasonably be anticipated to cause, adverse effects to human health and is listed in OAR 340-245-8020 Table 2.

(181) "Type A State NSR" means State NSR as specified in OAR 340-224-0010(2)(a).

(182) "Type B State NSR" means State NSR that is not Type A State NSR.

(183) "Typically Achievable Control Technology" or "TACT" means the emission limit established on a case-by-case basis for a criteria pollutant from a particular emissions unit under OAR 340-226-0130.

(184) "Unassigned emissions" means the amount of emissions that are in excess of the PSEL but less than the netting basis.

(185) "Unavoidable" or "could not be avoided" means events that are not caused entirely or in part by design, operation, maintenance, or any other preventable condition in either process or control device.

(186) "Unclassified area" or "attainment area" means an area that has not otherwise been designated by EPA as nonattainment with ambient air quality standards for a particular regulated pollutant. Attainment areas or unclassified areas may also be referred to as sustainment or maintenance areas as designated in OAR 340 division 204. Any particular location may be part of an attainment area or unclassified area for one regulated pollutant while also being in a different type of designated area for another regulated pollutant.

(187) "Upset" or "Breakdown" means any failure or malfunction of any pollution control device or operating equipment that may cause excess emissions.

(188) "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.

(189) "Veneer dryer" means equipment in which veneer is dried.

(190) "Visibility impairment" means any humanly perceptible change in visual range, contrast or coloration from that which existed under natural conditions. Natural conditions include fog, clouds, windblown dust, rain, sand, naturally ignited wildfires, and natural aerosols.

(191) "Volatile organic compounds" or "VOC" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

(a) VOC ~~This~~ includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:

- (A) Methane;
- (B) Ethane;
- (C) Methylene chloride (dichloromethane);
- (D) 1,1,1-trichloroethane (methyl chloroform);
- (E) 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
- (F) Trichlorofluoromethane (CFC-11);
- (G) Dichlorodifluoromethane (CFC-12);
- (H) Chlorodifluoromethane (HCFC-22);
- (I) Trifluoromethane (HFC-23);
- (J) 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
- (K) Chloropentafluoroethane (CFC-115);
- (L) 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
- (M) 1,1,1,2-tetrafluoroethane (HFC-134a);
- (N) 1,1-dichloro 1-fluoroethane (HCFC-141b);
- (O) 1-chloro 1,1-difluoroethane (HCFC-142b);
- (P) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
- (Q) Pentafluoroethane (HFC-125);
- (R) 1,1,2,2-tetrafluoroethane (HFC-134);

- (S) 1,1,1-trifluoroethane (HFC-143a);
- (T) 1,1-difluoroethane (HFC-152a);
- (U) Parachlorobenzotrifluoride (PCBTF);
- (V) Cyclic, branched, or linear completely methylated siloxanes;
- (W) Acetone;
- (X) Perchloroethylene (tetrachloroethylene);
- (Y) 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
- (Z) 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
- (AA) 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
- (BB) Difluoromethane (HFC-32);
- (CC) Ethylfluoride (HFC-161);
- (DD) 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
- (EE) 1,1,2,2,3-pentafluoropropane (HFC-245ca);
- (FF) 1,1,2,3,3-pentafluoropropane (HFC-245ea);
- (GG) 1,1,1,2,3-pentafluoropropane (HFC-245eb);
- (HH) 1,1,1,3,3-pentafluoropropane (HFC-245fa);
- (II) 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
- (JJ) 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
- (KK) chlorofluoromethane (HCFC-31);
- (LL) 1 chloro-1-fluoroethane (HCFC-151a);
- (MM) 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
- (NN) 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C4 F9 OCH3 or HFE-7100);
- (OO) 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2 CFCF2 OCH3);
- (PP) 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C4 F9 OC2 H5 or HFE-7200);
- (QQ) 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2 CFCF2 OC2 H5);

(RR) Methyl acetate;

(SS) 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃, HFE-7000);

(TT) 3-ethoxy- 1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500);

(UU) 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);

(VV) Methyl formate (HCOOCH₃);

(WW) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);

(XX) Propylene carbonate;

(YY) Dimethyl carbonate;

(ZZ) Trans -1,3,3,3-tetrafluoropropene (also known as HFO-1234ze);

(AAA) HCF₂ OCF₂ H (HFE-134);

(BBB) HCF₂ OCF₂ OCF₂ H (HFE-236cal2);

(CCC) HCF₂ OCF₂ CF₂ OCF₂ H (HFE-338pcc13);

(DDD) HCF₂ OCF₂ OCF₂ CF₂ OCF₂ H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));

(EEE) Trans 1-chloro-3,3,3-trifluoroprop-1-ene (also known as SolsticeTM 1233zd(E));

(FFF) 2,3,3,3-tetrafluoropropene (also known as HFO-1234yf);

(GGG) 2-amino-2-methyl-1-propanol; ~~and~~

(HHH) perfluorocarbon compounds which fall into these classes:

(i) Cyclic, branched, or linear, completely fluorinated alkanes;

(ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations;
and

(iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine; and

(III) cis-1,1,1,4,4,4-hexafluorobut-2-ene (also known as HFO-1336mzz-Z).

(b) For purposes of determining compliance with emissions limits, VOC will be measured by an applicable ~~reference-test~~ method in the DEQ Source Sampling Manual referenced in OAR

340-200-0035. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and DEQ approves the exclusion.

(c) [When considering a requested exclusion of negligibly-reactive compounds under subsection \(b\)](#), DEQ may require an owner or operator to provide monitoring or testing methods and results [that demonstrate](#), to DEQ's satisfaction, the amount of negligibly-reactive compounds in the source's emissions.

~~(d) The following compounds are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and must be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.~~

(192) "Wood fired veneer dryer" means a veneer dryer, that is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam or natural gas or propane combustion.

(193) "Wood fuel-fired device" means a device or appliance designed for wood fuel combustion, including cordwood stoves, woodstoves and fireplace stove inserts, fireplaces, wood fuel-fired cook stoves, pellet stoves and combination fuel furnaces and boilers that burn wood fuels.

(194) "Year" means any consecutive 12 month period of time.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

[NOTE: Referenced publications not linked to below are available from the agency.]

[NOTE: View a PDF of referenced tables and EPA Methods by clicking on "Tables" link below.]

[ED. NOTE: [To view attachments referenced in rule text, click here to view rule.](#)]

Statutory/Other Authority: ORS 468.020 & 468A

Statutes/Other Implemented: ORS 468A.025, 468A.035, 468A.040, 468A.050, 468A.055, 468A.070, 468A.075, 468A.085, 468A.105, 468A.135, 468A.140, 468A.155, 468A.280, 468A.310, 468A.315, 468A.360, 468A.363, 468A.380, 468A.385, 468A.420, 468A.495, 468A.500, 468A.505, 468A.515, 468A.575, 468A.595, 468A.600, 468A.610, 468A.612, 468A.620, 468A.635, 468A.707, 468A.740, 468A.745, 468A.750, 468A.775, 468A.780, 468A.797, 468A.799, 468A.803, 468A.820 & & Or. Laws 2009, chapter 754

History:

[DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019](#)

[DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018](#)

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 12-2014(Temp), f. & cert. ef. 11-12-14 thru 5-10-15

DEQ 11-2013, f. & cert. ef. 11-7-13
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 1-2012, f. & cert. ef. 5-17-12
DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11
DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11
DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11
DEQ 5-2010, f. & cert. ef. 5-21-10
DEQ 10-2008, f. & cert. ef. 8-25-08
DEQ 8-2007, f. & cert. ef. 11-8-07
DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0205, 340-028-0110
DEQ 6-1999, f. & cert. ef. 5-21-99
DEQ 1-1999, f. & cert. ef. 1-25-99
DEQ 21-1998, f. & cert. ef. 10-14-98
DEQ 16-1998, f. & cert. ef. 9-23-98
DEQ 14-1998, f. & cert. ef. 9-14-98
DEQ 9-1997, f. & cert. ef. 5-9-97
DEQ 22-1996, f. & cert. ef. 10-22-96
DEQ 19-1996, f. & cert. ef. 9-24-96
DEQ 22-1995, f. & cert. ef. 10-6-95
DEQ 12-1995, f. & cert. ef. 5-23-95
DEQ 10-1995, f. & cert. ef. 5-1-95
DEQ 24-1994, f. & cert. ef. 10-28-94
DEQ 21-1994, f. & cert. ef. 10-14-94
DEQ 13-1994, f. & cert. ef. 5-19-94
DEQ 20-1993(Temp), f. & cert. ef. 11-4-93
DEQ 19-1993, f. & cert. ef. 11-4-93
DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0145, 340-020-0225, 340-020-0305, 340-020-0355, 340-020-0460 & 340-020-0520
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 27-1992, f. & cert. ef. 11-12-92
DEQ 7-1992, f. & cert. ef. 3-30-92
DEQ 2-1992, f. & cert. ef. 1-30-92
DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91
DEQ 14-1989, f. & cert. ef. 6-26-89
DEQ 8-1988, f. & cert. ef. 5-19-88
DEQ 18-1984, f. & cert. ef. 10-16-84
DEQ 5-1983, f. & cert. ef. 4-18-83
DEQ 25-1981, f. & cert. ef. 9-8-81
DEQ 15-1978, f. & cert. ef. 10-13-78
DEQ 107, f. & cert. ef. 1-6-76, Renumbered from 340-020-0033
DEQ 63, f. 12-20-73, cert. ef. 1-11-74
DEQ 47, f. 8-31-72, cert. ef. 9-15-72

340-200-0025

Abbreviations and Acronyms

- (1) "AAQS" means ambient air quality standard.
- (2) "ACDP" means Air Contaminant Discharge Permit.
- (3) "ACT" means Federal Clean Air Act.
- (4) "AE" means Actual Emissions.
- (5) "AICPA" means Association of Independent Certified Public Accountants.
- (6) "AQCR" means Air Quality Control Region.
- (7) "AQRV" means Air Quality Related Value
- (8) "AQMA" means Air Quality Maintenance Area.
- (9) "ASME" means American Society of Mechanical Engineers.
- (10) "ASTM" means American Society for Testing & Materials.
- (11) "ATETP" means Automotive Technician Emission Training Program.
- (12) "AWD" means all wheel drive.
- (13) "BACT" means Best Available Control Technology.
- (14) "BART" means Best Available Retrofit Technology.
- (15) "BLS" means black liquor solids.
- (16) "CAA" means Clean Air Act
- (17) "CAR" means control area responsible party.
- (18) "CBD" means central business district.
- (19) "CCTMP" means Central City Transportation Management Plan.
- (20) "CEM" means continuous emissions monitoring.
- (21) "CEMS" means continuous emission monitoring system.
- (22) "CERCLA" means Comprehensive Environmental Response Compensation and Liability Act.
- (23) "CFRMS" means continuous flow rate monitoring system.

- (24) "CFR" means Code of Federal Regulations.
- (25) "CMS" means continuous monitoring system.
- (26) "CO" means carbon monoxide.
- (27) "CO_{2e}" means carbon dioxide equivalent.
- (28) "COMS" means continuous opacity monitoring system.
- (29) "CPMS" means continuous parameter monitoring system.
- (30) "DEQ" means Department of Environmental Quality.
- (31) "DOD" means Department of Defense.
- (32) "EA" means environmental assessment.
- (33) "ECO" means employee commute options.
- (34) "EEAF" means emissions estimate adjustment factor.
- (35) "EF" means emission factor.
- (36) "EGR" means exhaust gas re-circulation.
- (37) "EIS" means Environmental Impact Statement.
- (38) "EPA" means Environmental Protection Agency.
- (39) "EQC" means Environmental Quality Commission.
- (40) "ESP" means electrostatic precipitator.
- (41) "FCAA" means Federal Clean Air Act.
- (42) "FHWA" means Federal Highway Administration.
- (43) "FONSI" means finding of no significant impact.
- (44) "FTA" means Federal Transit Administration.
- (45) "GFA" means gross floor area.
- (46) "GHG" means greenhouse gases.
- (47) "GLA" means gross leasable area.
- (48) "GPM" means grams per mile.

- (49) "gr/dscf" means grains per dry standard cubic foot.
- (50) "GTBA" means grade tertiary butyl alcohol.
- (51) "GVWR" means gross vehicle weight rating.
- (52) "HAP" means hazardous air pollutant.
- (53) "HEPA" means high efficiency particulate air.
- (54) "HMIWI" means hospital medical infectious waste incinerator.
- (55) "I/M" means inspection and maintenance program.
- (56) "IG" means inspection grade.
- (57) "IRS" means Internal Revenue Service.
- (58) "ISECP" means indirect source emission control program.
- (59) "ISTEA" means Intermodal Surface Transportation Efficiency Act.
- (60) "LAER" means Lowest Achievable Emission Rate.
- (61) "LDT2" means light duty truck 2.
- (62) "LIDAR" means laser radar; light detection and ranging.
- (63) "LPG" means liquefied petroleum gas.
- (64) "LRAPA" means Lane Regional Air Protection Agency.
- (65) "LUCS" means Land Use Compatibility Statement.
- (66) "MACT" means Maximum Achievable Control Technology.
- (67) "MPO" means Metropolitan Planning Organization.
- (68) "MTBE" means methyl tertiary butyl ether.
- (69) "MWC" means municipal waste combustor.
- (70) "NAAQS" means National Ambient Air Quality Standards.
- (71) "NAICS" means North American Industrial Classification System.
- (72) "NEPA" means National Environmental Policy Act.
- (73) "NESHAP" means National Emissions Standard for Hazardous Air Pollutants.

- (74) "NIOSH" means National Institute of Occupational Safety & Health.
- (75) "NOx" means nitrogen oxides.
- (76) "NSPS" means New Source Performance Standards.
- (77) "NSR" means New Source Review.
- (78) "NSSC" means neutral sulfite semi-chemical.
- (79) "O3" means ozone.
- (80) "OAR" means Oregon Administrative Rules.
- (81) "ODOT" means Oregon Department of Transportation.
- (82) "ORS" means Oregon Revised Statutes.
- (83) "OSAC" means orifice spark advance control.
- (84) "OSHA" means Occupational Safety & Health Administration.
- (85) "PCDCE" means pollution control device collection efficiency.
- (86) "PEMS" means predictive emission monitoring system.
- (87) "PM" means particulate matter.
- (88) "PM10" means particulate matter less than 10 microns.
- (89) "PM2.5" means particulate matter less than 2.5 microns.
- (90) "POTW" means Publicly Owned Treatment Works.
- (91) "POV" means privately owned vehicle.
- (92) "ppm" means parts per million.
- (93) "PSD" means Prevention of Significant Deterioration.
- (94) "PSEL" means Plant Site Emission Limit.
- (95) "QIP" means quality improvement plan.
- (96) "RACT" means Reasonably Available Control Technology.
- (97) "ROI" means range of influence.
- (98) "RVCOG" means Rogue Valley Council of Governments.

- (99) "RWOC" means running weighted oxygen content.
- (100) "scf" means standard cubic feet.
- (101) "SCS" means speed control switch.
- (102) "SD" means standard deviation.
- (103) "SERP" means source emission reduction plan.
- (104) "SIC" means Standard Industrial Classification from the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987).
- (105) "SIP" means State Implementation Plan.
- (106) "SKATS" means Salem-KaiserKeizer Area Transportation Study.
- (107) "SLAMS" means State or Local Air Monitoring Stations.
- (108) "SO2" means sulfur dioxide.
- (109) "SOCMI" means synthetic organic chemical manufacturing industry.
- (110) "SOS" means Secretary of State.
- (111) "SPMs" means Special Purpose Monitors.
- (112) "TAC" means thermostatic air cleaner.
- (113) "TACT" means Typically Achievable Control Technology.
- (114) "TCM" means transportation control measures.
- (115) "TCS" means throttle control solenoid.
- (116) "TIP" means Transportation Improvement Program.
- (117) "tpy" means tons per year.
- (118) "TRS" means total reduced sulfur.
- (119) "TSP" means total suspended particulate matter.
- (120) "UGA" means urban growth area.
- (121) "UGB" means urban growth boundary.
- (122) "USC" means United States Code.
- (123) "US DOT" means United States Department of Transportation.

(124) "UST" means underground storage tanks.

(125) "UTM" means universal transverse mercator.

(126) "VIN" means vehicle identification number.

(127) "VMT" means vehicle miles traveled.

(128) "VOC" means volatile organic compounds.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020 & 468A

Statutes/Other Implemented: ORS 468A

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

DEQ 5-2010, f. & cert. ef. 5-21-10

DEQ 8-2007, f. & cert. ef. 11-8-07

DEQ 3-2007, f. & cert. ef. 4-12-07

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DEQ 15, f. 6-12-70, ef. 9-1-70

340-200-0035

Reference Materials

As used in divisions 200 through 268, the following materials refer to the versions listed below.

(1) "C.F.R." means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2021⁰ edition.

(2) The DEQ Source Sampling Manual refers to the November 2018 edition.

(3) The DEQ Continuous Monitoring Manual refers to the ~~April~~^{March} 2015 edition.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

[\[ED. NOTE: To view attachments referenced in rule text, click here to view rule.\]](#)

Statutory/Other Authority: ORS 468.020 & 468A

Statutes/Other Implemented: ORS 468A

History:

[DEQ 2-2019, minor correction filed 01/07/2019, effective 01/07/2019](#)

[DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018](#)
[DEQ 53-2017, minor correction filed 12/19/2017, effective 12/19/2017](#)
DEQ 7-2015, f. & cert. ef. 4-16-15

340-200-0040

State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by DEQ and is adopted as the State Implementation Plan (SIP) of the State of Oregon under the FCAA, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), revisions to the SIP will be made under the EQC's rulemaking procedures in OAR 340 division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the EPA for approval. The SIP was last modified by the EQC on ~~January 19, 2021~~ [November XX, 2022](#).

(3) Notwithstanding any other requirement contained in the SIP, DEQ may:

(a) Submit to the EPA any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after DEQ has complied with the public hearings provisions of 40 C.F.R. 51.102; and

(b) Approve the standards submitted by LRAPA if LRAPA adopts verbatim, other than non-substantive differences, any standard that the EQC has adopted, and submit the standards to EPA for approval as a SIP revision.

(4) Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the EPA. If any provision of the federally approved State Implementation Plan conflicts with any provision adopted by the EQC, DEQ must enforce the more stringent provision.

Statutory/Other Authority: ORS 468.020 & 468A

Statutes/Other Implemented: ORS 468A.035 & 468A.135

History:

[DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019](#)

[DEQ 14-2019, amend filed 05/17/2019, effective 05/17/2019](#)

[DEQ 4-2019, amend filed 01/24/2019, effective 01/24/2019](#)

[DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018](#)

[DEQ 192-2018, amend filed 09/14/2018, effective 09/14/2018](#)

[DEQ 190-2018, amend filed 07/13/2018, effective 07/13/2018](#)

[DEQ 11-2018, amend filed 03/23/2018, effective 03/23/2018](#)

DEQ 7-2017, f. & cert. ef. 7-13-17

DEQ 2-2017, f. & cert. ef. 1-19-17

DEQ 14-2015, f. & cert. ef. 12-10-15

DEQ 10-2015, f. & cert. ef. 10-16-15

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 6-2015, f. & cert. ef. 4-16-15

DEQ 7-2014, f. & cert. ef. 6-26-14
DEQ 6-2014, f. & cert. ef. 3-31-14
DEQ 5-2014, f. & cert. ef. 3-31-14
DEQ 4-2014, f. & cert. ef. 3-31-14
DEQ 1-2014, f. & cert. ef. 1-6-14
DEQ 12-2013, f. & cert. ef. 12-19-13
DEQ 11-2013, f. & cert. ef. 11-7-13
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 10-2012, f. & cert. ef. 12-11-12
DEQ 7-2012, f. & cert. ef. 12-10-12
DEQ 1-2012, f. & cert. ef. 5-17-12
DEQ 18-2011, f. & cert. ef. 12-21-11
DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11
DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 14-2010, f. & cert. ef. 12-10-10
DEQ 5-2010, f. & cert. ef. 5-21-10
DEQ 2-2010, f. & cert. ef. 3-5-10
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 3-2009, f. & cert. ef. 6-30-09
DEQ 15-2008, f. & cert. ef. 12-31-08
DEQ 14-2008, f. & cert. ef. 11-10-08
DEQ 12-2008, f. & cert. ef. 9-17-08
DEQ 11-2008, f. & cert. ef. 8-29-08
DEQ 5-2008, f. & cert. ef. 3-20-08
DEQ 8-2007, f. & cert. ef. 11-8-07
DEQ 4-2007, f. & cert. ef. 6-28-07
DEQ 3-2007, f. & cert. ef. 4-12-07
DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 9-2005, f. & cert. ef. 9-9-05
DEQ 7-2005, f. & cert. ef. 7-12-05
DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 1-2005, f. & cert. ef. 1-4-05
DEQ 10-2004, f. & cert. ef. 12-15-04
DEQ 1-2004, f. & cert. ef. 4-14-04
DEQ 19-2003, f. & cert. ef. 12-12-03
DEQ 14-2003, f. & cert. ef. 10-24-03
DEQ 5-2003, f. & cert. ef. 2-6-03
DEQ 11-2002, f. & cert. ef. 10-8-02
DEQ 5-2002, f. & cert. ef. 5-3-02
DEQ 4-2002, f. & cert. ef. 3-14-02
DEQ 17-2001, f. & cert. ef. 12-28-01
DEQ 16-2001, f. & cert. ef. 12-26-01
DEQ 15-2001, f. & cert. ef. 12-26-01

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 4-2001, f. & cert. ef. 3-27-01
DEQ 2-2001, f. & cert. ef. 2-5-01
DEQ 21-2000, f. & cert. ef. 12-15-00
DEQ 20-2000 f. & cert. ef. 12-15-00
DEQ 17-2000, f. & cert. ef. 10-25-00
DEQ 16-2000, f. & cert. ef. 10-25-00
DEQ 13-2000, f. & cert. ef. 7-28-00
DEQ 8-2000, f. & cert. ef. 6-6-00
DEQ 6-2000, f. & cert. ef. 5-22-00
DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01
DEQ 15-1999, f. & cert. ef. 10-22-99
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047
DEQ 10-1999, f. & cert. ef. 7-1-99
DEQ 6-1999, f. & cert. ef. 5-21-99
DEQ 5-1999, f. & cert. ef. 3-25-99
DEQ 1-1999, f. & cert. ef. 1-25-99
DEQ 21-1998, f. & cert. ef. 10-12-98
DEQ 20-1998, f. & cert. ef. 10-12-98
DEQ 17-1998, f. & cert. ef. 9-23-98
DEQ 16-1998, f. & cert. ef. 9-23-98
DEQ 15-1998, f. & cert. ef. 9-23-98
DEQ 10-1998, f. & cert. ef. 6-22-98
DEQ 24-1996, f. & cert. ef. 11-26-96
DEQ 23-1996, f. & cert. ef. 11-4-96
DEQ 22-1996, f. & cert. ef. 10-22-96
DEQ 19-1996, f. & cert. ef. 9-24-96
DEQ 15-1996, f. & cert. ef. 8-14-96
DEQ 8-1996(Temp), f. & cert. ef. 6-3-96
DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95
DEQ 19-1995, f. & cert. ef. 9-1-95
DEQ 17-1995, f. & cert. ef. 7-12-95
DEQ 14-1995, f. & cert. ef. 5-25-95
DEQ 10-1995, f. & cert. ef. 5-1-95
DEQ 9-1995, f. & cert. ef. 5-1-95
DEQ 25-1994, f. & cert. ef. 11-2-94
DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94
DEQ 14-1994, f. & cert. ef. 5-31-94
DEQ 5-1994, f. & cert. ef. 3-21-94
DEQ 1-1994, f. & cert. ef. 1-3-94
DEQ 19-1993, f. & cert. ef. 11-4-93
DEQ 17-1993, f. & cert. ef. 11-4-93
DEQ 16-1993, f. & cert. ef. 11-4-93
DEQ 15-1993, f. & cert. ef. 11-4-93
DEQ 12-1993, f. & cert. ef. 9-24-93
DEQ 8-1993, f. & cert. ef. 5-11-93

DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 27-1992, f. & cert. ef. 11-12-92
DEQ 26-1992, f. & cert. ef. 11-2-92
DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92
DEQ 20-1992, f. & cert. ef. 8-11-92
DEQ 19-1992, f. & cert. ef. 8-11-92
DEQ 7-1992, f. & cert. ef. 3-30-92
DEQ 3-1992, f. & cert. ef. 2-4-92
DEQ 1-1992, f. & cert. ef. 2-4-92
DEQ 25-1991, f. & cert. ef. 11-13-91
DEQ 24-1991, f. & cert. ef. 11-13-91
DEQ 23-1991, f. & cert. ef. 11-13-91
DEQ 22-1991, f. & cert. ef. 11-13-91
DEQ 21-1991, f. & cert. ef. 11-13-91
DEQ 20-1991, f. & cert. ef. 11-13-91
DEQ 19-1991, f. & cert. ef. 11-13-91
DEQ 2-1991, f. & cert. ef. 2-14-91
DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88
DEQ 21-1987, f. & cert. ef. 12-16-87
DEQ 8-1987, f. & cert. ef. 4-23-87
DEQ 5-1987, f. & cert. ef. 3-2-87
DEQ 4-1987, f. & cert. ef. 3-2-87
DEQ 21-1986, f. & cert. ef. 11-7-86
DEQ 20-1986, f. & cert. ef. 11-7-86
DEQ 10-1986, f. & cert. ef. 5-9-86
DEQ 5-1986, f. & cert. ef. 2-21-86
DEQ 12-1985, f. & cert. ef. 9-30-85
DEQ 3-1985, f. & cert. ef. 2-1-85
DEQ 25-1984, f. & cert. ef. 11-27-84
DEQ 18-1984, f. & cert. ef. 10-16-84
DEQ 6-1983, f. & cert. ef. 4-18-83
DEQ 1-1983, f. & cert. ef. 1-21-83
DEQ 21-1982, f. & cert. ef. 10-27-82
DEQ 14-1982, f. & cert. ef. 7-21-82
DEQ 11-1981, f. & cert. ef. 3-26-81
DEQ 22-1980, f. & cert. ef. 9-26-80
DEQ 21-1979, f. & cert. ef. 7-2-79
DEQ 19-1979, f. & cert. ef. 6-25-79
DEQ 54, f. 6-21-73, cert. ef. 7-1-73
DEQ 35, f. 2-3-72, cert. ef. 2-15-72

Division 204
DESIGNATION OF AIR QUALITY AREAS

340-204-0300

Designation of Sustainment Areas

(1) The EQC may designate sustainment areas provided that DEQ submits a request for designation that includes the following information:

- (a) Monitoring data showing that an area is exceeding or has the potential to exceed an ambient air quality standard;
- (b) A description of the affected area based on the monitoring data;
- (c) A discussion and identification of the priority sources contributing to the exceedance or potential exceedance of the ambient air quality standard; and
- (d) A discussion of the reasons for the proposed designation.

(2) Designation of sustainment areas:

(a) The Lakeview UGB as defined in OAR 340-204-0010 is designated as a sustainment area for PM_{2.5}.

(b) Reserved

(3) An area designated as a sustainment area under section (2) will automatically be reclassified immediately upon the EPA officially designating the area as a nonattainment area.

(4) The EQC may rescind the designation based on a request by DEQ. DEQ will consider the following information for rescinding the designation:

(a) Whether at least three consecutive years of monitoring data shows the area is meeting the ambient air quality standard; and

(b) A request by a local government.

NOTE: This rule, ~~except sections (2), (3) and (4)~~, is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020 & 468A

Statutes/Other Implemented: ORS 468A.025 & 468A.035

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

340-204-0310

Designation of Reattainment Areas

(1) The EQC may designate reattainment areas provided that DEQ submits a request for designation that includes the following information:

(a) At least three consecutive years of monitoring data showing that an area that is currently designated by EPA as nonattainment is attaining an ambient air quality standard; and

(b) A discussion of the reasons for the proposed designation.

(2) Reserved for list of reattainment areas.

(3) An area designated as a reattainment area under section (2) will automatically be reclassified immediately upon:

(a) The EQC designating the area as a maintenance area and EPA officially designating the area as an attainment area; or

(b) The EQC rescinding the designation based on a request by DEQ. DEQ will consider the following information for rescinding the designation:

(A) Monitoring data that shows the area is not meeting the ambient air quality standard; and

(B) A request by a local government.

NOTE: This rule, ~~except sections (2) and (3)~~, is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020 & 468A

Statutes/Other Implemented: ORS 468A.025 & 468A.035

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

Division 206 AIR POLLUTION EMERGENCIES

340-206-0010

Introduction

OAR 340-206-0030, 340-206-0050 and 340-206-0060 are effective within priority I and II air quality control regions (AQCR) as defined in 40 CFR part 51, subpart H (1995), when the AQCR contains [an AQMA as defined in OAR 340-204-0010](#), and a nonattainment area listed in 40 CFR part 81. All other rules in this division are equally applicable to all areas of the state. Notwithstanding any other regulation or standard, this division is designed to prevent the excessive accumulation of air contaminants during periods of atmospheric stagnation or at any other time, which if allowed to continue to accumulate unchecked could result in concentrations of these contaminants reaching levels which could cause significant harm to the health of persons. This division establishes criteria for identifying and declaring air pollution episodes at levels below the level of significant harm and are adopted pursuant to the requirements of the FCAA as amended and 40 CFR part 51.151. Levels of significant harm for various regulated pollutants listed in 40 CFR part 51.151 are:

(1) For sulfur dioxide (SO₂) — 1.0 ppm, 24-hour average.

(2) For particulate matter:

- (a) PM10 — 600 micrograms per cubic meter, 24-hour average.
- (b) PM2.5 — 350.5 micrograms per cubic meter, 24-hour average.
- (3) For carbon monoxide (CO):
 - (a) 50 ppm, 8-hour average.
 - (b) 75 ppm, 4-hour average.
 - (c) 125 ppm, 1-hour average.
- (4) For ozone (O3) — 0.6 ppm, 2-hour average.
- (5) For nitrogen dioxide (NO2):
 - (a) 2.0 ppm, 1-hour average.
 - (b) 0.5 ppm, 24-hour average.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020 & 468A

Statutes/Other Implemented: ORS 468A.025 & 468A.035

History:

DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 5-2010, f. & cert. ef. 5-21-10
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-027-0005
DEQ 19-1996, f. & cert. ef. 9-24-96
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88)
DEQ 18-1983, f. & ef. 10-24-83
DEQ 37, f. 2-15-72, ef. 9-1-72

Division 208
VISIBLE EMISSIONS AND NUISANCE REQUIREMENTS

340-208-0110

Visible Air Contaminant Limitations

(1) The emissions standards in this rule do not apply to:

[\(a\) Fugitive emissions from a source or part of a source; or](#)

[\(b\) Recovery furnaces regulated under OAR 340 division 234.](#)

(2) The visible emissions standards in this rule are based on the average of 24 consecutive observations recorded at 15-second intervals, or more frequently as allowed under subsection

(b), which comprise a six-minute block. Six-minute blocks need not be consecutive in time and in no case may two blocks overlap. For each set of 24 observations, the six-minute block average is calculated by summing the opacity of the 24 observations and dividing the sum by 24. Six-minute block averages are measured by:

(a) EPA Method 9;

(b) A continuous opacity monitoring system (COMS) installed and operated in accordance with the DEQ Continuous Monitoring Manual or 40 C.F.R. part 60 [NOTE: DEQ manual is published with OAR 340-200-0035]; or

(c) An alternative monitoring method approved by DEQ that is equivalent to EPA Method 9.

(3) For all emission units sources, including wood-fired boilers installed, constructed, or modified on or after April 16, 2015, other than wood-fired boilers, installed, constructed or modified prior to June 1, 1970:

~~(a) If located outside a special control area, no person may emit or allow to be emitted any visible emissions that equal or exceed :~~

~~(A) An average of 40 percent opacity through December 31, 2019; and~~

~~(B) An average of 20 percent opacity on and after January 1, 2020, except as allowed under subsection (a) or (b).~~

~~(b) If located inside a special control area, no person may emit or allow to be emitted any visible emissions that equal or exceed an average of 20 percent opacity.~~

~~(4) For sources, other than wood-fired boilers, installed, constructed, or modified on or after June 1, 1970, no person may emit or allow to be emitted any visible emissions that equal or exceed an average of 20 percent opacity.~~

~~(a) For wood-fired boilers installed, constructed or modified prior to June 1, 1970, no person may emit or allow to be emitted any visible emissions that equal or exceed:~~

~~(a) An average of 40 percent opacity through December 31, 2019, with the exception that visible emissions may equal or exceed an average of 40 percent opacity for up to two independent six-minute blocks in any hour, as long as the average opacity during each of these two six-minute blocks is less than 55 percent.~~

~~(b) An average of 20 percent opacity except as allowed under paragraph (A), (B), or (C) on or after January 1, 2020, with one or more of the following exceptions:~~

(A) Visible emissions may equal or exceed an average of 20 percent opacity for up to two independent six-minute blocks in any hour, as long as the average opacity during each of these two six-minute blocks is less than 40 percent;

(B) Visible emissions may equal or exceed an average of 20 percent opacity but may not

equal or exceed 40 percent opacity, as the average of all six-minute blocks during grate cleaning operations provided the grate cleaning is performed in accordance with a grate cleaning plan approved by DEQ; or

(C) DEQ may approve, at the owner's or operator's request, a boiler specific limit greater than an average of 20 percent opacity, but not to equal or exceed an average of 40 percent opacity, based on the opacity measured during a source test that demonstrates compliance with 340-228-0210(2)(d) as provided below:

(i) Opacity must be measured for at least 60 minutes during each compliance source test run using any method included in section (2);

(ii) The boiler specific limit will be the average of at least 30 six-minute block averages obtained during the compliance source test;

(iii) The boiler-specific limit will include a higher limit for one six-minute period during any hour based on the maximum six-minute block average measured during the compliance source test;

(iv) Specific opacity limits will be included in the permit for each affected source as a minor permit modification (simple fee) for sources with an Oregon Title V Operating Permit or a Basic Technical Modification for sources with an Air Contaminant Discharge Permit; and

(v) If an alternative limit is established in accordance with this paragraph, the exception provided in paragraph (A) does not apply.

(b) For wood-fired boilers installed, constructed, or modified on or after June 1, 1970 but before April 16, 2015, no person may emit or allow to be emitted any visible emissions that equal or exceed an average of 20 percent opacity with the exception that visible emissions may equal or exceed an average of 20 percent opacity for up to two independent six-minute blocks in any hour, as long as the average opacity during each of these two six-minute blocks is less than 40 percent.

~~(7) For all wood-fired boilers installed, constructed, or modified after April 16, 2015, no person may emit or allow to be emitted any visible emissions that equal or exceed an average of 20 percent opacity.~~

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

[NOTE: View a PDF of referenced EPA Method by clicking on "Tables" link below.]

[\[ED. NOTE: To view attachments referenced in rule text, click here to view rule.\]](#)

Statutory/Other Authority: ORS 468.020 & 468A

Statutes/Other Implemented: ORS 468A.025 & 468A.035

History:

[DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019](#)

[DEQ 121-2018, minor correction filed 04/11/2018, effective 04/11/2018](#)

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 8-2007, f. & cert. ef. 11-8-07

DEQ 2-2001, f. & cert. ef. 2-5-01

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0015

DEQ 3-1996, f. & cert. ef. 1-29-96

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 16, f. 6-12-70, ef. 7-11-70

340-208-0510

Clackamas, Columbia, Multnomah, and Washington Counties: Exclusions

(1) The requirements contained in OAR 340-208-0510 through 340-208-0610 apply to all activities conducted in Clackamas, Columbia, Multnomah, and Washington Counties, ~~other than those except for activities~~ for which specific industrial standards have been adopted ([under OAR 340, Divisions 230, 234, 236, and 238, and 244](#)), ~~and except for the reduction of animal matter, 340-236-0310(1) and (2).~~

(2) The requirements outlined in OAR 340-208-0510 through 340-208-0610 do not apply to activities related to a domestic residence of four or fewer family-living units.

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468A.025

History:

DEQ 8-2007, f. & cert. ef. 11-8-07

DEQ 2-2001, f. & cert. ef. 2-5-01

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0410

DEQ 4-1993, f. & cert. ef. 3-10-93, Renumbered from 340-028-0003

DEQ 61, f. 12-5-73, ef. 12-25-73

340-208-0610

Clackamas, Columbia, Multnomah, and Washington Counties: Particulate Matter Weight Standards

Except for equipment burning natural gas and liquefied petroleum gas, the maximum allowable emission of particulate matter from any fuel burning equipment:

(1) Is a function of maximum heat input as determined from Figure 1, except that from existing fuel burning equipment [installed or constructed on or before June 2, 1980, and not modified after that date](#), utilizing wood residue, it is 0.20 grain [per standard cubic foot of exhaust, corrected to 12 percent carbon dioxide](#), and from new fuel burning equipment [installed, constructed, or modified after June 1, 1970](#) utilizing wood residue, it is 0.10 grain per standard cubic foot of exhaust gas, corrected to 12 percent carbon dioxide;

(2) Must not exceed Smoke Spot #2 for distillate fuel and #4 for residual fuel, measured by ASTM D2156-65, "Standard Method for Test for Smoke Density of the Flue Gases from Distillate Fuels."

[NOTE: View a PDF of Figure by clicking on "Tables" link below.]

[NOTE: Publications referenced are available from the agency.]

[\[ED. NOTE: To view attachments referenced in rule text, click here to view rule.\]](#)

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468.020 & 468A.025

History:

[DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019](#)

DEQ 2-2001, f. & cert. ef. 2-5-01

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0510

DEQ 3-1996, f. & cert. ef. 1-29-96

DEQ 4-1993, f. & cert. ef. 3-10-93, Renumbered from 340-028-0075

DEQ 61, f. 12-5-73, ef. 12-25-73

**Division 209
PUBLIC PARTICIPATION**

340-209-0080

Issuance or Denial of a Permit

(1) Following the public comment period and public hearing, if one is held, DEQ will take action upon the matter as expeditiously as possible. Before taking such action, DEQ will prepare a written response to address each relevant, distinct issue raised during the comment period and during the hearing record.

(2) DEQ will make a record of the public comments, including the names and affiliation of persons who commented, and the issues raised during the public participation process. The public comment records may be in summary form rather than a verbatim transcript. The public comment records are available to the public at the DEQ office processing the permit.

(3) The applicant may submit a written response to any comments submitted by the public within 10 working days after DEQ provides the applicant with a copy of the written comments received by DEQ. DEQ will consider the applicant's response in making a final decision.

(4) After considering the comments, DEQ may adopt or modify the provisions requested in the permit application.

(5) Issuance of permit: DEQ will promptly notify the applicant in writing of the final action as provided in OAR 340-011-0525 and will include a copy of the permit. If the permit conditions are different from those contained in the proposed permit, the notification will identify the affected conditions and include the reasons for the changes. [The permit is effective on the date that it is signed, except as provided in section \(7\).](#)

(6) Denial of a permit: DEQ will promptly notify the applicant in writing of the final action as provided in OAR 340-011-0525. If DEQ denies a permit application, the notification will

include the reasons for the denial. [The denial of a permit is effective on the date the notification is signed, except as provided in section \(7\).](#)

(7) DEQ's decision under sections (5) and (6) is effective [on the date included in those sections](#) ~~20 days from the date of service of the notice~~ unless, ~~within that time~~, DEQ receives a request for a hearing from the applicant [within 20 days from the effective date](#). The request for a hearing must be in writing and state the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with ORS 183.413 through 183.470 and OAR 340 division 11.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468.065 & 468A.310

Statutes/Other Implemented: ORS 183.413, 183.415, 468.065, 468A.035, 468A.040 & 468A.310

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 42, f. 4-5-72, ef. 4-15-72; DEQ 13-1988, f. & cert. ef. 6-17-88; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0025 & 340-014-0035; DEQ 8-2007, f. & cert. ef. 11-8-07

Division 210

STATIONARY SOURCE NOTIFICATION REQUIREMENTS

340-210-0100

Registration in General

(1) Any air contaminant source not subject to Air Contaminant Discharge Permits, OAR 340 division 216, or Oregon Title V Operating Permits, OAR 340 division 218, must register with DEQ upon request pursuant to OAR 340-210-0110 through 340-210-0120.

(2) The owner or operator of an air contaminant source listed in subsection (2)(a) that is certified through a DEQ approved environmental certification program, [as provided in subsection \(b\)](#), and [that is](#) subject to an Area Source NESHAP may register the source with DEQ pursuant to OAR 340-210-0110 through 340-210-0120 in lieu of obtaining a permit according to with OAR 340-216-0020, unless DEQ determines that the source has not complied with the requirements of the environmental certification program. [A source registered under this section must pay fees as provided in subsection \(c\), is subject to termination for failure to pay fees as provided in subsection \(d\), and must keep records as provided in subsection \(e\).](#)

(a) The following sources may be registered under this section:

(A) Motor vehicle surface coating operations.

(B) Dry cleaners using perchloroethylene.

(b) Approved environmental certification program. To be approved, the environmental certification program must, at a minimum, require certified sources to comply with all applicable state and federal rules and regulations and require additional measures to increase environmental protection.

(c) Fees. In order to obtain and maintain registration, owners and operators of sources registered pursuant to this section must pay the ~~following~~ annual [registration fees in OAR 340-216-8020 Table 2](#) by March 1 of each year.:

~~(A) Motor vehicle surface coating operations — \$288.00.~~

~~(B) Dry cleaners using perchloroethylene — \$216.00.~~

~~(C) Late fees.~~

~~(i) 8–30 days late: 5% of annual fee.~~

~~(ii) 31–60 days late: 10% of annual fee.~~

~~(iii) 61 or more days late: 20% of annual fee.~~

~~(d)~~ Failure to pay fees. Registration is automatically terminated upon failure to pay annual fees within 90 days of invoice by DEQ, unless prior arrangements for payment have been approved in writing by DEQ.

~~(e)~~ Recordkeeping. In order to maintain registration, owners and operators of sources registered pursuant to this section must maintain records required by the approved environmental performance program under subsection (2)(b). The records must be kept on site and in a form suitable and readily available for expeditious inspection and review.

(3) The owner or operator of an air contaminant source that is subject to a federal NSPS or NESHAP in 40 CFR part 60 or 40 CFR part [63](#) and that is not located at a source that is required to obtain a permit under OAR 340 division 216 (Air Contaminant Discharge Permits) or OAR 340 division 218 (Oregon Title V Operating Permits), must register and maintain registration with DEQ pursuant to OAR 340-210-0110 through 340-210-0120 if requested in writing by DEQ (or by EPA at DEQ's request).

(4) Revocation. DEQ may revoke a registration if a source fails to meet any requirement in OAR 340-210-0110.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.035, 468A.050, 468A.070 & 468A.310

Statutes/Other Implemented: ORS 468A.025, 468A.035, 468A.050, 468A.070 & 468A.310

History:

DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 9-2014, f. & cert. ef. 6-26-14
Reverted to DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 9-2013(Temp), f. & cert. ef. 10-24-13 thru 4-22-14
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 1-2012, f. & cert. ef. 5-17-12
Reverted to DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0500
DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0005
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 15, f. 6-12-70, ef. 9-1-70

340-210-0205

Notice of Construction and Approval of Plans: Applicability

(1) Except as provided in section (2), OAR 340-210-0200 through 340-210-0250 apply to the following:

(a) All new sources not otherwise required to obtain a permit under OAR 340, division 216 or 218. Sources that are required to submit a permit application under OAR 340, division 216 or 218 are not required to submit a Notice of Construction application under this rule;

(b) Modifications at existing sources, including sources that have permits under OAR 340 division 216 or 218; and

(c) All sources that use air pollution control devices ~~to comply with emissions limits, or to avoid the requirement to obtain an Oregon Title V Operating Permit (OAR 340 division 218) or Major NSR or Type A State NSR (OAR 340 division 224) requirements, or MACT standards (OAR 340 division 244).~~

(2) OAR 340-210-0205 through 340-210-0250 do not apply to the following sources:

(a) Agricultural operations or equipment that is exempted by OAR 340-200-0030;

(b) Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families;

(c) Other activities associated with residences used exclusively as dwellings for not more than four families, including, but not limited to barbecues, house painting, maintenance, and groundskeeping;

(d) Portable sources, except modifications of portable sources that have permits under OAR 340 division 216 or 218; and

(e) Categorically insignificant activities as defined in OAR 340-200-0020 unless they are

subject to NESHAP or NSPS requirements. This exemption applies to all categorically insignificant activities whether or not they are located at major or non-major sources.

[\(3\) OAR 340-210-0200 through 340-210-0250 apply to Title V sources under OAR 340-218-0190 but are called Notices of Approval.](#)

NOTE: This rule, [with the exception of section \(3\)](#), is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025 & 468A.055

Statutes/Other Implemented: ORS 468A.025, 468A.035 & 468A.055

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 12-2008, f. & cert. ef. 9-17-08

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-210-0210

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0810

DEQ 22-1995, f. & cert. ef. 10-6-95

DEQ 19-1993, f. & cert. ef. 11-4-93

DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0025

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 37, f. 2-15-72, ef. 3-1-72

DEQ 15, f. 6-12-70, ef. 9-1-70

340-210-0215

Notice of Construction and Approval of Plans: Requirement

(1) New Sources. No person is allowed to construct, install, or establish a new source that will cause an increase in any regulated pollutant emissions without first notifying DEQ in writing.

(2) Modifications to existing sources. No person is allowed to make a physical change or change in operation of an existing source that will cause an increase, on an hourly basis at full production, in any regulated pollutant emissions without first notifying DEQ in writing.

(3) Air Pollution Control Devices. No person is allowed to construct or ~~modify~~ [make a physical change or change in operation of](#) any air pollution control device without first notifying DEQ in writing.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025 & 468A.055

Statutes/Other Implemented: ORS 468A.025, 468A.035 & 468A.055

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-210-0200

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0800

DEQ 19-1993, f. & cert. ef. 11-4-93

DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0020
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 15, f. 6-12-70, ef. 9-1-70

340-210-0225

Notice of Construction and Approval of Plans: Types of Construction/Modification Changes

For the purpose of OAR 340-210-0200 through 340-210-0250, changes that involve new construction or modifications of sources or air pollution control devices are divided into the following Types:

(1) Type 1 changes include construction or modification of ~~sources~~ a device, activity or process, or any combination of devices, activities or processes or air pollution control devices where such a change meets the criteria in subsections (a) through (f):

(a) Would not increase potential emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than the de minimis levels;

~~(b)~~ Would not increase potential emissions from the source above the PSEL by more than the de minimis emission level ~~defined in OAR 340-200-0020~~ for sources required to have a permit;

~~(c)~~ Would not increase potential emissions from the source above the netting basis by more than or equal to the SER;

~~(e) Would not increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than the de minimis levels defined in OAR 340-200-0020;~~

(d) Would not be used to establish a federally enforceable limit on the potential to emit; and

(e) Would not require a TACT determination under OAR 340-226-0130 or a MACT determination under OAR 340-244-0200; and

(f) Is not required to obtain a permit under OAR 340 division 216.

(2) Type 2 changes include construction or modification of ~~sources~~ a device, activity or process, or any combination of devices, activities or processes or air pollution control devices where such a change meets the criteria in subsections (a) through (f):

(a) Would not increase potential emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than or equal to the SER;

~~(b)~~ Would not increase potential emissions from the source above the PSEL by more than the de minimis emission level ~~defined in OAR 340-200-0020~~ for sources required to have a

permit;

~~(c)~~ Would not increase potential emissions from the source above the netting basis by more than or equal to the SER;

~~(e) Would not increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than or equal to the SER;~~

(d) Would not be used to establish a federally enforceable limit on the potential to emit;

(e) Would not require a TACT determination under OAR 340-226-0130 or a MACT determination under OAR 340-244-0200; and

(f) Is not required to obtain a permit or permit modification under OAR 340 division 216.

(3) Type 3 changes include construction or modification of ~~sources~~ a device, activity or process, or any combination of devices, activities or processes or air pollution control devices where such a change does not qualify as a Type 4 change under section (4) and:

(a) Would increase potential emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than the SER but are not subject to OAR 340-222-0041(4);

~~(b)~~ Would increase potential emissions from the source above the PSEL by more than the de minimis emission level ~~defined in OAR 340-200-0020~~ before applying unassigned emissions or emissions reduction credits available to the source but less than the SER after applying unassigned emissions or emissions reduction credits available to the source for sources required to have a permit;

~~(b) Would increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than the SER but are not subject to OAR 340-222-0041(4);~~

(c) Would be used to establish a federally enforceable limit on the potential to emit; ~~or~~

(d) Would require a TACT determination under OAR 340-226-0130 or a MACT determination under 340-244-0200.

(4) Type 4 changes include construction or modification of sources or air pollution control devices where such a change or changes would increase ~~emissions from the source above the PSEL, after applying unassigned emissions or emissions reduction credits available to the source, or above the~~ above the netting basis of the source by more than the SER.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040, 468A.050, ORS

468A.055, 468A.070 & 468A.310

Statutes/Other Implemented: ORS 468A.025, 468A.035, 468A.040, 468A.050, 468A.055, 468A.070 & 468A.310

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-210-0220

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0820

DEQ 19-1993, f. & cert. ef. 11-4-93

DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0030

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 5-1989, f. 4-24-89, cert. ef. 5-1-89

DEQ 15, f. 6-12-70, ef. 9-1-70

340-210-0230

Notice of Construction and Approval of Plans: Notice to Construct

(1) Any person proposing a Type 1 or 2 change must provide notice and applicable fees in OAR 340-216-8020 to DEQ before constructing or modifying a stationary source or air pollution control device. The notice must be in writing on a [paper or electronic](#) form supplied by DEQ and include the following information as applicable:

(a) Name, address, [tax lot](#), and nature of business;

(b) Name of local person responsible for compliance with these rules;

(c) Name of person authorized to receive requests for data and information;

(d) The type of construction or modification as defined in OAR 340-210-0220;

(e) A description of the constructed or modified [source device, activity or process, or any combination of devices, activities or processes](#);

(f) A description of the production processes and a related flow chart for the constructed or modified [source device, activity or process, or any combination of devices, activities or processes](#);

(g) A plot plan showing the location and height of the constructed or modified [source device, activity or process, or any combination of devices, activities or processes](#). The plot plan must also indicate the nearest residential or commercial property;

(h) Type and quantity of fuels used;

(i) The change in the amount, nature and duration of regulated pollutant emissions;

(j) Plans and specifications for air pollution control devices and facilities and their relationship to the production process, including estimated efficiency of air pollution control devices under present or anticipated operating conditions;

(k) Any information on pollution prevention measures and cross-media impacts the owner or operator wants DEQ to consider in determining applicable control requirements and evaluating compliance methods;

(l) A list of any requirements applicable to the new construction or modification;

(m) Where the operation or maintenance of air pollution control devices and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for DEQ to establish operational and maintenance requirements under OAR 340-226-0120(1) and (2); and

(n) Amount and method of refuse disposal; and

(o)(A) Land Use Compatibility Statement(s) signed by the applicable local (city or county) planner jurisdiction(s), either approving or disapproving construction or modification to the source if required by the local planning agency jurisdiction. Applications and construction notices that receive a disapproved LUCS will not be approved by DEQ.

(B) If the local planning jurisdiction does not require approval or disapproval or declines review of the application or construction notice, the owner or operator must provide DEQ with its own analysis to demonstrate that the application or construction notice complies with all statewide planning goals and provisions of the local jurisdiction's acknowledged comprehensive plan and land use regulations.

(2) Any person proposing a Type 3 or 4 change must submit an application for either a construction ACDP, new permit, or permit modification, whichever is appropriate.

(3) The owner of operator must notify DEQ of any corrections and revisions to the plans and specifications upon becoming aware of the changes.

(4) Where a permit issued in accordance with OAR 340 divisions 216 or 218 includes construction approval for future changes for operational flexibility, the notice requirements in this rule are waived for the approved changes.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040, 468A.050, 468A.055, 468A.070 & 468A.310

Statutes/Other Implemented: ORS 468A.025, 468A.035, 468A.040, 468A.050, 468A.055, 468A.070 & 468A.310

History:

DEQ 17-2020, amend filed 09/21/2020, effective 09/21/2020

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-210-0240

Notice of Construction and Approval of Plans: Construction Approval

(1) Approval to Construct:

(a) For Type 1 changes, the owner or operator may proceed with the construction or modification 10 calendar days after DEQ receives the notice required in OAR 340-210-0230 or on the date that DEQ approves the proposed construction in writing, whichever is sooner, unless DEQ notifies the owner or operator in writing that the proposed construction or modification is not a Type 1 change.

(b) For Type 2 changes, the owner or operator may proceed with the construction or modification 60 calendar days after DEQ receives the notice and fees required in OAR 340-210-0230 or on the date that DEQ approves the proposed construction in writing, whichever is sooner, unless DEQ notifies the owner or operator in writing that:

(A) †The proposed construction or modification is not a Type 2 change; or

(B) Additional information is needed to approve the proposed construction or modification.

(i) If DEQ determines that additional information is needed, DEQ will promptly ask the applicant for the needed information and provide the applicant with a written request to provide such information by a date certain; and

(ii) If DEQ determines it is not able to approve the applicant's submittal, or if the applicant does not timely provide additional information or corrections requested by DEQ, then in addition to any other remedies available, DEQ will reject the application and return it to the applicant.

(c) For Type 3 changes, the owner or operator must obtain either a ~~Construction ACDP or a~~ new or modified Standard ACDP or a Construction ACDP and a new or modified Standard ACDP in accordance with OAR 340 division 216 before proceeding with the construction or modification.

(d) For Type 4 changes, the owner or operator must obtain either a Construction ACDP or a new or modified Standard ACDP in accordance with OAR 340 division 216 before proceeding with the construction or modification. Type 4 changes may also be subject to OAR 340 division 224, New Source Review requirements.

(2) All owners or operators must construct or modify their facility in accordance with the approved plans, specifications and any corrections or revisions thereto or other information, if any, previously submitted in the application required under OAR 340-210-0230.

(3) Approval to construct does not relieve the owner of the obligation of complying with applicable requirements.

(3) Notice of Completion. Unless otherwise specified in the construction ACDP or approval, the owner or operator must notify DEQ in writing that the construction or modification has been completed using a form furnished by DEQ. Unless otherwise specified, the notice is due 30 days after completing the construction or modification. The notice of completion must include the following:

- (a) The date of completion of construction or modification; and
- (b) The date the stationary source, device, activity, process, or air pollution control device was or will be put in operation.

(4) Order Prohibiting Construction or Modification. If at any time, DEQ determines that the proposed construction is not in accordance with applicable statutes, rules, regulations, and orders, DEQ will issue an order prohibiting the construction or modification. The order prohibiting construction or modification will be forwarded to the owner or operator by certified mail.

(5) Hearing. A person against whom an order prohibiting construction or modification is directed may request a contested case hearing within 20 days from the date of mailing the order. The request must be in writing, state the grounds for hearing, and be mailed to the Director of DEQ. The hearing will be conducted pursuant to the applicable provisions in division 11 of this chapter.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040, 468A.050, 468A.055, 468A.070 & 468A.310

Statutes/Other Implemented: ORS 468A. 025, 468A.035, 468A.040, 468A.050, 468A.055, 468A.070 & 468A.310

History:

[DEQ 17-2020, amend filed 09/21/2020, effective 09/21/2020](#)

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-210-0250

Notice of Construction and Approval of Plans: Approval to Operate

(1) The approval to construct does not provide approval to operate the constructed or modified stationary source or air pollution control device unless otherwise allowed by section (2) or (3) or under the applicable ACDP or Oregon Title V Operating Permit programs (OAR 340 divisions 216 and 218).

(2) Type 1 and 2 changes:

(a) For sources that are not required to obtain a permit in accordance with OAR 340-216-0020, Type 1 and 2 changes may be operated without further approval subject to the conditions of DEQ's approval to construct provided in accordance with OAR 340-210-0240.

(A) Approval to operate does not relieve the owner of the obligation of complying with applicable requirements that may include but are not limited to the general opacity standards in OAR 340-208-0110 and general particulate matter standards in OAR 340-226-0210 and OAR 340-228-0210.

(B) If required by DEQ as a condition of the approval to construct or at any other time in accordance with OAR 340-212-0120, the owner or operator must conduct testing or monitoring to verify compliance with applicable requirements. All required testing must be performed in accordance with OAR 340-212-0140.

(C) The owner or operator must register the air contaminant source with DEQ if required as a condition of the approval to construct or at any other time in accordance with OAR 340-210-0100.

~~(b) For new sources that are required to obtain an ACDP in accordance with OAR 340-216-0020, the ACDP, which allows operation, is required before operating the newly constructed equipment.~~

(be) For sources currently operating under an ACDP, Type 1 and 2 changes may be operated without further approval unless the ACDP specifically prohibits the operation.

(cd) For sources currently operating under an Oregon Title V Operating Permit, Type 1 and 2 changes may only be operated in accordance with OAR 340-218-0190(2).

(3) Type 3 and 4 changes:

(a) For new sources, Type 3 or 4 changes require [either a Construction ACDP or a sStandard ACDP](#) before operation of the changes.

(b) For sources currently operating under an ACDP, approval to operate Type 3 or 4 changes will require a new or modified standard ACDP. All ACDP terms and conditions remain in effect until the ACDP is modified.

(c) For sources currently operating under an Oregon Title V Operating Permit, approval to operate Type 3 or 4 changes must be in accordance with OAR 340-218-0190(2).

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040, 468A.050, 468A.055, 468A.070 & 468A.310

Statutes/Other Implemented: ORS 468A. 025, 468A.035, 468A.040, 468A.050, 468A.055, 468A.070 & 468A.310

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 1-2012, f. & cert. ef. 5-17-12

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**Division 214
STATIONARY SOURCE REPORTING REQUIREMENTS**

340-214-0114

Reporting: Records; Maintaining and Reporting

(1) When notified by DEQ, any person owning or operating a source within the state must keep and maintain written records of the nature, type, and amounts of emissions from such source and other information DEQ may require in order to determine whether the source is in compliance with applicable emission rules, limitations, or control measures.

(2) The records must be prepared in the form of a report and submitted to DEQ on an annual, semi-annual, or more frequent basis, as requested in writing by DEQ. Submittals must be filed at the end of the first full period after DEQ's notification to such persons owning or operating a stationary air contaminant source of these recordkeeping requirements. Unless otherwise required by rule or permit, semi-annual periods are Jan. 1 to June 30, and July 1 to Dec. 31. A more frequent basis for reporting may be required due to noncompliance or if necessary to protect human health or the environment.

(3) The required reports must be completed on forms approved by DEQ and submitted within 30 days after the end of the reporting period, unless otherwise authorized by permit.

(4) All reports and certifications submitted to DEQ under divisions 200 to 264 [and division 268](#) must accurately reflect the monitoring, record keeping and other documentation held or performed by the owner or operator.

(5) The owner or operator of any source required to obtain a permit under OAR 340 division 216 or 218 must retain records of all required monitoring data and supporting information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. ~~For the owner or operator of a source permitted under OAR 340 division 216, this requirement takes effect on July 1, 2015.~~

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.050 & 468A.310

Statutes/Other Implemented: ORS 468A.025, 468A.050 & 468A.310

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-212-0160

DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1140

DEQ 19-1993, f. & cert. ef. 11-4-93

DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0046

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 48, f. 9-20-72, cert. ef. 10-1-72

DEQ 44(Temp), f. & cert. ef. 5-5-72

340-214-0130

Reporting: Information Exempt from Disclosure

(1) Pursuant to the provisions of ORS 192.~~311410~~ to 192.~~478505~~, all information submitted to DEQ is subject to inspection upon request by any person unless such information is determined to be exempt from disclosure pursuant to section (2) or (3).

(2) If an owner or operator claims that any writing, as that term is defined in ORS 192.311~~410~~, is confidential or otherwise exempt from disclosure, in whole or in part, the owner or operator must comply with the following procedures:

(a) The writing must be clearly marked with a request for exemption from disclosure. For a multi-page writing, each page must be so marked.

(b) The owner or operator must state the specific statutory provision under which it claims exemption from disclosure and explain why the writing meets the requirements of that provision.

(c) For writings that contain both exempt and non-exempt material, the proposed exempt material must be clearly distinguishable from the non-exempt material. If possible, the exempt material must be arranged so that it is placed on separate pages from the non-exempt material.

(3) For a writing to be considered exempt from disclosure as a “trade secret,” it must meet all of the following criteria:

(a) The information cannot be patented;

(b) It must be known only to a limited number of individuals within a commercial concern who have made efforts to maintain the secrecy of the information;

(c) It must be information that derives actual or potential economic value from not being disclosed to other persons;

(d) It must give its users the chance to obtain a business advantage over competitors not having the information; and

(e) It must not be emissions data.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 192.430, 468.020 & 468A.050

Statutes/Other Implemented: ORS 192.410 - 192.505, 468.020, 468A.025 & 468A.050

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0400

DEQ 22-1996, f. & cert. ef. 10-22-96

DEQ 19-1993, f. & cert. ef. 11-4-93

DEQ 12-1993, f. & cert. ef. 9-24-93

Division 216
AIR CONTAMINANT DISCHARGE PERMITS

340-216-0020

Applicability and Jurisdiction

(1) This division applies to all sources listed in OAR 340-216-8010. This division also applies to Oregon Title V Operating Permit program sources when an ACDP is required by 340-218-0020 or 340-224-0010. Sources referred to in 340-216-8010 are subject to fees in 340-216-8020.

(2) Sources in any one of the categories in OAR 340-216-8010 must obtain a permit. If a source meets the requirements of more than one of the source categories and the source is not eligible for a Basic ACDP or a General ACDP that has been authorized by DEQ, then the source must obtain a Simple or Standard ACDP. [DEQ may determine that a source is ineligible for a Basic ACDP or a General ACDP based upon the considerations in OAR 340-216-0025\(5\)\(a\).](#) Source categories are not listed in alphabetical order.

(a) The commercial and industrial sources in OAR 340-216-8010 Part A must obtain a Basic ACDP under 340-216-0056 unless the source chooses to obtain a General, Simple or Standard ACDP. For purposes of Part A, production and emission parameters are based on the latest consecutive 12 month period, or future projected operation, whichever is higher. Emission cutoffs are based on actual emissions.

(b) Sources in any one of the categories in OAR 340-216-8010 Part B must obtain one of the following unless otherwise allowed in Part B:

(A) A General ACDP, if one is available for the source classification and the source qualifies for a General ACDP under OAR 340-216-0060;

(B) A Simple ACDP under OAR 340-216-0064; or

(C) A Standard ACDP under OAR 340-216-0066 if the source fits one of the criteria of Part C or does not qualify for a Simple ACDP.

(c) Sources in any one of the categories in OAR 340-216-8010 Part C must obtain a Standard ACDP under the procedures set forth in OAR 340-216-0066.

(3) No person may construct, install, establish, develop or operate any air contaminant source listed in OAR 340-216-8010 without first obtaining an Air Contaminant Discharge Permit (ACDP) from DEQ or LRAPA and keeping a copy onsite at all times, unless otherwise deferred from the requirement to obtain an ACDP in subsection (3)(b) or DEQ has granted an exemption from the requirement to obtain an ACDP under subsection (3)(ef). No person may continue to operate an air contaminant source if the ACDP expires, or is terminated, denied, or revoked; except as provided in 340-216-0082.

[\(a\) The permittee must construct their facility in accordance with the approved plans, specifications and any corrections or revisions thereto or other information, if any, previously](#)

[submitted in the application required under OAR 340-216-0040.](#)

(~~ba~~) For portable sources, a ~~single~~ permit may be issued [or assigned by:](#)

(A) [DEQ](#) for operation ~~g-at~~ [in](#) any area of the state [except Lane County](#); or

(B) [LRAPA for operation only in Lane County](#). ~~if the permit includes the requirements from both DEQ and LRAPA. DEQ or LRAPA, depending where the portable source's corporate offices are located, will be responsible for issuing the permit. If the corporate office of a portable source is located outside of the state, DEQ will be responsible for issuing the permit.~~

(~~cb~~) An air contaminant source required to obtain an ACDP or ACDP Attachment under a NESHAP under OAR division 244 or NSPS under OAR division 238 is not required to submit an application for an ACDP or ACDP Attachment until four months after the effective date of the EQC's adoption of the NESHAP or NSPS, and is not required to obtain an ACDP or ACDP Attachment until six months after the EQC's adoption of the NESHAP or NSPS. In addition, DEQ may defer the requirement to submit an application for, or to obtain an ACDP or ACDP Attachment, or both, for up to an additional twelve months, [subject to paragraphs \(A\) and \(B\)](#).

(~~Ae~~) Deferrals of Oregon permitting requirements do not relieve an air contaminant source from the responsibility of complying with federal NESHAP or NSPS requirements.

(~~Bd~~) OAR 340-216-0060(1)(b)(A), 340-216-0062(2)(b)(A), 340-216-0064(~~3~~4)(a), and 340-216-0066(3)(a), do not relieve a permittee from the responsibility of complying with federal NESHAP or NSPS requirements that apply to the source even if DEQ has not incorporated such requirements into the permit.

(~~de~~) DEQ may exempt a source from the requirement to obtain an ACDP if it determines that the source is subject to only procedural requirements, such as notification that the source is affected by an NSPS or NESHAP.

(4) No person may construct, install, establish, or develop any source that will be subject to the Oregon Title V Operating Permit program without first obtaining an ACDP from DEQ or LRAPA.

(5) No person may modify any source that has been issued an ACDP without first complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(6) No person may modify any source required to have an ACDP such that the source becomes subject to the Oregon Title V Operating Permit program without complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(7) No person may increase emissions above the PSEL by more than the de minimis emission levels specified in OAR 340-200-0020 without first applying for and obtaining a modified ACDP.

[\(8\) No person may violate the conditions of any Air Contaminant Discharge Permit issued](#)

[under ORS 468A.040 \(Permits; rules\) or this division.](#)

(98) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.

NOTE: Tables referenced are in OAR 340-216-8010 and 340-216-8020.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040, 468A.155 & 468A.310

Statutes/Other Implemented: ORS 468A.025, 468A.040, 468A.135 - 468A.155 & 468A.310

History:

[DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018](#)

[DEQ 126-2018, minor correction filed 04/11/2018, effective 04/11/2018](#)

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 9-2014, f. & cert. ef. 6-26-14

DEQ 9-2013(Temp), f. & cert. ef. 10-24-13 thru 4-22-14

DEQ 4-2013, f. & cert. ef. 3-27-13

DEQ 14-2011, f. & cert. ef. 7-21-11

DEQ 13-2011, f. & cert. ef. 7-21-11

DEQ 11-2011, f. & cert. ef. 7-21-11

DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

DEQ 1-2011, f. & cert. ef. 2-24-11

DEQ 12-2010, f. & cert. ef. 10-27-10

DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11

DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10

DEQ 8-2009, f. & cert. ef. 12-16-09

DEQ 15-2008, f. & cert. ef. 12-31-08

DEQ 8-2007, f. & cert. ef. 11-8-07

DEQ 7-2007, f. & cert. ef. 10-18-07

DEQ 4-2002, f. & cert. ef. 3-14-02

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1720

DEQ 22-1996, f. & cert. ef. 10-22-96

DEQ 19-1996, f. & cert. ef. 9-24-96

DEQ 22-1995, f. & cert. ef. 10-6-95

DEQ 22-1994, f. & cert. ef. 10-4-94

DEQ 19-1993, f. & cert. ef. 11-4-93

DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0155

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 27-1991, f. & cert. ef. 11-29-91

DEQ 12-1987, f. & cert. ef. 6-15-87

DEQ 3-1986, f. & cert. ef. 2-12-86

DEQ 11-1983, f. & cert. ef. 5-31-83

DEQ 23-1980, f. & cert. ef. 9-26-80
DEQ 20-1979, f. & cert. ef. 6-29-79
DEQ 125, f. & cert. ef. 12-16-76
DEQ 107, f. & cert. ef. 1-6-76, Renumbered from 340-020-0033
DEQ 63, f. 12-20-73, cert. ef. 1-11-74
DEQ 47, f. 8-31-72, cert. ef. 9-15-72

340-216-0025

Types of Permits

(1) Construction ACDP:

(a) A Construction ACDP may be used for approval of Type 3 changes specified in OAR 340-210-0225 at a source subject to the ACDP permit requirements in this division.

(b) A Construction ACDP is required for Type 3 changes specified in OAR 340-210-0225 at sources subject to the Oregon Title V Operating Permit requirements.

(2) General ACDP. A General ACDP is a permit for a category of sources for which individual permits are unnecessary in order to protect the environment, as determined by DEQ. An owner or operator of a source may be assigned to a General ACDP if DEQ has issued a General ACDP for the source category and:

(a) The source meets the qualifications specified in the General ACDP;

(b) DEQ determines that the source has not had ongoing, recurring, or serious compliance problems; and

(c) DEQ determines that a General ACDP would appropriately regulate the source.

(3) Short Term Activity ACDP. A Short Term Activity ACDP is a letter permit that authorizes the activity and includes any conditions placed upon the method or methods of operation of the activity. DEQ may issue a Short Term Activity ACDP for unexpected or emergency activities, operations, or emissions.

(4) Basic ACDP. A Basic ACDP is a permit that authorizes the regulated source to operate in conformance with the rules contained in OAR 340 divisions 200 to 268.

(a) Owners and operators of sources and activities listed in Part A of OAR 340-216-8010 must at a minimum obtain a Basic ACDP.

(b) Any owner or operator of a source required to obtain a Basic ACDP may obtain either a Simple or Standard ACDP.

(5) Simple ACDP.

(a) Owners and operators of sources and activities listed in OAR 340-216-8010 Part B that do not qualify for a General ACDP and are not required to obtain a Standard ACDP must, at

a minimum, obtain a Simple ACDP. Any source required to obtain a Simple ACDP may [choose to](#) obtain a Standard ACDP. DEQ may determine that a source is ineligible for a Simple ACDP and must obtain a Standard ACDP based upon, but not limited to, the following considerations:

- (A) The nature, extent, and toxicity of the source's emissions;
- (B) The complexity of the source and the rules applicable to that source;
- (C) The complexity of the emission controls and potential threat to human health and the environment if the emission controls fail;
- (D) The location of the source; and
- (E) The compliance history of the source.

(b) A Simple ACDP is a permit that contains:

(A) All relevant applicable requirements for source operation, including general ACDP conditions for incorporating generally applicable requirements;

(B) Generic PSELs for all regulated pollutants emitted at more than the de minimis emission level according to OAR 340 division 222;

(C) Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

(D) A permit duration not to exceed 5 years.

(6) Standard ACDP:

(a) Applicability.

(A) The owner or operator of a source listed in Part C of OAR 340-216-8010 must obtain a Standard ACDP~~;~~:-

(B) The owner or operator of a source listed in Part B of OAR 340-216-8010 that does not qualify for a General ACDP or Simple ACDP must obtain a Standard ACDP~~;~~:-

(C) The owner or operator of a source not required to obtain a Standard ACDP may obtain a Standard ACDP.

(b) A Standard ACDP is a permit that contains:

(A) All applicable requirements, including general ACDP conditions for incorporating generally applicable requirements;

(B) Source specific PSELs or Generic PSEL levels, whichever are applicable, as specified in OAR 340 division 222;

(C) Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

(D) A permit duration not to exceed 5 years.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-211-0040.]

[NOTE: All tables are found in OAR 340-216-8010, -8020, -8030.]

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040 & 468A.310

Statutes/Other Implemented: ORS 468A.025, 468A.040 & 468A.310

History:

[DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019](#)

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 9-2014, f. & cert. ef. 6-26-14

DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

DEQ 4-2002, f. & cert. ef. 3-14-02

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1720

DEQ 22-1996, f. & cert. ef. 10-22-96

DEQ 19-1996, f. & cert. ef. 9-24-96

DEQ 22-1995, f. & cert. ef. 10-6-95

DEQ 22-1994, f. & cert. ef. 10-4-94

DEQ 19-1993, f. & cert. ef. 11-4-93

DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0155

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 27-1991, f. & cert. ef. 11-29-91

DEQ 12-1987, f. & ef. 6-15-87

DEQ 3-1986, f. & ef. 2-12-86

DEQ 11-1983, f. & ef. 5-31-83

DEQ 13-1981, f. 5-6-81, ef. 7-1-81

DEQ 23-1980, f. & ef. 9-26-80

DEQ 20-1979, f. & ef. 6-29-79

DEQ 125, f. & ef. 12-16-76

DEQ 107, f. & ef. 1-6-76, Renumbered from 340-020-0033

DEQ 63, f. 12-20-73, ef. 1-11-74

DEQ 47, f. 8-31-72, ef. 9-15-72

340-216-0040

Application Requirements

(1) New Permits.

(a) Except for Short Term Activity ACDPs, any person required to obtain a new ACDP must provide the following general information, as applicable, using [paper or electronic](#) forms provided by DEQ in addition to any other information required for a specific permit type:

(A) Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business, Standard Industrial Classification (SIC) code;

(B) The name and phone number of a local person responsible for compliance with the permit;

(C) The name of a person authorized to receive requests for data and information;

(D) A description of the production processes and related flow chart;

(E) A plot plan showing the location and height of air contaminant sources. The plot plan must also indicate the nearest residential or commercial property;

(F) The type and quantity of fuels used;

(G) An estimate of the amount and type of each air contaminant emitted by the source in terms of hourly, daily, or monthly and yearly rates, showing calculation procedures;

(H) Any information on pollution prevention measures and cross-media impacts the applicant wants DEQ to consider in determining applicable control requirements and evaluating compliance methods;

(I) Estimated efficiency of air pollution control devices under present or anticipated operating conditions;

(J) Where the operation or maintenance of air pollution control devices and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for DEQ to establish operational and maintenance requirements in OAR 340-226-0120(1) and (2);

(K)(i) ~~A~~ Land Use Compatibility Statement(s) signed by the applicable local, city or county, planning jurisdiction(s), either approving or disapproving construction or modification of the source, if required by the local planning ~~jurisdiction~~agency. Applications and construction notices that receive a disapproved LUCS will not be approved by DEQ;

(ii) If the local planning jurisdiction does not require approval or disapproval or declines review of the application or construction notice, the owner or operator must provide DEQ with its own analysis to demonstrate that the application or construction notice complies with all applicable statewide planning goals and provisions of the local jurisdiction's acknowledged comprehensive plan and land use regulations;

(L) The most recent information reported through EPA's Toxics Release Inventory program at the time of application submittal, if the source is subject to the program;

~~(M)~~ Any information required by OAR 340 divisions 224, 225, and 245, including but not limited to control technology and analysis, air quality impact analysis; and information related to offsets and net air quality benefit, if applicable; and

(NM) Any other information requested by DEQ.

(b) Applications for new permits must be submitted at least 60 days prior to when a permit is needed. When preparing an application, the applicant must also consider the timelines provided in paragraph (2)(b), as well as OAR 340-245-0030, Cleaner Air Oregon submittal and payment deadlines, and OAR 340-224-0030, permit applications subject to NSR, to allow DEQ adequate time to process the application and issue a permit before it is needed.

(2) Renewal Permits. Except for Short Term Activity ACDPs, any person required to renew an existing permit must submit the information identified in section (1) using forms provided by DEQ, unless there are no significant changes to the permit. If there are significant changes, the applicant must provide the information identified in section (1) only for those changes.

(a) Where there are no significant changes to the permit, the applicant may use a streamlined permit renewal application process by providing the following information:

(A) Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business, Standard Industrial Classification (SIC) code, using a form provided by DEQ; and

(B) A marked up copy of the previous permit indicating minor changes along with an explanation for each requested change.

(b) The owner or operator must submit an application for renewal of the existing permit by no later than:

(A) 30 days prior to the expiration date of a Basic ACDP;

(B) 120 days prior to the expiration date of a Simple ACDP; or

(C) 180 days prior to the expiration date of a Standard ACDP.

(c) DEQ must receive an application for reassignment to General ACDPs and attachments within 30 days prior to expiration of the General ACDPs or attachment.

(3) Permit Modifications. For Simple and Standard ACDP modifications, the applicant must provide the information in section (1) relevant to the requested changes to the permit and a list of any new requirements applicable to those changes. When preparing an application, the applicant must also consider the timelines provided in subsection (2)(b), as well as OAR 340-224-0030, permit applications subject to NSR, to allow DEQ adequate time to process the application and issue a permit before it is needed.

(4) Any owner or operator who fails to submit any relevant facts or who has submitted incorrect information in a permit application must, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

(5) The application must be completed in full and signed by the applicant or the applicant's

legally authorized representative.

(6) Two copies of the application are required, unless otherwise requested by DEQ. At least one of the copies must be a paper copy, but the others may be in any other format, including electronic copies, upon approval by DEQ.

(7) A copy of permit applications subject to Major NSR under OAR 340 division 224, including all supplemental and supporting information, must also be submitted directly to the EPA.

(8) The name of the applicant must be the legal name of the facility or the owner's agent or the lessee responsible for the operation and maintenance of the facility. The legal name must be registered with the Secretary of State Corporations Division.

(9) All applications must include the appropriate fees as specified in OAR 340-216-8020 [and OAR 340-216-8030](#).

(10) Applications that are obviously incomplete, unsigned, improperly signed, or lacking the required exhibits or fees will be rejected by DEQ and returned to the applicant for completion.

(11) Within 15 days after receiving the application, DEQ will preliminarily review the application to determine the adequacy of the information submitted, [and](#):

(a) If DEQ determines that additional information is needed, DEQ will promptly ask the applicant for the needed information [and provide the applicant with a written request to provide such information by a date certain](#); ~~The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request;~~

[\(b\) An applicant may request an extension of time from a deadline established in subsection \(a\) by providing DEQ with a written request 15 days prior to the submittal deadline. DEQ may grant an extension based on the following criteria:](#)

[\(A\) The applicant has demonstrated progress in completing the submittal; and](#)

[\(B\) A delay is necessary, for good cause shown by the applicant, related to obtaining more accurate or new data, performing additional analyses, or addressing changes in operations or other key parameters, any of which are likely to have a substantive impact on the outcomes of the submittal;](#)

~~(c) If, in the opinion of DEQ, additional measures are necessary to gather facts regarding the application,~~ [DEQ determines it is not able to approve the applicant's submittal, or if the applicant does not timely provide additional information or corrections requested by DEQ, then in addition to any other remedies available, DEQ will reject the application and return it to the applicant;](#)

~~(d) DEQ will notify the applicant that such measures will be instituted along with the timetable and procedures to be followed.~~ The application will not be considered complete for processing until the [requested information is received](#); and ~~necessary additional fact finding measures are completed.~~

(e) When the information in the application is deemed adequate for processing, DEQ will so notify the applicant.

(12) If at any time while processing the application, DEQ determines that additional information is needed, DEQ will promptly ask the applicant for the needed information [and follow the procedures in section \(11\)](#). ~~The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request.~~

(13) If, upon review of an application, DEQ determines that a permit is not required, DEQ will so notify the applicant in writing. Such notification is a final action by DEQ on the application.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 with the exception of all references to toxic air contaminants or OAR chapter 340, division 245.

NOTE: Tables referenced are in OAR 340-216-8010 and 340-216-8020.

Statutory/Other Authority: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315

Statutes/Other Implemented: ORS 468 & 468A

History:

[DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018](#)

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 9-2014, f. & cert. ef. 6-26-14

DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11 DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0020 & 340-014-0030

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1770

DEQ 19-1993, f. & cert. ef. 11-4-93

DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0175

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 13-1988, f. & cert. ef. 6-17-88

DEQ 20-1979, f. & cert. ef. 6-29-79

DEQ 107, f. & cert. ef. 1-6-76, Renumbered from 340-020-0033

DEQ 63, f. 12-20-73, cert. ef. 1-11-74

DEQ 47, f. 8-31-72, cert. ef. 9-15-72

DEQ 42, f. 4-5-72, cert. ef. 4-15-72

340-216-0060

General Air Contaminant Discharge Permits

(1) Applicability.

(a) DEQ may issue a General ACDP under the following circumstances:

(A) There are multiple sources that involve the same or substantially similar types of operations;

(B) All requirements applicable to the covered operations can be contained in a General ACDP;

(C) The emission limitations, monitoring, recordkeeping, reporting and other enforceable conditions are the same for all operations covered by the General ACDP; and

(D) The regulated pollutants emitted are of the same type for all covered operations.

(b) Permit content. Each General ACDP must include the following:

(A) All relevant requirements for the operations covered by the General ACDP, excluding any federal requirements not adopted by the EQC;

(B) Generic PSELs for all regulated pollutants emitted at more than the de minimis emission level according to OAR 340 division 222;

(C) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the PSEL and other applicable emissions limits and standards; and

(D) A permit expiration date not to exceed 10 years from the date of issuance.

(c) Permit issuance public notice procedures: A new General ACDP requires public notice as a Category III permit action according to OAR 340 division 209. A reissued General ACDP or a modification to a General ACDP requires public notice as a Category II permit action according to OAR 340 division 209.

(d) DEQ will retain all General ACDPs on file and make them available for public review at DEQ's headquarters.

(2) Source assignment:

(a) Application requirements. Any person requesting that a source be assigned to a General ACDP must submit a written application according to OAR 340-216-0040 that includes the information in 340-216-0040(1), specifies the General ACDP source category, and shows that the source qualifies for the General ACDP.

(b) Fees. Applicants must pay the fees in OAR 340-216-8020. The fee class for each General ACDP is Fee Class One unless otherwise specified as follows:

(A) Hard chrome platers — Fee Class Three;

(B) Decorative chrome platers — Fee Class Two;

- (C) Halogenated solvent degreasers — batch cold, batch vapor, and in-line — Fee Class Two;
- (D) Perchloroethylene dry cleaners — Fee Class Six;
- (E) Asphalt plants — Fee Class Three;
- (F) Rock crushers — Fee Class Two;
- (G) Ready-mix concrete — Fee Class One;
- (H) Sawmills, planing mills, millwork, plywood manufacturing and veneer drying — Fee Class Three;
- (I) Boilers — Fee Class Two;
- (J) Crematories — Fee Class One;
- (K) Grain elevators — Fee Class One;
- (L) Prepared feeds, flour, and cereal — Fee Class One;
- (M) Seed cleaning — Fee Class One;
- (N) Coffee roasters — Fee Class One;
- (O) Bulk gasoline plants — Fee Class One;
- (P) Electric power generators — Fee Class Two;
- (Q) Clay ceramics — Fee Class One;
- (R) Hospital sterilizers — Fee Class Four;
- (S) Secondary nonferrous metals — Fee Class One;
- (T) Gasoline dispensing facilities — stage I — Fee Class Five;
- (U) Gasoline dispensing facilities — stage II — Fee Class Four;
- (V) Wood preserving — Fee Class Four;
- (W) Metal fabrication and finishing — with two or more of the following operations — Fee Class Two;
- (i) Dry abrasive blasting performed in a vented enclosure or of objects greater than 8 feet (2.4 meters) in any one dimension that uses materials that contain MFHAP or has the potential to emit MFHAP;

- (ii) Spray-applied painting operation using MFHAP containing paints;
- (iii) Welding operation that uses materials that contain MFHAP or has the potential to emit MFHAP and uses 2,000 pounds or more per year of MFHAP containing welding wire and rod (calculated on a rolling 12-month basis);
- (X) Metal fabrication and finishing — with only one of the operations listed in subparagraphs (2)(b)(W)(i) through (iii) — Fee Class One;
- (Y) Metal fabrication and finishing — with none of the operations listed in subparagraphs (2)(b)(W)(i) through (iii) — Fee Class Four;
- (Z) Plating and polishing — Fee Class One;
- (AA) Surface coating operations — Fee Class One;
- (BB) Paint stripping — Fee Class One;
- (CC) Aluminum, copper, and nonferrous foundries — Fee Class Two;
- (DD) Paints and allied products manufacturing — Fee Class Two; and
- (EE) Emergency generators and firewater pumps, if a permit is required – Fee Class Two.
- (c) Source assignment procedures:
 - (A) Assignment of a source to a General ACDP is a Category I permit action and is subject to the Category I public notice requirements according to OAR 340 division 209.
 - (B) A person is not a permittee under the General ACDP until DEQ assigns the General ACDP to the person.
 - (C) Assignments to General ACDPs and attachments terminate when the General ACDP or attachment expires or is modified, terminated or revoked.
 - (D) Once a source has been assigned to a General ACDP, if the assigned General ACDP does not cover all requirements applicable to the source, excluding any federal requirements not adopted by the EQC, the other applicable requirements must be covered by assignment to one or more General ACDP Attachments according to OAR 340-216-0062, otherwise the source must obtain a Simple or Standard ACDP.
 - (E) A source requesting to be assigned to a General ACDP Attachment, according to OAR 340-216-0062, for a source category in a higher annual fee class than the General ACDP to which the source is currently assigned, must be reassigned to the General ACDP for the source category in the higher annual fee class.
- (3) DEQ Initiated Modification. If DEQ determines that the conditions have changed such that a General ACDP for a category needs to be modified, DEQ may issue a ~~new~~modified General ACDP for that category and assign all existing General ACDP permit holders to the

~~new~~modified General ACDP.

(54) Rescission. DEQ may rescind an individual source's assignment to a General ACDP if the source no longer meets the requirements of the permit. In such case, the source must submit an application within 60 days for a Simple or Standard ACDP upon notification by DEQ of DEQ's intent to rescind the General ACDP. Upon issuance of the Simple or Standard ACDP, or if the source fails to submit an application for a Simple or Standard ACDP, DEQ will rescind the source's assignment to the General ACDP.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]

[NOTE: All tables are found in OAR 340-216-8010, -8020, -8030.]

Statutory/Other Authority: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315

Statutes/Other Implemented: ORS 468 & 468A

History:

[DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019](#)

[DEQ 128-2018, minor correction filed 04/11/2018, effective 04/11/2018](#)

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 9-2014, f. & cert. ef. 6-26-14

DEQ 4-2013, f. & cert. ef. 3-27-13

DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

DEQ 1-2011, f. & cert. ef. 2-24-11

DEQ 8-2009, f. & cert. ef. 12-16-09

DEQ 15-2008, f. & cert. ef. 12-31-08

DEQ 8-2007, f. & cert. ef. 11-8-07

DEQ 2-2006, f. & cert. ef. 3-14-06

DEQ 4-2002, f. & cert. ef. 3-14-02

DEQ 10-2001, f. & cert. ef. 8-30-01

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1725

DEQ 14-1998, f. & cert. ef. 9-14-98

340-216-0064

Simple ACDP

(1) Application Requirements. Any person requesting a new, modified, or renewed Simple ACDP must submit an application according to OAR 340-216-0040.

(2) Fees. Applicants for a new or modified Simple ACDP must pay the fees in OAR 340-216-8020. Applicants for a new Simple ACDP must initially pay the High Annual Fee. Once the initial permit is issued, annual fees for Simple ACDPs will be assessed based on the following:

(a) Low Fee — A source may qualify for the low fee if:

(A) The source is, or will be, permitted under only one of the following categories in OAR 340-216-8010 Part B:

- (i) Category 7. Asphalt felt and coatings;
- (ii) Category 13. Boilers and other fuel burning equipment (can be combined with category 27. Electric power generation);
- (iii) Category 27. Electric power generation;
- (iv) Category 33. Galvanizing & pipe coating;
- (v) Category 39. Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/yr. metal charged (not elsewhere identified);
- (vi) Category 40. Gypsum products;
- (vii) Category 45. Liquid storage tanks subject to OAR 340 division 232;
- (viii) Category 56. Non-ferrous metal foundries 100 or more tons/year of metal charged;
- (ix) Category 57. Organic or inorganic industrial chemical manufacturing;
- (x) Category 62. Perchloroethylene dry cleaning;
- (xi) Category 73. Secondary smelting and/or refining of ferrous and non-ferrous metals; or
- (xii) Category 85. All other sources not listed in OAR 340-216-8010 (can be combined with category 27. Electric Power Generation); and

(B) The actual emissions from the calendar year immediately preceding the invoice date are less than five tons/year of PM10 in a PM10 nonattainment or maintenance area or PM2.5 in a PM2.5 nonattainment or maintenance area, and less than 10 tons/year for each criteria pollutant; and

(C) The source is not creating a nuisance under OAR 340-208-0310 or 340-208-0450.

(b) High Fee — Any source required to have a Simple ACDP (OAR 340-216-8010 Part B) that does not qualify for the low fee under subsection (2)(a) will be assessed the high fee.

(c) If DEQ determines that a source was invoiced for the low annual fee but does not meet the low fee criteria outlined above, the source will be required to pay the difference between the low and high fees, plus applicable late fees in OAR 340-216-8020 Part [54](#). ~~Late fees start upon issuance of the initial invoice.~~ In the ~~is~~ case of late fees, DEQ will issue a new invoice specifying applicable fees.

(3) Permit Content. Each Simple ACDP must include the following:

(a) All relevant applicable requirements for source operation, including general ACDP

conditions for incorporating generally applicable requirements, but excluding any federal requirements not adopted by the EQC;

(b) Generic PSEs for all regulated pollutants emitted at more than the de minimis emission level according to OAR 340 division 222;

(c) Testing, monitoring, recordkeeping, and [paper or electronic](#) reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; () A permit duration not to exceed 5 years.

(4) Permit issuance public notice procedures:

(a) Issuance of a new or renewed Simple ACDP requires public notice as a Category II permit according to OAR 340 division 209.

(b) Issuance of a modification to a Simple ACDP requires one of the following procedures, as applicable:

(A) Public notice as a Category I permit action for non-technical and basic and simple technical modifications according to OAR 340 division 209; or

(B) Public notice as a Category II permit action for moderate and complex technical modifications according to OAR 340 division 209.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315

Statutes/Other Implemented: ORS 468 & 468A

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 9-2014, f. & cert. ef. 6-26-14

Reverted to DEQ 4-2013, f. & cert. ef. 3-27-13

DEQ 9-2013(Temp), f. & cert. ef. 10-24-13 thru 4-22-14

DEQ 4-2013, f. & cert. ef. 3-27-13

DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

DEQ 1-2011, f. & cert. ef. 2-24-11

DEQ 8-2009, f. & cert. ef. 12-16-09

DEQ 4-2002, f. & cert. ef. 3-14-02

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-216-0066

Standard ACDPs

(1) Application requirements. Any person requesting a new, modified, or renewed Standard ACDP must submit an application according to OAR 340-216-0040 and include the following additional information as applicable:

(a) New or modified Standard ACDPs that are not subject to Major NSR, but have emissions increases above the significant emissions rate are subject to the requirements of State NSR. The application must include an analysis of the air quality and, for federal major sources only, the visibility impacts of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts.

(b) For new or modified Standard ACDPs that are subject to Major NSR, the application must include the following information as applicable:

(A) A detailed description of the air pollution control devices and emission reductions processes that are planned for the major source or major modification, and any other information necessary to determine that BACT or LAER technology, whichever is applicable, would be applied;

(B) An analysis of the air quality and, for federal major sources only, the visibility impacts of the major source or major modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and

(C) An analysis of the air quality and, for federal major sources only, the visibility impacts, and the nature and extent of all commercial, residential, industrial, and other source emission growth, which has occurred since the baseline concentration year in the area the major source or major modification would affect.

(2) Fees. Applicants for a Standard ACDP must pay the fees in OAR 340-216-8020.

(3) Permit content. Each Standard ACDP must include the following:

(a) All applicable requirements, including general ACDP conditions for incorporating generally applicable requirements, but excluding any federal requirements not adopted by the EQC;

(b) Source specific PSELs or Generic PSEL levels, whichever are applicable, under OAR 340 division 222;

(c) Testing, monitoring, recordkeeping, and [paper or electronic](#) reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

(d) A permit duration not to exceed 5 years.

(4) Permit issuance procedures.

(a) Issuance of a new or renewed Standard ACDP requires public notice under OAR 340 division 209 as follows:

(A) Public notice as a Category III permit action for permit actions that will increase allowed

emissions but that are not Major NSR or Type A State NSR permit actions under OAR 340 division 224, or as a Category II permit action if the permit will not increase allowed emissions.

(B) Public notice as a Category IV permit action for permit actions that are Major NSR or Type A State NSR permit actions under OAR 340 division 224.

(b) Issuance of a modified Standard ACDP requires public notice under OAR 340 division 209 as follows:

(A) Public notice as a Category I permit action for non-technical modifications and basic and simple technical modifications according to OAR 340 division 209.

(B) Public notice as a Category II permit action for moderate and complex technical modifications if there will be no increase in allowed emissions, or as a Category III permit action if there will be an increase in emissions; or

(C) Public notice as a Category IV permit action for major modifications subject to [Major NSR or Type A State NSR](#) under OAR 340 division 224.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315

Statutes/Other Implemented: ORS 468 & 468A

History:

[DEQ 129-2018, minor correction filed 04/11/2018, effective 04/11/2018](#)

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 9-2014, f. & cert. ef. 6-26-14

DEQ 4-2013, f. & cert. ef. 3-27-13

DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

DEQ 4-2002, f. & cert. ef. 3-14-02

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-216-0068

Simple and Standard ACDP Attachments

(1) Purpose. This rule allows DEQ to add new requirements to existing Simple or Standard ACDPs by assigning the source to an ACDP Attachment issued under section (2). An ACDP Attachment would apply to an affected source until the new requirements are incorporated into the source's Simple or Standard ACDP at the next permit renewal or at the time of permit modification.

(2) ACDP Attachment issuance procedures:

(a) An ACDP Attachment [issuance](#) requires public notice as a Category II permit action under OAR 340 division 209, except that [assigning](#) ACDP Attachments to Simple or

Standard ACDPs require notice as Category I permit actions.

(b) DEQ may issue an ACDP Attachment when there are multiple sources that are subject to the new requirements.

(c) Attachment content. Each ACDP Attachment must include the following:

(A) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the applicable emissions limits and standards; and

(B) An attachment expiration date not to exceed 5 years from the date of issuance.

(3) Assignment to ACDP Attachment:

(a) A source is not a permittee under the ACDP Attachment until DEQ assigns the ACDP Attachment to the source.

(b) The ACDP Attachment is removed from the Simple or Standards ACDP when the requirements of the ACDP Attachment are incorporated into the source's Simple or Standard ACDP at the time of renewal or of a modification.

(c) If an EPA or DEQ action causes a source to be subject to the requirements in an ACDP Attachment, assignment to the ACDP Attachment is a DEQ initiated modification to the Simple or Standard ACDP and the permittee is not required to submit an application or pay fees for the permit action. In such case, DEQ would notify the permittee of the proposed permitting action and the permittee may object to the permit action if the permittee demonstrates that the source is not subject to the requirements of the ACDP Attachment.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.](#)

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040 & 468A.310

Statutes/Other Implemented: ORS 468A

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 4-2013, f. & cert. ef. 3-27-13

340-216-0082

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 has been submitted; or

(B) Another type of permit, ACDP or Oregon Title V Operating Permit, has been issued authorizing operation of the source.

(b) If a timely and complete renewal application has been submitted, the existing permit will remain in effect until final action has been taken on the renewal application to issue or deny a permit.

(c) For a source operating under an ACDP or Oregon Title V Operating Permit, a requirement established in an earlier ACDP remains in effect notwithstanding expiration of the ACDP, unless the provision expires by its terms or unless the provision is modified or terminated according to the procedures used to establish the requirement initially.

(2) Automatic Termination. A permit is automatically terminated upon:

(a) Issuance of a renewal or new ACDP for the same activity or operation;

(b) Written request of the permittee, if DEQ determines that a permit is no longer required;

(c) Failure to submit a timely application for permit renewal. Termination is effective on the permit expiration date; or

(d) Failure to pay annual fees within 90 days of invoice by DEQ, unless prior arrangements for payment have been approved in writing by DEQ.

(3) Reinstatement of Terminated Permit: A permit automatically terminated under any of subsections (2)(b) through (2)(d) may only be reinstated by the permittee by applying for a new permit. The permittee must also pay the applicable new source permit application fees in this division, unless the owner or operator submits the [new or](#) renewal application within three months of the permit expiration date.

(4) Revocation:

(a) If DEQ determines that a permittee is in noncompliance with the terms of the permit, submitted false information in the application or other required documentation, or is in violation of any applicable rule or statute, DEQ may revoke the permit. DEQ will provide notice of the intent to revoke the permit to the permittee under OAR 340-011-0525. The notice will include the reasons why the permit will be revoked, and include an opportunity for the permittee to request a contested case hearing prior to the revocation. A permittee's written request for hearing must be received by DEQ within 60 days from service of the notice on the permittee, and must state the grounds of the request. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and OAR 340 division 011. The permit will continue in effect until the 60th day after service of the notice on the permittee, if the permittee does not timely request a hearing, or until a final order is issued if the permittee timely requests a hearing.

(b) If DEQ finds there is a serious danger to the public health, safety or the environment caused by a permittee's activities, DEQ may immediately revoke or refuse to renew the permit without prior notice or opportunity for a hearing. If no advance notice is provided,

notification will be provided to the permittee as soon as possible under OAR 340-011-0525. The notification will set forth the specific reasons for the revocation or refusal to renew and will provide an opportunity for the permittee to request a contested case hearing for review of the revocation or refusal to renew. A permittee's written request for hearing must be received by DEQ within 90 days of service of the notice on the permittee and must state the grounds for the request. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and OAR 340 division 011. The revocation or refusal to renew becomes final without further action by DEQ if a request for a hearing is not received within the 90 days. If a request for a hearing is timely received, the revocation or refusal to renew will remain in place until issuance of a final order.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315

Statutes/Other Implemented: ORS 183.468 & 468A

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 8-2007, f. & cert. ef. 11-8-07

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0015 & 340-014-0045

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 21-1990, f. & cert. ef. 7-6-90

DEQ 125, f. & cert. ef. 12-16-76

DEQ 42, f. 4-5-72, cert. ef. 4-15-72

340-216-0084

Department Initiated Modification

If DEQ determines it is appropriate to modify an ACDP, other than a General ACDP, DEQ will notify the permittee by regular, registered or certified mail of the modification and will include the proposed modification and the reasons for the modification. The modification will become effective upon mailing unless the permittee requests a contested case hearing within 20 days. A request for hearing must be made in writing and must include the grounds for the request. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and OAR 340 division 011. If a hearing is requested, the existing permit will remain in effect until after a final order is issued following the hearing. [The permit issuance procedures will be conducted in accordance with OAR 340-216-0056\(4\) for Basic ACDPs, OAR 340-216-0064\(6\) for Simple ACDPs, and OAR 340-216-0066\(5\) for Standard ACDPs.](#)

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040 & 468A.310

Statutes/Other Implemented: ORS 183 & 468A

History:

DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0040
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 42, f. 4-5-72, ef. 4-15-72

340-216-8010

Table 1 — Activities and Sources

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

[NOTE: [For the history of these tables prior to 2014](#) ~~See the history of these tables~~ under OAR 340-216-0020]

[\[ED. NOTE: To view attachments referenced in rule text, click here to view rule.\]](#)

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040 & 468A.310

Statutes/Other Implemented: ORS 468A

History:

[DEQ 59-2017, minor correction filed 12/20/2017, effective 12/20/2017](#)

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 12-2014(Temp), f. & cert. ef. 11-12-14 thru 5-10-15

DEQ 9-2014, f. & cert. ef. 6-26-14



State of Oregon
Department of
Environmental
Quality

OAR 340-216-8010

Table 1

Activities and Sources

The following source categories must obtain a permit as required by OAR 340-216-0020 Applicability and Jurisdiction.

Part A: Basic ACDP

- 1 Autobody repair or painting shops painting more than 25 automobiles in a year and that are located inside the Portland AQMA.
- 2 Concrete manufacturing including redi-mix and CTB, both stationary and portable, more than 5,000 but less than 25,000 cubic yards per year output.
- 3 Crematory incinerators with less than 20 tons/year material input.

- 4 Natural gas and propane fired boilers of 10 or more MMBTU/hour but less than 30 MMBTU/hour heat input constructed after June 9, 1989 that may use less than 10,000 gallons per year of #2 diesel oil as a backup fuel.
- 5 Prepared feeds for animals and fowl and associated grain elevators more than 1,000 tons/year but less than 10,000 tons per year throughput.
- 6 Rock, concrete or asphalt crushing, both stationary and portable, more than 5,000 tons/year but less than 25,000 tons/year crushed.
- 7 Surface coating operations whose actual or expected usage of coating materials is greater than 250 gallons per month but does not exceed 3,500 gallons per year, excluding sources that exclusively use non-VOC and non-HAP containing coatings, e.g., powder coating operations.
- 8 Sources subject to permitting under Part B of this table, number 85 if all of the following criteria are met:
 - a. The source is not subject to any category listed on this table other than Part B number 85;
 - b. The source has requested an enforceable limit on their actual emissions, if the source were to operate uncontrolled, to below Part B number 85 of this table as applicable depending on the source's location through one or both of the following:
 - i. A limit on hours of operation;
 - ii. A limit on production;
 - c. Control devices are not required to be used or otherwise accounted for to maintain emissions levels compliant with 8.b above;
 - d. The source is not subject to and does not have any affected emissions units subject to a 40 C.F.R. part 60, part 61, or part 63 standard (NSPS or NESHAP);
 - e. The source is not subject to any specific industry or operation standard in OAR chapter 340 divisions 232, 234, or 236.
 - f. DEQ has determined that the source is not required to conduct source testing and source testing for emission factor verification will not be required.

Part B: General, Simple or Standard ACDP

- 1 Aerospace or aerospace parts manufacturing subject to RACT as regulated by OAR 340 division 232.
- 2 Aluminum, copper, and other nonferrous foundries subject to an area source NESHAP under OAR 340 division 244.
- 3 Aluminum production – primary.
- 4 Ammonia manufacturing.
- 5 Animal rendering and animal reduction facilities.
- 6 Asphalt blowing plants.
- 7 Asphalt felts or coating manufacturing.
- 8 Asphaltic concrete paving plants, both stationary and portable.
- 9 Bakeries, commercial over 10 tons of VOC emissions per year.
- 10 Battery separator manufacturing.
- 11 Lead-acid battery manufacturing and re-manufacturing.
- 12 Beet sugar manufacturing.
- 13 [Aggregated Boilers](#) and other fuel burning equipment over 10 MMBTU/hour heat input, except exclusively Natural Gas and Propane fired units (with or without #2 diesel backup) under 30 MMBTU/hour heat input.
- 14 Building paper and buildingboard mills.
- 15 Calcium carbide manufacturing.
- 16 Can or drum coating subject to RACT as regulated by OAR 340 division 232.²
- 17 Cement manufacturing.
- 18 Cereal preparations and associated grain elevators 10,000 or more tons/year throughput.¹
- 19 Charcoal manufacturing.
- 20 Chlorine and alkali manufacturing.
- 21 Chrome plating and anodizing subject to a NESHAP under OAR 340 division 244.

- 22 Clay ceramics manufacturing subject to an area source NESHAP under OAR 340 division 244.
- 23 Coffee roasting, roasting 30 or more green tons per year.
- 24 Concrete manufacturing including redi-mix and CTB, both stationary and portable, 25,000 or more cubic yards per year output.
- 25 Crematory incinerators 20 or more tons/year material input.
- 26 Degreasing operations, halogenated solvent cleanings subject to a NESHAP under OAR 340 division 244.
- 27 Electrical power generation from combustion, excluding units used exclusively as emergency generators and units less than 500 kW.
- 28 Commercial ethylene oxide sterilization, excluding facilities using less than 1 ton of ethylene oxide within all consecutive 12-month periods after December 6, 1996.
- 29 Ferroalloy production facilities subject to an area source NESHAP under OAR 340 division 244.
- 30 Flatwood coating regulated by OAR division 232.²
- 31 Flexographic or rotogravure printing subject to RACT under OAR 340 division 232.²
- 32 Flour, blended and/or prepared and associated grain elevators 10,000 or more tons/year throughput.¹
- 33 Galvanizing and pipe coating, except galvanizing operations that use less than 100 tons of zinc/year.
- 34 Bulk gasoline plants, bulk gasoline terminals, and pipeline facilities.
- 35 Gasoline dispensing facilities, excluding gasoline dispensing facilities with monthly throughput of less than 10,000 gallons of gasoline per month³.
- 36 Glass and glass container manufacturing subject to a NSPS under OAR 340 division 238 or a NESHAP under OAR 340 division 244.
- 37 Grain elevators used for intermediate storage 10,000 or more tons/year throughput.¹
- 38 Reserved.
- 39 Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/year metal charged, not elsewhere identified.
- 40 Gypsum products manufacturing.

- 41 Hardboard manufacturing, including fiberboard.
- 42 Hospital sterilization operations subject to an area source NESHAP under OAR 340 division 244.
- 43 Incinerators with two or more tons per day capacity.
- 44 Lime manufacturing.
- 45 Liquid storage tanks subject to RACT under OAR 340 division 232.²
- 46 Magnetic tape manufacturing.
- 47 Manufactured home, mobile home and recreational vehicle manufacturing.
- 48 Marine vessel petroleum loading and unloading subject to RACT under OAR 340 division 232.
- 49 Metal fabrication and finishing operations subject to an area source NESHAP under OAR 340 division 244, excluding facilities that meet all the following:
- a. Do not perform any of the operations listed in OAR 340-216-0060(2)(b)(W)(i) through (iii);
 - b. Do not perform shielded metal arc welding (SMAW) using metal fabrication and finishing hazardous air pollutant (MFHAP) containing wire or rod; and
 - c. Use less than 100 pounds of MFHAP containing welding wire and rod per year.
- 50 Millwork manufacturing, including kitchen cabinets and structural wood members, 25,000 or more board feet/maximum 8 hour input.
- 51 Molded [plastic container manufacturing, using extrusion, molding, lamination, and foam processing and molded fiberglass container manufacturing, excluding injection molding](#).
- 52 Motor coach, [travel trailer, and camper](#) manufacturing.
- 53 Motor vehicle and mobile equipment surface coating operations subject to an area source NESHAP under OAR 340 division 244, excluding motor vehicle surface coating operations painting less than 10 vehicles per year or using less than 20 gallons of coating and 20 gallons of methylene chloride containing paint stripper per year, mobile equipment surface coating operations using less than 20 gallons of coating and 20 gallons of methylene chloride containing paint stripper per year, and motor vehicle surface coating operations registered pursuant to OAR 340-210-0100(2).
- 54 Natural gas and oil production and processing and associated fuel burning equipment.

- 55 Nitric acid manufacturing.
- 56 Nonferrous metal foundries 100 or more tons/year of metal charged.
- 57 Organic or inorganic chemical manufacturing and distribution with ½ or more tons per year emissions of any one criteria pollutant, sources in this category with less than ½ ton/year of each criteria pollutant are not required to have an ACDP.
- 58 Paint and allied products manufacturing subject to an area source NESHAP under OAR 340 division 244.
- 59 Paint stripping and miscellaneous surface coating operations subject to an area source NESHAP under OAR 340 division 244, excluding paint stripping and miscellaneous surface coating operations using less than 20 gallons of coating and [also using less than](#) 20 gallons of methylene chloride containing paint stripper per year.
- 60 Paper or other substrate coating subject to RACT under OAR 340 division 232.²
- 61 Particleboard manufacturing, including strandboard, flakeboard, and waferboard.
- 62 Perchloroethylene dry cleaning operations subject to an area source NESHAP under OAR 340 division 244, excluding perchloroethylene dry cleaning operations registered pursuant to OAR 340-210-0100(2).
- 63 Pesticide manufacturing 5,000 or more tons/year annual production.
- 64 Petroleum refining and re-refining of lubricating oils and greases including asphalt production by distillation and the reprocessing of oils and/or solvents for fuels.
- 65 Plating and polishing operations subject to an area source NESHAP under OAR 340 division 244.
- 66 Plywood manufacturing and/or veneer drying.
- 67 Prepared feeds manufacturing for animals and fowl and associated grain elevators 10,000 or more tons per year throughput.
- 68 Primary smelting and/or refining of ferrous and non-ferrous metals.
- 69 Pulp, paper and paperboard mills.
- 70 Rock, concrete or asphalt crushing, both stationary and portable, 25,000 or more tons/year crushed.
- 71 Sawmills and/or planing mills 25,000 or more board feet/maximum 8 hour finished product.
- 72 Secondary nonferrous metals processing subject to an Area Source NESHAP

under OAR 340 division 244.

- 73 Secondary smelting and/or refining of ferrous and nonferrous metals.
- 74 Seed cleaning and associated grain elevators 5,000 or more tons/year throughput.¹
- 75 Sewage treatment facilities employing internal combustion engines for digester gasses.
- 76 Soil remediation facilities, both stationary and portable.
- 77 Steel works, rolling and finishing mills.
- 78 Surface coating in manufacturing subject to RACT under OAR 340 division 232.²
- 79 Surface coating operations with actual emissions of VOCs, if the source were to operate uncontrolled, ~~before add-on controls~~ of 10 or more tons/year.
- 80 Synthetic resin manufacturing.
- 81 Tire manufacturing.
- 82 Wood furniture and fixtures 25,000 or more board feet/maximum 8 hour input.
- 83 Wood preserving (excluding waterborne).
- 84 All other sources, both stationary and portable, not listed herein that DEQ determines an air quality concern exists or one which would emit significant malodorous emissions.
- 85 All ~~other~~ sources, both stationary and portable, ~~not listed herein~~ which would have actual potential to emissions, if the source were to operate uncontrolled, of 5 or more tons per year of direct PM2.5 or PM10 if located in a PM2.5 or PM10 nonattainment or maintenance area, or 10 or more tons per year of any single criteria pollutant if located in any part of the state.⁴
- 86 Chemical manufacturing facilities ~~that do not transfer liquids containing organic HAP listed in Table 1 of 40 CFR part 63 subpart VVVVVV to tank trucks or railcars and are not subject to emission limits in Table 2, 3, 4, 5, 6, or 8 of~~ subject to 40 C.F.R. part 63 subpart VVVVVV.
- 87 Stationary internal combustion engines if:
- a. For emergency generators and firewater pumps, the aggregate engine horsepower rating is greater than 30,000 horsepower; or
 - b. For any individual non-emergency or non-fire pump engine, the engine is subject to 40 CFR part 63, subpart ZZZZ and is rated at 500 horsepower or more, excluding two stroke lean burn engines, engines burning exclusively landfill or digester gas, and four stroke engines located in remote areas; or

- c. For any individual non-emergency engine, the engine is subject to 40 CFR part 60, subpart IIII and:
 - A. The engine has a displacement of 30 liters or more per cylinder; or
 - B. The engine has a displacement of less than 30 liters per cylinder and is rated at 500 horsepower or more and the engine and control device are either not certified by the manufacturer to meet the NSPS or not operated and maintained according to the manufacturer's emission-related instructions; or
- d. For any individual non-emergency engine, the engine is subject to 40 CFR part 60, subpart JJJJ and is rated at 500 horsepower or more and the engine and control device are either not certified by the manufacturer to meet the NSPS or not operated and maintained according to the manufacturer's emission-related instructions.

88 All sources subject to RACT under OAR 340 division 232, BACT or LAER under OAR 340 division 224, a NESHAP under OAR 340 division 244, a NSPS under OAR 340 division 238, or State MACT under OAR 340-244-0200(2), except sources:

- a. Exempted in any of the categories above;
- b. For which a Basic ACDP is available; or
- c. Registered pursuant to OAR 340-210-0100(2).

89 Pathological waste incinerators.

¹ Applies only to Special Control Areas

² Portland AQMA, Medford-Ashland AQMA or Salem-Keizer in the SKATS only

³ “monthly throughput” means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at the gasoline dispensing facility during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at the gasoline dispensing facility during the month, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at the gasoline dispensing facility during the previous 11 months, and then dividing that sum by 12

⁴ A source subject to permitting from this category may be able to obtain a Basic ACDP under Part A number 8 of this table. For sources that meet the criteria of Part A number 8 of this table, the enforceable production or hours limitation in an issued ACDP may be used to demonstrate a permit is not required by Part B number 85 of this table irrespective of the term ‘uncontrolled’.

Part C: Standard ACDP

- 1 Incinerators for PCBs, other hazardous wastes, or both.
- 2 All sources that DEQ determines have emissions that constitute a nuisance.
- 3 All sources electing to maintain the source's netting basis.
- 4 All sources that request a PSEL equal to or greater than the SER for a regulated pollutant.
- 5 All sources having the potential to emit 100 tons or more of any regulated pollutant, except GHG, in a year.
- 6 All sources having the potential to emit 10 tons or more of a single hazardous air pollutant in a year.
- 7 All sources having the potential to emit 25 tons or more of all hazardous air pollutants combined in a year.

[NOTE: For the history of these tables prior to 2014 see the history under OAR 340-216-0020. This history is also shown below:](#) ~~NOTE: See history of these tables under OAR 340-216-0020~~

[DEQ 9-2013\(Temp\), f. & cert. ef. 10-24-13 thru 4-22-14](#)

[DEQ 4-2013, f. & cert. ef. 3-27-13](#)

[DEQ 14-2011, f. & cert. ef. 7-21-11](#)

[DEQ 13-2011, f. & cert. ef. 7-21-11](#)

[DEQ 11-2011, f. & cert. ef. 7-21-11](#)

[DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11](#)

[DEQ 1-2011, f. & cert. ef. 2-24-11](#)

[DEQ 12-2010, f. & cert. ef. 10-27-10](#)

[DEQ 10-2010\(Temp\), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11](#)

[DEQ 9-2009\(Temp\), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10](#)

[DEQ 8-2009, f. & cert. ef. 12-16-09](#)

[DEQ 15-2008, f. & cert. ef. 12-31-08](#)

[DEQ 8-2007, f. & cert. ef. 11-8-07](#)

[DEQ 7-2007, f. & cert. ef. 10-18-07](#)

[DEQ 4-2002, f. & cert. ef. 3-14-02](#)

[DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01](#)

[DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1720](#)

[DEQ 22-1996, f. & cert. ef. 10-22-96](#)

[DEQ 19-1996, f. & cert. ef. 9-24-96](#)

[DEQ 22-1995, f. & cert. ef. 10-6-95](#)

[DEQ 22-1994, f. & cert. ef. 10-4-94](#)

[DEQ 19-1993, f. & cert. ef. 11-4-93](#)

[DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0155](#)
[DEQ 4-1993, f. & cert. ef. 3-10-93](#)
[DEQ 27-1991, f. & cert. ef. 11-29-91](#)
[DEQ 12-1987, f. & cert. ef. 6-15-87](#)
[DEQ 3-1986, f. & cert. ef. 2-12-86](#)
[DEQ 11-1983, f. & cert. ef. 5-31-83](#)
[DEQ 23-1980, f. & cert. ef. 9-26-80](#)
[DEQ 20-1979, f. & cert. ef. 6-29-79](#)
[DEQ 125, f. & cert. ef. 12-16-76](#)
[DEQ 107, f. & cert. ef. 1-6-76, Renumbered from 340-020-0033](#)
[DEQ 63, f. 12-20-73, cert. ef. 1-11-74](#)
[DEQ 47, f. 8-31-72, cert. ef. 9-15-72](#)

DRAFT

340-216-8020

Table 2 — Air Contaminant Discharge Permits

(1) Sources referred to in Table 1 of OAR 340-216-8010 are subject to air contaminant discharge permit fees in Table 2. [Title V sources may be subject to the Cleaner Air Oregon annual fees and the specific activity permit fees in Table 2, if applicable.](#)

(2) Requests for waiver of fees must be made in writing to the Director, on a case-by-case basis, and be based upon financial hardship. Applicants for waivers must describe the reason for the request and certify financial hardship. The Director may waive part or all of a fee.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.]

[NOTE: [For the history of these tables prior to 2014](#) ~~See the history of this table~~ under OAR 340-216-0020.]

[\[ED. NOTE: To view attachments referenced in rule text, click here to view rule.\]](#)

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040 & 468A.310

Statutes/Other Implemented: ORS 468A

History:

[DEQ 15-2019, amend filed 06/25/2019, effective 06/25/2019](#)

[DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019](#)

[DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018](#)

[DEQ 60-2017, minor correction filed 12/20/2017, effective 12/20/2017](#)

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 9-2014, f. & cert. ef. 6-26-14



OAR 340-216-8020 Table 2 Air Contaminant Discharge Permits

Part 1. Initial Permitting Application Fees: (in addition to first annual fee)		
Short Term Activity ACDP		\$4,500.00
Basic ACDP		\$180.00
Assignment to General ACDP ¹		\$1,800.00
Simple ACDP		\$9,000.00
Construction ACDP		\$14,400.00
Standard ACDP		\$18,000.00
Standard ACDP (Major NSR or Type A State NSR)		\$63,000.00
<p>1. DEQ may waive the assignment fee for an existing source requesting to be assigned to a General ACDP because the source is subject to a newly adopted area source NESHAP as long as the existing source requests assignment within 90 days of notification by DEQ.</p>		
Part 2a. Annual Fees: (Due date 12/1 ¹ for 1/1 to 12/31 of the following year) (applicable through June 30, 2021)		
Short Term Activity ACDP		\$0
Basic ACDP	(A) #1-7 OAR 340-216-8010 Table 1 Part A	\$497.00
	(B) #8 OAR 340-216-8010 Table 1 Part A	\$1,469.00
General ACDP	(A) Fee Class One	\$1,080.00
	(B) Fee Class Two	\$1,944.00
	(C) Fee Class Three	\$2,808.00
	(D) Fee Class Four	\$540.00
	(E) Fee Class Five	\$180.00
	(F) Fee Class Six	\$360.00
Simple ACDP	(A) Low Fee	\$3,917.00
	(B) High Fee	\$7,834.00
Standard ACDP		\$15,759.00



OAR 340-216-8020 Table 2 Air Contaminant Discharge Permits

Greenhouse Gas Reporting, as required by OAR 340, Division 215		7.31% of the applicable ACDP annual fee in Part 2
1. DEQ may extend the payment due date for dry cleaners or gasoline dispensing facilities until March 1st.		
Part 2b. Annual Fees: (Due date 12/1¹ for 1/1 to 12/31 of the following year) (applicable July 1, 2021 through June 30, 2022)		
Registration – Motor vehicle surface coating operations		\$288.00
Registration - Dry cleaners using perchloroethylene		\$216.00
Short Term Activity ACDP		\$0
Basic ACDP	(A) #1-7 OAR 340-216-8010 Table 1 Part A	\$562.00
	(B) #8 OAR 340-216-8010 Table 1 Part A	\$1,469.00
General ACDP	(A) Fee Class One	\$1,296.00
	(B) Fee Class Two	\$2,333.00
	(C) Fee Class Three	\$3,369.00
	(D) Fee Class Four	\$648.00
	(E) Fee Class Five	\$216.00
	(F) Fee Class Six	\$432.00
Simple ACDP	(A) Low Fee	\$3,917.00
	(B) High Fee	\$7,834.00
Standard ACDP		\$15,759.00
Greenhouse Gas Reporting, as required by OAR 340, Division 215		7.31% of the applicable ACDP annual fee in Part 2
Part 2c. Annual Fees: (Due date 12/1¹ for 1/1 to 12/31 of the following year) (applicable July 1, 2022)		



OAR 340-216-8020 Table 2 Air Contaminant Discharge Permits

Registration – Motor vehicle surface coating operations		\$288.00
Registration - Dry cleaners using perchloroethylene		\$216.00
Short Term Activity ACDP		\$0
Basic ACDP	(A) #1-7 OAR 340-216-8010 Table 1 Part A	\$648.00
	(B) #8 OAR 340-216-8010 Table 1 Part A	\$1,469.00
General ACDP	(A) Fee Class One	\$1,469.00
	(B) Fee Class Two	\$2,644.00
	(C) Fee Class Three	\$3,818.00
	(D) Fee Class Four	\$734.00
	(E) Fee Class Five	\$245.00
	(F) Fee Class Six	\$490.00
Simple ACDP	(A) Low Fee	\$3,917.00
	(B) High Fee	\$7,834.00
Standard ACDP		\$15,759.00
Greenhouse Gas Reporting, as required by OAR 340, Division 215		7.31% of the applicable ACDP annual fee in Part 2
Part 3. Cleaner Air Oregon Annual Fees: (Due date 12/1¹ for 1/1 to 12/31 of the following year)		
Basic ACDP	(A) #1-7 OAR 340-216-8010 Table 1 Part A	\$151.00
	(B) #8 OAR 340-216-8010 Table 1 Part A	\$302.00
General ACDP	(A) Fee Class One	\$302.00



OAR 340-216-8020
Table 2
Air Contaminant Discharge Permits

	(B) Fee Class Two	\$544.00
	(C) Fee Class Three	\$786.00
	(D) Fee Class Four	\$151.00
	(E) Fee Class Five	\$50.00
	(F) Fee Class Six	\$100.00
	Simple ACDP	(A) Low Fee
(B) High Fee		\$1,612.00
Standard ACDP		\$3,225.00
1. DEQ may extend the payment due date for dry cleaners or gasoline dispensing facilities until March 1st.		
Part 4. Specific Activity Fees:		
Notice of Intent to Construct Type 2 ¹		\$720.00
Permit Modification	(A) Non-Technical ²	\$432.00
	(B) Basic Technical	\$540.00
	(C) Simple Technical	\$1,800.00
	(D) Moderate Technical	\$9,000.00
	(E) Complex Technical	\$18,000.00
Toxic Air Contaminant Permit Addendum Modification	(A) Non-Technical	\$432.00
	(B) Basic Technical	\$432.00
	(C) Simple Technical	\$1,440.00
	(D) Moderate Technical	\$7,200.00
	(E) Complex Technical	\$14,440.00
Major NSR or Type A State NSR Permit Modification		\$63,000.00
Modeling Review (outside Major NSR or Type A State NSR)		\$9,000.00



OAR 340-216-8020
Table 2
Air Contaminant Discharge Permits

Public Hearing at Source's Request	\$3,600.00
State MACT Determination	\$9,000.00
Compliance Order Monitoring ³²	\$180.00/month
Part 5. Late Fees:	
8-30 days late	5%
31-60 days late	10%
61 or more days late	20%
<p>1. The Type 2 Notice of Intent to Construct does not apply to existing Basic ACDP or General ACDP sources.</p> <p>2. For gasoline dispensing facilities, a portion of these fees will be used to cover the fees required for changes of ownership in OAR 340-150-0052(4) if DEQ receives both forms at the same time.</p> <p><u>23</u>. This is a one-time fee payable when a compliance order is established in a permit or a DEQ order containing a compliance schedule becomes a final order of DEQ and is based on the number of months DEQ will have to oversee the order.</p> <p>NOTE: See history of this table under OAR 340-216-0020.</p>	

Division 218
OREGON TITLE V OPERATING PERMITS

340-218-0020

Applicability

(1) Except as provided in section (4), this division applies to the following sources:

(a) Any major source;

(b) Any source, including an area source, subject to a standard, limitation, or other requirement under section 111 of the FCAA;

(c) Any source, including an area source, subject to a standard or other requirement under section 112 of the FCAA, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of the FCAA;

(d) Any affected source under Title IV; and

(e) Any source in a source category designated by the EQC under this rule.

(2) The owner or operator of a source with an Oregon Title V Operating Permit whose potential to emit later falls below the emission level that causes it to be a major source, and which is not otherwise required to have an Oregon Title V Operating Permit, may submit a request for revocation of the Oregon Title V Operating Permit. Granting of the request for revocation does not relieve the source from compliance with all applicable requirements or ACDP requirements.

(3) Synthetic minor sources.

(a) A source which would otherwise be a major source subject to this division may choose to become a synthetic minor source by limiting its emissions below the emission level that causes it to be a major source through limits contained in an ACDP issued by DEQ under 340 division 216.

(b) The reporting and monitoring requirements of the emission limiting conditions contained in the ACDPs of synthetic minor sources issued by DEQ under OAR 340-216 must meet the requirements of OAR 340-212-0010 through 340-212-0150 and division 214.

(c) Synthetic minor sources who request to increase their potential to emit above the major source emission rate thresholds will become subject to this division and must submit a permit application under OAR 340-218-0040 and obtain an Oregon Title V Operating Permit before increasing emissions above the major source emission rate thresholds.

(d) Synthetic minor sources that exceed the limitations on potential to emit are in violation of OAR 340-218-0020(1)(a).

(4) Source category exemptions.

(a) All sources listed in 340-218-0020(1) that are not major sources, affected sources, or solid waste incineration units required to obtain a permit under section 129(e) of the FCAA are not required to obtain a Title V permit, ~~except unless the source is a non-major sources~~ subject to a standard under section 111 or section 112 of the FCAA that specifically requires the source to obtain a Title V permit~~promulgated after July 21, 1992 are required to obtain a Title V permit unless specifically exempted from the requirement to obtain a Title V permit in section 111 or 112 standards.~~

(b) The following source categories are exempted from the obligation to obtain an Oregon Title V Operating Permit:

(A) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 C.F.R. part 60, subpart AAA — Standards of Performance for New Residential Wood Heaters; and

(B) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 C.F.R. part 61, subpart M — National Emission Standard for Hazardous Air Pollutants for Asbestos, section 61.145, Standard for Demolition and Renovation.

(c) Any source listed in OAR 340-218-0020(1) exempt from the requirement to obtain a permit under this rule may opt to apply for an Oregon Title V Operating Permit.

(5) Sources subject to this division may also be subject to OAR 340-245-0005 through 340-245-8050.

(6) Emissions units and Oregon Title V Operating Permit program sources.

DEQ will include in the permit all applicable requirements for all relevant emissions units in the Oregon Title V Operating Permit source, including any equipment used to support the major industrial group at the site.

(7) Fugitive emissions. Fugitive emissions from an Oregon Title V Operating Permit program source must be included in the permit application and the permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

(8) Insignificant activity emissions. All emissions from insignificant activities, including categorically insignificant activities and aggregate insignificant emissions, must be included in the determination of the applicability of any requirement.

(9) Oregon Title V Operating Permit program sources that are required to obtain an ACDP, OAR 340 division 216, or a Notice of Approval, OAR 340-210-0205 through 340-210-0250, because of a Title I modification, must operate in compliance with the Oregon Title V Operating Permit until the Oregon Title V Operating Permit is revised to incorporate the ACDP or the Notice of Approval for the Title I modification.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040 & 468A.310

Statutes/Other Implemented: ORS 468A

History:

[DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018](#)

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 8-2007, f. & cert. ef. 11-8-07

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2110

DEQ 10-1999, f. & cert. ef. 7-1-99

DEQ 14-1998, f. & cert. ef. 9-14-98

DEQ 1-1997, f. & cert. ef. 1-21-97

DEQ 24-1995, f. & cert. ef. 10-11-95

DEQ 22-1995, f. & cert. ef. 10-6-95

DEQ 24-1994, f. & ef. 10-28-94

DEQ 12-1993, f. & cert. ef. 9-24-93

340-218-0040

Permit Applications

(1) Duty to apply. For each Oregon Title V Operating Permit program source, the owner or operator must submit a timely and complete permit application using this rule:

(a) Timely application:

(A) A timely application for a source that is in operation as of the effective date of the Oregon Title V Operating Permit program is one that is submitted 12 months after the effective date of the Oregon Title V Operating Permit program in Oregon or on or before such earlier date as DEQ may establish. If an earlier date is established, DEQ will provide at least six (6) months for the owner or operator to prepare an application. A timely application for a source that is not in operation or that is not subject to the Oregon Title V Operating Permit program as of the effective date of the Oregon Title V Operating Permit program is one that is submitted within 12 months after the source becomes subject to the Oregon Title V Operating Permit program.

(B) Any Oregon Title V Operating Permit program source required to have obtained a permit prior to construction under the ACDP program, OAR 340 division 216; New Source Review program, OAR 340 division 224; or the Notice of Construction and Approval of Plans rules, 340-210-0205 through 340-210-0250, must file a complete application to obtain the Oregon Title V Operating Permit or permit revision within 12 months after commencing operation. Commencing operation will be considered initial startup. Where an existing Oregon Title V Operating Permit would prohibit such construction or change in operation, the owner or operator must obtain a permit revision before commencing operation;

(C) Any Oregon Title V Operating Permit program source owner or operator must follow the appropriate procedures under this division prior to commencement of operation of a source permitted under the Notice of Construction and Approval of Plans rules, OAR 340-210-0205 through 340-0210-0250;

(D) For purposes of permit renewal, a timely application is one that is submitted at least 12 months prior to the date of permit expiration, or such other longer time as may be approved by DEQ that ensures that the term of the permit will not expire before the permit is renewed. If more than 12 months is required to process a permit renewal application, DEQ will provide no less than six (6) months for the owner or operator to prepare an application. In no event will this time be greater than 18 months;

(E) Applications for initial phase II acid rain permits must be submitted to DEQ by January 1, 1996 for sulfur dioxide, and by January 1, 1998 for nitrogen oxides;

(F) Applications for Compliance Extensions for Early Reductions of HAP must be submitted before proposal of an applicable emissions standard issued under section 112(d) of the FCAA and must comply with OAR 340-244-0100.

(b) Complete application:

(A) To be deemed complete, an application must provide all information required pursuant to section (3), except applications for permit renewal only need to include information that has changed since issuance of the last permit and applications for permit revision only need to include information related to proposed changes. The application must include ~~three~~one (1)~~3~~ copies of all required forms and exhibits in hard copy and one (1) copy in electronic format as specified by DEQ with any applicable fees. Information required under section (3) must be sufficient to evaluate the subject source and its application and to determine all applicable requirements. A responsible official must certify the submitted information under section (5);

(B) Applications which are obviously incomplete, unsigned, or which do not contain the required exhibits, clearly identified, will not be accepted by DEQ for filing and will be returned to the applicant for completion;

(C) If DEQ determines that additional information is necessary before making a completeness determination, it may request such information in writing and set a reasonable deadline for a response. The application will not be considered complete for processing until the adequate information has been received, either before the expiration of the permit or by the reasonable deadline for response if after the expiration date of the permit. When the information in the application is deemed adequate, the applicant will be notified that the application is complete for processing;

(D) Unless DEQ determines that an application is not complete within 60 days of receipt of the application, such application will be deemed to be complete, except as otherwise provided in OAR 340-218-0120(1)(e). If, while processing an application that has been determined or deemed to be complete, DEQ determines that additional information is necessary to evaluate or take final action on that application, it may request such information in writing and set a reasonable deadline for a response. If the additional information is not provided by the deadline specified, the application will be determined to be incomplete, and the application shield will cease to apply;

(E) Applications determined or deemed to be complete will be submitted by DEQ to the EPA as required by OAR 340-218-0230(1)(a); and

(F) The source's ability to operate ~~without a~~under an expired permit, as set forth in 340-218-0120(2), will be in effect from the date the application is determined or deemed to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by DEQ.

(2) Duty to supplement or correct application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application must, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant must provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.

(3) Standard application form and required information. Applications must be submitted on forms and in electronic formats specified by DEQ. Information as described below for each emissions unit at an Oregon Title V Operating Permit program source must be included in the application. An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, including those requirements that apply to categorically insignificant activities, or to evaluate the fee amount required. The application must include the elements specified below:

(a) Identifying information, including company name and address, plant name and address if different from the company's name, owner's name and agent, and telephone number and names of plant site manager/contact;

(b) A description of the source's processes and products by Standard Industrial Classification Code including any associated with each alternative operating scenario identified by the owner or operator and related flow chart;

(c) The following emissions-related information for all requested alternative operating scenarios identified by the owner or operator:

(A) All emissions of regulated pollutants for which the source is major, all emissions of regulated pollutants and all emissions of regulated pollutants listed in OAR 340-244-0040. A permit application must describe all emissions of regulated pollutants emitted from any emissions unit, except where such units are exempted under this section~~(3)~~. DEQ may require additional information related to the emissions of regulated pollutants sufficient to verify which requirements are applicable to the source, and other information necessary to collect any permit fees owed;

(B) Identification and description of all points of emissions described in paragraph (3)(c)(A) in sufficient detail to establish the basis for fees and applicability of requirements of the FCAA and state rules;

(C) Emissions rates in tons per year and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method and to establish PSEs for all regulated pollutants except as restricted by OAR 340-222-0035 and 340-222-0060:

(i) If a short term PSEL is required, an applicant may request that a period longer than daily be used for the short term PSEL provided that the requested period is consistent with the means for demonstrating compliance with any other applicable requirement and the PSEL requirement, and:

(I) The requested period is no longer than the shortest period of the Ambient Air Quality Standards for the regulated pollutant or daily for VOC and NO_x; or

(II) The applicant demonstrates that the requested period, if longer than the shortest period of the Ambient Air Quality Standards for the regulated pollutant, is the shortest period compatible with source operations but no longer than monthly.

(ii) The requirements of the applicable rules must be satisfied for any requested increase in PSELS, establishment of baseline emissions rates, requested emission reduction credit banking, or other PSEL changes.

(D) Additional information as determined to be necessary to establish any alternative emission limit under OAR 340-226-0400, if the permit applicant requests one;

(E) The application must include a list of all categorically insignificant activities and an estimate of all emissions of regulated pollutants from those activities which are designated insignificant because of aggregate insignificant emissions. Owners or operators that use more than 100,000 pounds per year of a mixture that contains not greater than 1% by weight of any chemical or compound regulated under divisions 200 through 268 of this chapter, and not greater than 0.1% by weight of any carcinogen listed in the U.S. Department of Health and Human Service's Annual Report on Carcinogens must contact the supplier and manufacturer of the mixture to try and obtain information other than Material Safety Data Sheets in order to quantify emissions;

(F) The following information to the extent it is needed to determine or regulate emissions: fuels, fuel sulfur content, fuel use, raw materials, production rates, and operating schedules;

(G) Any information on pollution prevention measures and cross-media impacts the owner or operator wants DEQ to consider in determining applicable control requirements and evaluating compliance methods; and

(H) Where the operation or maintenance of air pollution control devices and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for DEQ to establish operational and maintenance requirements under OAR 340-226-0120(1) and (2);

(I) Identification and description of air pollution control devices, including estimated efficiency of the control devices, and compliance monitoring devices or activities;

(J) Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants at the Oregon Title V Operating Permit program source;

(K) Other information required by any applicable requirement, including information related to stack height limitations developed pursuant to OAR 340-212-0130;

(L) Calculations on which the information in items (A) through (K) is based; and

(M) The most recent information reported through EPA's Toxics Release Inventory program at the time of application submittal, if the source is subject to the program.

(d) A plot plan showing the location of all emissions units identified by Universal Transverse Mercator or "UTM" as provided on United States Geological Survey maps and the nearest residential or commercial property;

(e) The following air pollution control requirements:

(A) Citation and description of all applicable requirements; and

(B) Description of or reference to any applicable test method for determining compliance with each applicable requirement.

(f) The following monitoring, recordkeeping, and reporting requirements:

(A) All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including OAR 340-212-0200 through 340-212-0280;

(B) Proposed periodic monitoring to determine compliance where an applicable requirement does not require periodic testing or monitoring;

(C) The proposed use, maintenance, and installation of monitoring equipment or methods, as necessary;

(D) Documentation of the applicability of the proposed monitoring protocol, such as test data and engineering calculations;

(E) Proposed consolidation of reporting requirements, where possible;

(F) A proposed schedule of submittal of all reports; and

(G) Other similar information as determined by DEQ to be necessary to protect human health or the environment or to determine compliance with applicable requirements.

(g) Other specific information that may be necessary to implement and enforce other applicable requirements of the FCAA or state rules or of this division or to determine the applicability of such requirements;

(h) An explanation of any proposed exemptions from otherwise applicable requirements.

(i) A copy of any existing permit attached as part of the permit application. Owners or operators may request that DEQ make a determination that an existing permit term or condition is no longer applicable by supplying adequate information to support such a

request. The existing permit term or condition will remain in effect unless or until DEQ determines that the term or condition is no longer applicable by permit modification.

(j) Additional information as determined to be necessary by DEQ to define permit terms and conditions implementing off-permit changes for permit renewals;

(k) Additional information as determined to be necessary by DEQ to define permit terms and conditions implementing section 502(b)(10) changes for permit renewals;

(l) Additional information as determined to be necessary by DEQ to define permit terms and conditions implementing emissions trading under the PSEL including but not limited to proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable if the applicant requests such trading;

(m) Additional information as determined to be necessary by DEQ to define permit terms and conditions implementing emissions trading, to the extent that the applicable requirements provide for trading without a case-by-case approval of each emissions trade if the applicant requests such trading;

(n) A compliance plan that contains all the following:

(A) A description of the compliance status of the source with respect to all applicable requirements.

(B) A description as follows:

(i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

(ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.

(iii) For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.

(C) A compliance schedule as follows:

(i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements;

(ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A generic statement that the source will meet in a timely manner applicable requirements that become effective during the permit term will satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement;

(iii) A schedule of compliance for sources that are not in compliance with all applicable

requirements at the time of permit issuance. Such a schedule will include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance and interim measures to be taken by the source to minimize the amount of excess emissions during the scheduled period. This compliance schedule must resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance must be supplemental to, and must not sanction noncompliance with, the applicable requirements on which it is based.

(D) A schedule for submission of certified progress reports no less frequently than every 6 months for sources required to have a schedule of compliance to remedy a violation.

(E) The compliance plan content requirements specified in this section will apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the FCAA with regard to the schedule and method the source will use to achieve compliance with the acid rain emissions limitations.

(o) Requirements for compliance certification, including the following:

(A) A certification of compliance with all applicable requirements by a responsible official consistent with section (5) and section 114(a)(3) of the FCAA;

(B) A statement of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test methods;

(C) A schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by DEQ; and

(D) A statement indicating the source's compliance status with any applicable compliance assurance monitoring and compliance certification requirements of the FCAA or state rules.

(p) A Land Use Compatibility Statement (LUCS), if applicable, to assure that the type of land use and activities in conjunction with that use have been reviewed and approved by local government before a permit is processed and issued.

(q) The use of nationally standardized forms for acid rain portions of permit applications and compliance plans, as required by regulations promulgated under Title IV of the FCAA.

(r) For purposes of permit renewal, the owner or operator must submit all information as required in section (3). The owner or operator may identify information in its previous permit or permit application for emissions units that should remain unchanged and for which no changes in applicable requirements have occurred and provide copies of the previous permit or permit application for those emissions units.

(4) Quantifying Emissions:

(a) When quantifying emissions for purposes of a permit application, modification, or renewal an owner or operator must use the most representative data available or required in a permit condition. DEQ will consider the following data collection methods as acceptable for determining air emissions:

(A) Continuous emissions monitoring system data obtained using the DEQ Continuous Monitoring Manual [NOTE: DEQ Manuals are published with OAR 340-200-0035];

(B) Source testing data obtained using the DEQ Source Sampling Manual except where material balance calculations are more accurate and more indicative of an emission unit's continuous operation than limited source test results (e.g. a volatile organic compound coating operation) [NOTE: DEQ Manuals are published with OAR 340-200-0035];

(C) Material balance calculations;

(D) Emission factors subject to Department review and approval; and

(E) Other methods and calculations subject to Department review and approval.

(b) When continuous monitoring or source test data has previously been submitted to and approved by DEQ for a particular emissions unit, that information must be used for quantifying emissions. Material balance calculations may be used as the basis for quantifying emissions when continuous monitoring or source test data exists if it can be demonstrated that the results of material balance calculations are more indicative of actual emissions under normal continuous operating conditions. Emission factors or other methods may be used for calculating emissions when continuous monitoring data, source test data, or material balance data exists if the owner or operator can demonstrate that the existing data is not representative of actual operating conditions. When an owner or operator uses emission factors or other methods as the basis of calculating emissions, a brief justification for the validity of the emission factor or method must be submitted with the calculations. DEQ will review the validity of the emission factor or method during the permit application review period. When an owner or operator collects emissions data that is more representative of actual operating conditions, either as required under a specific permit condition or for any other requirement imposed by DEQ, the owner or operator must use that data for calculating emissions when applying for a permit modification or renewal. Nothing in this provision requires owners or operators to conduct monitoring or testing solely for the purpose of quantifying emissions for permit applications, modifications, or renewals.

(5) Any application form, report, or compliance certification submitted pursuant to this division must contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this division must state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

[NOTE: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040 & 468A.050 468A.310

Statutes/Other Implemented: ORS 468A

History:

[DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019](#)

[DEQ 130-2018, minor correction filed 04/11/2018, effective 04/11/2018](#)

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 8-2007, f. & cert. ef. 11-8-07

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2120

DEQ 22-1995, f. & cert. ef. 10-6-95

DEQ 24-1994, f. & ef. 10-28-94

DEQ 19-1993, f. & ef. 11-4-93

DEQ 13-1993, f. & ef. 9-24-93

340-218-0050**Standard Permit Requirements**

Each permit issued under this division must include the following elements:

(1) Emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance:

(a) The permit must specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based;

(b) For sources regulated under the national acid rain program, the permit must state that, where an applicable requirement of the FCAA or state rules is more stringent than an applicable requirement of regulations promulgated under Title IV of the FCAA, both provisions must be incorporated into the permit and will be enforceable by the EPA;

(c) For any alternative emission limit established using OAR 340-226-0400, the permit must contain an equivalency determination and provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

(2) Permit duration. DEQ will issue permits for a fixed term of 5 years in the case of affected sources, and for a term not to exceed 5 years in the case of all other sources.

(3) Monitoring and related recordkeeping and reporting requirements:

(a) Each permit must contain the following requirements with respect to monitoring:

(A) A monitoring protocol to provide accurate and reliable data that:

(i) Is representative of actual source operation;

(ii) Is consistent with the averaging time in the permit emission limits;

- (iii) Is consistent with monitoring requirements of other applicable requirements; and
- (iv) Can be used for compliance certification and enforcement.

(B) All emissions monitoring and analysis procedures or test methods required under applicable monitoring and testing requirements, including OAR 340-212-0200 through 340-212-0280 and any other procedures and methods that may be promulgated pursuant to sections 504(b) or 114(a)(3) of the FCAA. If more than one monitoring or testing requirement applies, the permit may specify a streamlined set of monitoring or testing provisions provided the specified monitoring or testing is adequate to assure compliance at least to the same extent as the monitoring or testing applicable requirements that are not included in the permit as a result of such streamlining;

(C) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to OAR 340-218-0050(3)(c). Such monitoring requirements must assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Continuous monitoring and source testing must be conducted using the DEQ Continuous Monitoring Manual and the Source Sampling Manual, respectively. [NOTE: DEQ manuals are published with OAR 340-200-0035.] Other monitoring must be conducted using DEQ approved procedures. The monitoring requirements may include but are not limited to any combination of the following:

- (i) Continuous emissions monitoring systems (CEMS);
- (ii) Continuous opacity monitoring systems (COMS);
- (iii) Continuous parameter monitoring systems (CPMS);
- (iv) Continuous flow rate monitoring systems (CFRMS);
- (v) Source testing;
- (vi) Material balance;
- (vii) Engineering calculations;
- (viii) Recordkeeping; or
- (ix) Fuel analysis; and

(D) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods;

(E) A condition that prohibits any person from knowingly rendering inaccurate any required monitoring device or method;

(F) Methods used in OAR 340 division 220 to determine actual emissions for fee purposes must also be used for compliance determination and can be no less rigorous than the requirements of OAR 340-218-0080. The compliance monitoring protocol must include the method used to determine the amount of actual emissions;

(G) Monitoring requirements must commence on the date of permit issuance unless otherwise specified in the permit.

(b) With respect to recordkeeping, the permit must incorporate all applicable recordkeeping requirements and require, where applicable, the following:

(A) Records of required monitoring information that include the following:

(i) The date, place as defined in the permit, and time of sampling or measurements;

(ii) The date analyses were performed;

(iii) The company or entity that performed the analyses;

(iv) The analytical techniques or methods used;

(v) The results of such analyses;

(vi) The operating conditions as existing at the time of sampling or measurement; and

(vii) The records of quality assurance for continuous monitoring systems (including but not limited to quality control activities, audits, calibrations drifts).

(B) Retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit;

(C) Recordkeeping requirements must commence on the date of permit issuance unless otherwise specified in the permit.

(c) With respect to reporting, the permit must incorporate all applicable reporting requirements and require the following:

(A) Submittal of ~~three~~ **one (1)** ~~paper copies~~ **paper copy** and **one (1) electronic copy** of reports of any required monitoring at least every 6 months, unless otherwise required by permit, completed on forms approved by DEQ. Unless otherwise approved in writing by DEQ, six-month periods are January 1 to June 30, and July 1 to December 31. The reports required by this rule must be submitted within 30 days after the end of each reporting period, unless otherwise approved in writing by DEQ. One copy of the report must be submitted to the EPA, and two copies to DEQ's regional office identified in the permit. All instances of deviations from permit requirements must be clearly identified in such reports:

(i) The semi-annual report will be due on July 30, unless otherwise approved in writing by DEQ, and must include the semi-annual compliance certification, OAR 340-218-0080;

(ii) The annual report will be due on February 15, unless otherwise approved in writing by DEQ, but may not be due later than March 15, and must consist of the annual reporting requirements as specified in the permit; the emission fee report; the emission statement, if applicable, OAR 340-214-0220; the annual certification that the risk management plan is being properly implemented, 340-218-0050; and the semi-annual compliance certification, 340-218-0080.

(B) Prompt reporting of deviations from permit requirements that do not cause excess emissions, including those attributable to upset conditions, as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. "Prompt" means within fifteen (15) days of the deviation. Deviations that cause excess emissions, as specified in OAR 340-214-0300 through 340-214-0360 must be reported under 340-214-0340;

(C) Submittal of any required source test report within 30 days after the source test unless otherwise approved in writing by DEQ or specified in a permit;

(D) All required reports must be certified by a responsible official consistent with OAR 340-218-0040(5);

(E) Reporting requirements must commence on the date of permit issuance unless otherwise specified in the permit.

(d) DEQ may incorporate more rigorous monitoring, recordkeeping, or reporting methods than required by applicable requirements in an Oregon Title V Operating Permit if they are contained in the permit application, are determined by DEQ to be necessary to determine compliance with applicable requirements, or are needed to protect human health or the environment.

(4) A permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the FCAA or the regulations promulgated there under:

(a) No permit revision will be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement;

(b) No limit may be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement;

(c) Any such allowance must be accounted for according to the procedures established in regulations promulgated under Title IV of the FCAA.

(5) A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.

(6) Provisions stating the following:

(a) The permittee must comply with all conditions of the Oregon Title V Operating Permit, including keeping a copy of the permit onsite at the source. Any permit condition noncompliance constitutes a violation of the FCAA and state rules and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application;

(b) The need to halt or reduce activity will not be a defense. It will not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit;

(c) The permit may be modified, revoked, reopened and reissued, or terminated for cause as determined by DEQ. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition;

(d) The permit does not convey any property rights of any sort, or any exclusive privilege;

(e) The permittee must furnish to DEQ, within a reasonable time, any information that DEQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee must also furnish to DEQ copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the EPA along with a claim of confidentiality.

(7) A provision to ensure that an Oregon Title V Operating Permit program source pays fees to DEQ consistent with the fee schedule in OAR 340 division 220.

(8) Terms and conditions for reasonably anticipated alternative operating scenarios identified by the owner or operator in its application as approved by DEQ. Such terms and conditions:

(a) Must require the owner or operator, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;

(b) Must extend the permit shield described in OAR 340-218-0110 to all terms and conditions under each such alternative operating scenario; and

(c) Must ensure that the terms and conditions of each such alternative operating scenario meet all applicable requirements and the requirements of this division.

(9) Terms and conditions, if the permit applicant requests them, for the trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with the PSEs. Such terms and conditions:

(a) Must include all terms required under OAR 340-218-0050 and 340-218-0080 to determine compliance;

- (b) Must extend the permit shield described in OAR 340-218-0110 to all terms and conditions that allow such increases and decreases in emissions;
 - (c) Must ensure that the trades are quantifiable and enforceable;
 - (d) Must ensure that the trades are not Title I modifications;
 - (e) Must require a minimum 7-day advance, written notification to DEQ and the EPA of the trade that must be attached to DEQ's and the source's copy of the permit. The written notification must state when the change will occur and must describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit; and
 - (f) Must meet all applicable requirements and requirements of this division.
- (10) Terms and conditions, if the permit applicant requests them, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading such increases and decreases without a case-by-case approval of each emission trade. Such terms and conditions:
- (a) Must include all terms required under OAR 340-218-0050 and 340-218-0080 to determine compliance;
 - (b) Must extend the permit shield described in OAR 340-218-0110 to all terms and conditions that allow such increases and decreases in emissions; and
 - (c) Must meet all applicable requirements and requirements of this division.
- (11) Terms and conditions allowing for off-permit changes, OAR 340-218-0140(2).
- (12) Terms and conditions allowing for section 502(b)(10) changes, OAR 340-218-0140(3).

[NOTE: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.310 & 468A.315

Statutes/Other Implemented: ORS 468 & 468A

History:

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DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08

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DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2130

DEQ 21-1998, f. & cert. ef. 10-14-98

DEQ 22-1995, f. & cert. ef. 10-6-95

DEQ 24-1994, f. & ef. 10-28-94
DEQ 13-1993, f. & ef. 9-24-93

340-218-0080

Compliance Requirements

All Oregon Title V Operating Permits must contain the following elements with respect to compliance:

- (1) Consistent with OAR 340-218-0050(3), compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit.
- (2) A requirement that any document (including but not limited to reports) required by an Oregon Title V Operating Permit must contain a certification by a responsible official or the designated representation for the acid rain portion of the permit that meets the requirements of OAR 340-218-0040(5).
- (3) Inspection and entry requirements that require that, upon presentation of credentials and other documents as may be required by law, the permittee must allow DEQ or an authorized representative to perform the following:
 - (a) Enter upon the permittee's premises where an Oregon Title V Operating Permit program source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
 - (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
 - (c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control devices), practices, or operations regulated or required under the permit; and
 - (d) As authorized by the FCAA or state rules, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
- (4) A schedule of compliance consistent with OAR 340-218-0040(3)(n)(c).
- (5) Progress reports consistent with an applicable schedule of compliance and OAR 340-218-0040(3)(n)(c) to be submitted at least semi-annually, or at a more frequent period if specified in the applicable requirement or by DEQ. Such progress reports must contain the following:
 - (a) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
 - (b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

(6) Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits must include each of the following:

(a) The frequency (not less than annually or such more frequent periods as specified in the applicable requirement or by DEQ) of submissions of compliance certifications;

(b) Under OAR 340-218-0050(3), a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices;

(c) A requirement that the compliance certification include all of the following (provided that the identification of applicable information may cross-reference the permit or previous reports, as applicable):

(A) The identification of each term or condition of the permit that is the basis of the certification;

(B) The identification of the method or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period. Such methods and other means must include, at a minimum, the methods and means required under OAR 340-218-0050(3). If necessary, the owner or operator also must identify any other material information that must be included in the certification to comply with section 113(c)(2) of the FCAA, which prohibits knowingly making a false certification or omitting material information;

(C) The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification must be based on the method or means designated in paragraph (6)(c)(B). The certification must identify each deviation and take it into account in the compliance certification. The certification must also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under OAR 340-200-0020 and 40 CFR part 64 occurred; and

(D) Such other facts as DEQ may require to determine the compliance status of the source.

(d) A requirement that all compliance certifications be submitted to the EPA as well as to DEQ; and

(e) Notwithstanding any other provision contained in any applicable requirement, the owner or operator may use monitoring as required under OAR 340-218-0050(3) and incorporated into the permit, in addition to any specified compliance methods, for the purpose of submitting compliance certifications.

~~(7) Annual certification that the risk management plan is being properly implemented, OAR 340-244-0230.~~

(78) Such other provisions as DEQ may require in order to protect human health or the environment.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040, 468A.050 & 468A.310

Statutes/Other Implemented: ORS 468 & 468A

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DEQ 21-1998, f. & cert. ef. 10-14-98

DEQ 22-1995, f. & cert. ef. 10-6-95

DEQ 12-1993, f. & cert. ef. 9-24-93

340-218-0150

Administrative Permit Amendments

(1) An "administrative permit amendment" is a permit revision that:

(a) Corrects typographical errors;

(b) Identifies a change in the name, address, or phone number of the responsible official identified in the permit, or provides a similar minor administrative change at the source;

(c) Allows for a change in the name of the permittee;

(d) Allows for a change in ownership or operational control of a source where DEQ determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to DEQ;

(e) Requires more frequent monitoring or reporting by the permittee;

(f) Allows for a change in the date for reporting or source testing requirements for a source or emissions unit that is temporarily shut down or would otherwise have to be operated solely for the purposes of conducting the source test, except when required by a compliance schedule;

(g) Relaxes monitoring, reporting or recordkeeping due to a permanent source shutdown for only the emissions unit being shut down; or

(h) Incorporates into the Oregon Title V Operating Permit the requirements from preconstruction review permits authorized under OAR 340 division 224 or OAR 340-210-0205 through 340-210-0250, provided that the procedural requirements followed in the preconstruction review are substantially equivalent to the requirements of 340-218-0120 through 340-218-0210 and 340-218-0230 that would be applicable to the change if it were subject to review as a permit modification, compliance requirements are substantially equivalent to those contained in 340-218-0050 through 340-218-0110, and no changes in the construction or operation of the facility that would require a permit modification under 340-218-0160 through 340-218-0180 have taken place.

(2) Administrative permit amendments for purposes of the national acid rain portion of the permit will be governed by regulations promulgated under Title IV of the FCAA.

(3) Administrative permit amendment procedures. An administrative permit amendment will be made by DEQ consistent with the following:

(a) The owner or operator must promptly submit an application for an administrative permit amendment, [along with the applicable fees](#), upon becoming aware of the need for one on forms provided by DEQ along with a copy of the draft amendment;

(b) DEQ will take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request, and may incorporate such changes without providing notice to the public or affected States provided that it designates any such permit revisions as having been made pursuant to this rule;

(c) DEQ will issue the administrative permit amendment in the form of a permit addendum for only those conditions that will change;

(d) DEQ will submit a copy of the permit addendum to the EPA;

(e) The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request;

(f) If the source fails to comply with its draft permit terms and conditions upon submittal of the application and until DEQ takes final action, the existing permit terms and conditions it seeks to modify may be enforced against it.

(4) DEQ must, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield in OAR 340-218-0110 only for administrative permit amendments made pursuant to 340-218-0150(1)(h) which meet the relevant requirements of 340-218-0050 through 340-218-0240 for significant permit modifications.

(5) If it becomes necessary for DEQ to initiate an administrative amendment to the permit, DEQ will notify the permittee of the intended action by certified or registered mail. The action will become effective 20 days after the date of mailing unless within that time the permittee makes a written request for a hearing. The request must state the grounds for the hearing. Any hearing held will be conducted pursuant to the applicable provisions of ORS 183.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040 & 468A.310

Statutes/Other Implemented: ORS 468A

History:

[DEQ 132-2018, minor correction filed 04/11/2018, effective 04/11/2018](#)

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 8-2007, f. & cert. ef. 11-8-07

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2230

DEQ 22-1995, f. & cert. ef. 10-6-95
DEQ 24-1994, f. & ef. 10-28-94
DEQ 12-1993, f. & cert. ef. 9-24-93

340-218-0170

Minor Permit Modifications

(1) Criteria:

(a) Minor permit modification procedures may be used only for those permit modifications that:

(A) Do not violate any applicable requirement;

(B) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;

(C) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;

(D) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

(i) A federally enforceable emissions cap assumed to avoid classification as a Title I modification; and

(ii) An alternative emissions limit approved pursuant to OAR 340-244-0100 through 340-244-0180.

(E) Do not increase emissions over the PSEL;

(F) Are not Title I modifications; and

(G) Are not required by OAR 340-218-0180 to be processed as a significant modification.

(b) Notwithstanding subsection (1)(a), minor permit modification procedures may be used for permit modifications involving the use of emissions trading and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in the Oregon SIP or in applicable requirements promulgated by the EPA.

(2) Minor permit modification procedures. A minor permit modification will be made by DEQ consistent with the following:

(a) Application. An application requesting the use of minor permit modification procedures must meet the requirements of OAR 340-218-0040(3), must be submitted on forms and

electronic formats provided by DEQ, [along with the applicable fees](#), and must include the following additional information:

(A) A description of the change, the change in emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

(B) The source's suggested draft permit;

(C) Certification by a responsible official, consistent with OAR 340-218-0040(5), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

(D) Completed forms for DEQ to use to notify the EPA and affected states as required under OAR 340-218-0230.

(b) EPA and affected state notification. Within five working days of receipt of a complete minor permit modification application, DEQ will meet its obligation under OAR 340-218-0230(1)(a) and (2)(a) to notify the EPA and affected states of the requested permit modification. DEQ promptly will send any notice required under OAR 340-218-0230(2)(b) to the EPA;

(c) Timetable for issuance. DEQ will not issue a final permit modification until after the EPA's 45-day review period or until the EPA has notified DEQ that the EPA will not object to issuance of the permit modification, whichever is first, although DEQ can approve the permit modification prior to that time. Within 90 days of DEQ's receipt of an application under minor permit modification procedures or 15 days after the end of the EPA's 45-day review period under OAR 340-218-0230(3), whichever is later, DEQ will:

(A) Issue the permit modification as proposed for only those conditions that will change;

(B) Deny the permit modification application;

(C) Determine that the requested modification does not meet the minor permit modification criteria and must be reviewed under the significant modification procedures; or

(D) Revise the draft permit modification and transmit to the EPA the new proposed permit modifications as required by OAR 340-218-0230(1).

(d) Source's ability to make change. The source may make the change proposed in its minor permit modification application immediately after it files an application. After the source makes the change, and until the permitting authority takes any of the actions specified in paragraphs (2)(c)(A) through (C), the source must comply with both the applicable requirements governing the change and the draft permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its draft permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it;

(e) DEQ may initiate enforcement if the modification has been initiated and does not meet the minor permit modification criteria;

(f) Permit shield. The permit shield under OAR 340-218-0110 does not extend to minor permit modifications.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040 & 468A.310

Statutes/Other Implemented: ORS 468A

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2250

DEQ 12-1993, f. & cert. ef. 9-24-93

340-218-0180

Significant Permit Modifications

(1) Criteria. Significant modification procedures must be used for applications requesting permit modifications that do not qualify as minor permit modifications or as administrative amendments. Significant modifications ~~must~~ include:

(a) Increases in PSEs except those increases subject to OAR 340-210-0205 through 340-210-0250; or OAR 340 division 224;

(b) Every significant change in existing monitoring permit terms or conditions;

(c) Every relaxation of reporting or recordkeeping permit terms or conditions;

(d) Incorporation into the Oregon Title V Operating Permit the requirements from pre-construction review permits authorized under OAR 340 division 224 unless the incorporation qualifies as an administrative amendment;

(e) Incorporation into the Oregon Title V Operating Permit the requirements from preconstruction review permits authorized under OAR 340-210-205 through 340-210-0250 unless otherwise specified in 340-218-0190(2); and

(f) Nothing herein may be construed to preclude the permittee from making changes consistent with this division that would render existing permit compliance terms and conditions irrelevant.

(2) Significant permit modifications will be subject to all requirements of this division, including those for applications, [applicable fees](#), public participation, review by affected States, and review by the EPA, as they apply to permit issuance and permit renewal.

(3) Major modifications, as defined in OAR 340-200-0020, require an ACDP under OAR 340 division 224.

(4) Constructed and reconstructed major hazardous air pollutant sources are subject to OAR

340 210-0205 through 340-210-0250 and 340-244-0200.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040 & 468A.310

Statutes/Other Implemented: ORS 468A

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 8-2007, f. & cert. ef. 11-8-07

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2260

DEQ 22-1995, f. & cert. ef. 10-6-95

DEQ 12-1993, f. & cert. ef. 9-24-93

340-218-0240

Enforcement

[\(1\) No person may violate the conditions of any Oregon Title V Operating Permit issued under ORS 468A.310 \(Federal operating permit program approval; rules; content of plan\) and this division.](#)

~~(2)~~ Whenever it appears to DEQ that any activity in violation of a permit that results in air pollution or air contamination is presenting an imminent and substantial endangerment to the public health, DEQ may enter a cease and desist order pursuant to ORS 468.115 or seek injunction relief pursuant to 468.100.

~~(3)~~(a) Whenever DEQ has good cause to believe that any person is engaged in or about to engage in acts or practices that constitute a violation of any part of the stationary source air permitting rules or any provision of a permit issued pursuant to these rules, DEQ may seek injunctive relief in court to enforce compliance thereto or to restrain further violations;

(b) The proceedings authorized by subsection (a) may be instituted without the necessity of prior agency revocation of the permit or during a permit revocation proceeding if one has been commenced.

~~(4)~~ In addition to the enforcement authorities contained in sections ~~(2)~~ and ~~(3)~~ and any other penalty provided by law, any person who violates any of the following will incur a civil penalty as authorized under ORS 468.140 and established pursuant to OAR 340 division 12:

(a) Any applicable requirement;

(b) Any permit condition;

(c) Any fee or filing requirements;

(d) Any duty to allow or carry out inspection, entry or monitoring activities; or

(e) Any rules or orders issued by DEQ.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040 & 468A.310

Statutes/Other Implemented: ORS 468 & 468A

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2320

DEQ 12-1993, f. & cert. ef. 9-24-93

Division 220
OREGON TITLE V OPERATING PERMIT FEES

340-220-0180

Late and Underpayment of Fees

(1) Notwithstanding any enforcement action, the owner or operator will be subject to a late payment fee of:

(a) Two hundred dollars for payments ~~postmarked~~ received more than seven ~~or~~ and less than 30 days late; and

(b) Four hundred dollars for payments ~~postmarked~~ received on or after 30 days late.

(2) Notwithstanding any enforcement action, DEQ may assess an additional fee of the greater of \$400 or 20 percent of the amount underpaid for substantial underpayment.

Statutory/Other Authority: ORS 468.020, 468.065, 468A.310 & 468A.315

Statutes/Other Implemented: ORS 468 & 468A

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2730

DEQ 13-1994, f. & cert. ef. 5-19-94

DEQ 20-1993(Temp), f. & cert. ef. 11-4-93

Division 222
STATIONARY SOURCE PLANT SITE EMISSION LIMITS

340-222-0035

General Requirements for Establishing All PSELs

(1) PSELs may not exceed limits established by any applicable federal or state regulation or by any specific permit conditions unless the source meets the specific provisions of OAR 340-226-0400 (Alternative Emission Controls).

(2) DEQ may change source specific PSELs at the time of a permit renewal, or if DEQ modifies a permit pursuant to OAR 340-216-0084, Department Initiated Modifications, or 340-218-0200, Reopenings, if:

(a) DEQ determines errors were made in calculating the PSELs or more accurate and reliable

data is available for calculating PSELs; or

(b) More stringent control is required by a rule adopted by the EQC.

(3) PSEL reductions required by rule, order or permit condition will be effective on the compliance date of the rule, order, or permit condition.

(4) Annual PSELs apply on a rolling 12 consecutive month basis and limit the source's potential to emit.

(5) PSELs do not include emissions from categorically insignificant activities. Emissions from categorically insignificant activities must be considered when determining Major NSR or Type A State NSR applicability under OAR 340 division 224.

(6) PSELs must include aggregate insignificant emissions, if applicable. [Emissions from aggregate insignificant activities must be considered when determining Major NSR or Type A State NSR applicability under OAR 340 division 224.](#)

NOTE: This rule was moved verbatim from OAR 340-222-0043 and 340-222-0070 and amended on 04-16-15. Previous rule history for OAR 340-222-0043: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01. Previous rule history for OAR 340-222-0070: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 2-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1060; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040 & 468A.310

Statutes/Other Implemented: ORS 468A

History:

Renumbered from 340-222-0043, DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-222-0041

Source Specific Annual PSEL

(1) For sources with potential to emit less than the SER that request a source specific PSEL, the source specific PSEL will be set equal to the generic PSEL level.

(2) For sources with potential to emit greater than or equal to the SER, the source specific PSEL will be set equal to the source's potential to emit, netting basis or a level requested by the applicant, whichever is less, except as provided in section (3) or (4).

(3) The initial source specific PSEL for PM_{2.5} for a source that was permitted on or before May 1, 2011 with potential to emit greater than or equal to the SER will be set equal to the PM_{2.5} fraction of the PM₁₀ PSEL in effect on May 1, 2011.

(a) Any source with a permit in effect on May 1, 2011 is eligible for an initial PM2.5 PSEL without being otherwise subject to OAR 340-222-0041(4).

(b) For a source that had a permit in effect on May 1, 2011 but later needs to correct its PM10 PSEL that was in effect on May 1, 2011 due to more accurate or reliable information, the corrected PM10 PSEL will be used to correct the initial PM2.5 PSEL.

(A) Correction of a PM10 PSEL will not by itself trigger OAR 340-222-0041(4) for PM2.5.

(B) Correction of a PM10 PSEL could result in further requirements for PM10 in accordance with all applicable regulations.

(c) If after establishing the initial PSEL for PM2.5 in accordance with this rule and establishing the initial PM2.5 netting basis in accordance with OAR 340-222-0046, the PSEL is more than nine tons above the netting basis, any future increase in the PSEL for any reason would be subject to 340-222-0041(4).

(4) If an applicant wants an annual PSEL at a rate greater than the netting basis, the applicant must, consistent with OAR 340-222-0035:

(a) Demonstrate that the requested increase over the netting basis is less than the SER; or

(b) For increases equal to or greater than the SER over the netting basis, demonstrate that the applicable Major NSR or State NSR requirements in OAR 340 division 224 have been satisfied, except that:

(A) An increase in the PSEL for GHGs is subject to the requirements of NSR specified in 340-224-0010(1)(c) only if the criteria in 340-224-0010(1)(c) are met; and

(B) An increase in the PSEL for particulate matter (PM) is not subject to the air quality analysis but is required for PM10 or PM2.5, if applicable.

(5) If the netting basis is adjusted in accordance with OAR 340-222-0051(3), then the source specific PSEL is not required to be adjusted.

(6) For sources that meet the criteria in subsections (a), (b) and (c), the requirements of OAR 340-222-0041(4) do not immediately apply, but any future increase in the PSEL greater than or equal to the de minimis level for any reason is subject to OAR 340-222-0041(4).

(a) A PSEL is established or revised to include emissions from activities that both existed at a source and were defined as categorically insignificant activities prior to April 16, 2015;

(b) The PSEL exceeds the netting basis by more than or equal to the SER solely as a result of a revision described in subsection (a); and

(c) The source would not have been subject to Major NSR or Type A State NSR under the applicable requirements of division 224 prior to April 16, 2015 if categorically insignificant activities had been considered.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040 & 468A.310

Statutes/Other Implemented: ORS 468A

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 11-2002, f. & cert. ef. 10-8-02

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**Division 224
NEW SOURCE REVIEW**

340-224-0100

Fugitive and Secondary Emissions

~~Fugitive emissions are included in the calculation of emission rates of all air contaminants. Fugitive emissions are subject to the same control requirements and analyses required for emissions from identifiable stacks or vents. Secondary emissions are not included in calculations of potential emissions that are made to determine if a proposed source or modification is major. Once a source or modification is identified as being major, secondary emissions are added to the primary emissions and become subject to the air quality impact analysis requirements in this division and OAR 340 division 225.~~

~~**Statutory/Other Authority:** ORS 468 & 468A~~

~~**Statutes/Other Implemented:** ORS 468 & 468~~

~~**History:**~~

~~DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01~~

~~DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1990~~

~~DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0270~~

~~DEQ 4-1993, f. & cert. ef. 3-10-93~~

~~DEQ 25-1981, f. & ef. 9-8-81~~

340-224-0520

Net Air Quality Benefit Emission Offsets: Requirements for Demonstrating Net Air Quality Benefit for Ozone Areas

When directed by the Major or State NSR rules, ~~or~~ OAR 340-222-0042, [or OAR 340-226-0400](#), the owner or operator must comply with this rule.

(1) Offsets for VOC and NO_x are required if the source will be located within an ozone designated area or closer to the nearest boundary of an ozone designated area than the ozone impact distance as defined in section (2).

(2) Ozone impact distance is the distance in kilometers from the nearest boundary of an ozone designated area within which a source of VOC or NO_x is considered to significantly

affect that designated area. The determination of significance is made by either the formula method or the demonstration method.

(a) The Formula Method.

(A) For sources with complete permit applications submitted before Jan. 1, 2003: $D = 30$ km.

(B) For sources with complete permit applications submitted on or after Jan. 1, 2003: $D = (Q/40) \times 30$ km.

(C) D is the ozone impact distance in kilometers. The value for D is 100 kilometers when D is calculated to exceed 100 kilometers. Q is the larger of the NO_x or VOC emissions increase above the netting basis from the source being evaluated in tons per year.

(D) If a source is located closer than D from the nearest ozone designated area boundary, the source must obtain offsets under sections (3) and (4). If the source is located at a distance equal to or greater than D from the nearest ozone designated area boundary then the source is not required to obtain offsets.

(b) The Demonstration Method. An applicant may demonstrate to DEQ that the source or proposed source would not have a material effect on an ozone designated area other than attainment or unclassified areas. This demonstration may be based on an analysis of major topographic features, dispersion modeling, meteorological conditions, or other factors. If DEQ determines that the source or proposed source would not have a material effect on the designated area under high ozone conditions, the ozone impact distance is zero kilometers.

(3) The required ratio of offsetting emissions reductions from other sources (offsets) to the emissions increase from the proposed source or modification (emissions) and the location of sources that may provide offsets is as follows:

(a) For new or modified sources locating within an ozone nonattainment area, the offset ratio is 1.1:1 (offsets:emissions). These offsets must come from sources within either the same designated area as the new or modified source or from sources in another ozone nonattainment area with equal or higher nonattainment classification that contributes to a violation of the ozone ambient air quality standards in the same ozone designated area as the new or modified source.

(b) For new or modified sources locating within an ozone maintenance area, the offset ratio is 1.1:1 (offsets:emissions). These offsets may come from sources within either the maintenance area or from a source that is closer to the nearest maintenance area boundary than that source's ozone impact distance.

(c) For new or modified sources locating outside the designated area not including attainment or unclassified areas, but closer than the ozone impact distance of the nearest boundary of the designated area, the offset ratio is 1:1 (offsets:emissions). These offsets may come from within either the designated area or from a source that is closer to the nearest maintenance area boundary than that source's ozone impact distance.

(4) The amount of required offsets and the amount of provided offsets from contributing sources varies based on whether the proposed source or modification and the sources contributing offsets are located outside the ozone designated area other than attainment or unclassified areas. The required offsets and the provided offsets are calculated using either the formula method or the demonstration method, as follows, except that sources located inside an ozone nonattainment area must use the formula method.

(a) The Formula Method.

(A) Required offsets (RO) for new or modified sources are determined as follows:

(i) For sources with complete permit applications submitted before January 1, 2003: $RO = SQ$; and

(ii) For sources with complete permit applications submitted on or after January 1, 2003: $RO = (SQ \text{ minus } (SD \text{ multiplied by } 40/30))$.

(B) Contributing sources may provide offsets (PO) calculated as follows: $PO = CQ \text{ minus } (CD \text{ multiplied by } 40/30)$.

(C) Multiple sources may contribute to the required offsets of a new source. For the formula method to be satisfied, total provided offsets (PO) must equal or exceed required offsets (RO) by the ratio described in section (3).

(D) Definitions of factors used in paragraphs (A) (B) and (C):

(i) RO is the required offset of NO_x or VOC in tons per year as a result of the source emissions increase. If RO is calculated to be negative, RO is set to zero.

(ii) SQ (source quantity) is the source's emissions increase of NO_x or VOC in tons per year above the netting basis.

(iii) SD is the source distance in kilometers to the nearest boundary of the designated area except attainment or unclassified areas. SD is zero for sources located within the designated area except attainment or unclassified areas.

(iv) PO is the provided offset from a contributing source and must be equal to or greater than zero;

(v) CQ (contributing quantity) is the contributing source's emissions reduction in tons per year calculated as the contemporaneous pre-reduction actual emissions less the post-reduction allowable emissions from the contributing source (as provided in OAR 340-268-0030(1)(b)).

(vi) CD is the contributing source's distance in kilometers from the nearest boundary of the designated area except attainment or unclassified areas. For a contributing source located within the designated area except attainment or unclassified areas, CD equals zero.

(b) The Demonstration Method. An applicant may demonstrate to DEQ using dispersion modeling or other analyses the level and location of offsets that would be sufficient to provide actual reductions in concentrations of VOC or NO_x in the designated area during high ozone conditions as the ratio described in section (3). The modeled reductions of ambient VOC or NO_x concentrations resulting from the emissions offset must be demonstrated over a greater area and over a greater period of time within the designated area as compared to the modeled ambient VOC or NO_x concentrations resulting from the emissions increase from the source subject to this rule. If DEQ determines that the demonstration is acceptable, then DEQ will approve the offsets proposed by the applicant.

(c) Offsets obtained for a previous PSEL increase that did not involve resetting the netting basis can be credited toward offsets currently required for a PSEL increase.

(5) In lieu of obtaining offsets, the owner or operator may obtain an allocation at the rate of 1:1 from a growth allowance, if available, in an applicable maintenance plan.

NOTE: This rule was moved verbatim from OAR 340-225-0020(10) and (11) and OAR 340-225-0090(1) and amended on 04-16-15. Previous rule history for OAR 340-225-0020: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 12-2002(Temp), f. & cert. ef. 10-8-02 thru 4-6-03; Administrative correction 11-10-03; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction, 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11. Previous rule history for OAR 340-225-0090: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0260; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1970; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0111; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-224-0090 & 340-240-0260; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 12-2002(Temp), f. & cert. ef. 10-8-02 thru 4-6-03; Administrative correction 11-10-03; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction, 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 10-2012, f. & cert. ef. 12-11-12

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-020-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070

Statutes/Other Implemented: ORS 468A

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

340-224-0530

Net Air Quality Benefit Emission Offsets: Requirements for Demonstrating Net Air Quality Benefit for Non-Ozone Areas

(1) When directed by the Major or State NSR rules, ~~or~~ OAR 340-222-0042, or OAR 340-226-0400, the owner or operator of the source must comply with sections (2) through (6), as applicable. For purposes of this rule, priority sources are sources identified under OAR 340-204-0320 for the designated area.

(2) The ratio of offsets compared to the source's potential emissions increase is 1.2:1 (offsets:emissions). If the offsets include offsets from priority sources, the ratio will be decreased by the offsets obtained from priority sources as a percentage of the source's potential emissions increase. For example, if the owner or operator obtains offsets from priority sources equal to 10% of its potential emissions increase, then the offset ratio is reduced by 0.10, to 1.1:1. In no event, however, will the offset ratio be less than 1.0:1, even if more than 20% of offsets are from priority sources.

(3) The ratio of offsets compared to the source's potential emissions increase is 1.0:1 (offsets:emissions), except as allowed by subsection (a) or required by subsection (b).

(a) For State NSR only, if the offsets include offsets from priority sources, the ratio will be decreased by the offsets obtained from priority sources as a percentage of the source's potential emissions increase. For example, if the owner or operator obtains offsets from priority sources equal to 20% of its potential emissions increase, then the offset ratio is reduced by 0.2, to 0.8:1. In no event, however, will the offset ratio be less than 0.5:1, even if more than 50% of offsets are from priority sources.

(b) In the Medford-Ashland AQMA, proposed new PM10 major sources or PM10 major modifications locating within the AQMA that are required to provide emission offsets under OAR 340-224-0060(2)(a) must provide reductions in PM10 emissions equal to 1.2 times the emissions increase over the netting basis from the new or modified source.

(4) Except as provided in sections (5) and (6), the owner or operator must conduct an air quality analysis of the impacts from the proposed new emissions and comply with subsections (a) and (b) using the procedures specified in subsections (c) through (e):

(a) Demonstrate that the offsets obtained result in a reduction in concentrations at a majority of modeled receptors within the entire designated area; and

(b) Comply with paragraph (A) or paragraphs (B):

(A) Demonstrate that the impacts from the emission increases above the source's netting basis are less than the Class II SIL at all receptors within the entire designated area; or

(B) Demonstrate that the impacts from the emission increases above the source's netting basis:

(i) Are less than the Class II SIL at an average of receptors within an area designated by DEQ

as representing a neighborhood scale, as specified in 40 CFR part 58, Appendix D, a reasonably homogeneous urban area with dimensions of a few kilometers that represent air quality where people commonly live and work in a representative neighborhood, centered on the DEQ approved ambient monitoring sites; and

(ii) ~~Plus~~ The impacts of emission increases or decreases since the date of the current area designation of all other sources within the designated area or having a significant impact on the designated area, are less than 10 percent of the AAQS at all receptors within the designated area;

(c) The air quality analysis must comply with OAR 340-225-0030 and 340-225-0040;

(d) The air quality analysis must use a uniform receptor grid over the entire modeled area for the analyses required in subsections (a) and (b). The spacing of the receptor grids will be determined by DEQ for each analysis;

(e) For the purpose of subsection (a) and paragraph (b)(B):

(A) Subtract the priority source offsets from the new or modified source's emission increase if the priority sources identified are area sources. Area source emissions are spatially distributed emissions that can be generated from activities such as, but not limited to, residential wood heating, unpaved road dust, and non-road mobile sources;

(B) If the source's emissions are not offset 100 percent by priority sources that are area sources, conduct dispersion modeling of the source's remaining emission increases after subtracting any priority source offsets allowed in subparagraph (A); and in addition, model all other sources with emission increases or decreases in or impacting the designated area since the date the area was designated, including offsets used for the proposed project, but excluding offsets from priority sources that are area sources; and

(C) If the source's emissions are offset 100 percent by priority sources that are area sources, no further analysis is required.

(5) Small scale local energy projects and any infrastructure related to that project located in the same area are not subject to the requirements in section (4) provided that the proposed source or modification would not cause or contribute to a violation of an ambient air quality standard or otherwise pose a material threat to compliance with air quality standards in a nonattainment area.

(6) Offsets obtained in accordance with OAR 340-240-0550 and 340-240-0560 for sources locating within or causing significant air quality impact on the Klamath Falls PM2.5 nonattainment or PM10 maintenance areas are exempt from the requirements of OAR 340-224-0510 and section (4) provided that the proposed major source or major modification would not cause or contribute to a new violation of the national ambient air quality standard. This exemption only applies to the direct PM2.5 or PM10 offsets obtained from residential wood-fired devices in accordance with 340-240-0550 and 340-240-0560. Any remaining emissions from the source that are offset by emission reductions from other sources are subject to the requirements of OAR 340-224-0510 or section (4), as applicable.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-020-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070

Statutes/Other Implemented: ORS 468A

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

Division 225 AIR QUALITY ANALYSIS REQUIREMENTS

340-225-0030

Procedural Requirements

When required to conduct an air quality analysis under this division:

- (1) The owner or operator of a source must submit a modeling protocol to DEQ and have it approved before submitting a permit application; and
- (2) In addition to the requirements defined in OAR 340-216-0040 for permit applications, the owner or operator of a source must submit all information necessary to perform any analysis or make any determination required under this division. Such information may include, but is not limited to:
 - (a) Emissions data for all existing and proposed emission points from the source or modification. This data must represent maximum emissions for the averaging times by regulated pollutant consistent with the ambient air quality standards in OAR 340 division 202.
 - (b) Stack parameter data, height above ground, exit diameter, exit velocity, and exit temperature, for all existing and proposed emission points from the source or modification;
 - (c) An analysis of the air quality and visibility impact of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and
 - (d) An analysis of the air quality and visibility impacts, and the nature and extent of all commercial, residential, industrial, and other source emission growth, that has occurred since the baseline concentration year in the area the source or modification would significantly affect.

[\(3\) An air quality analysis for comparison to significant impact levels, PSD increments, and ambient air quality standards is not required for PM increases equal to or greater than the PM SER. As applicable, speciation of PM may be required by DEQ and an analysis be performed for PM₁₀ and PM_{2.5}.](#)

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that

EQC adopted under OAR 340-020-0040

Statutory/Other Authority: ORS 468.020 & 468A.070

Statutes/Other Implemented: ORS 468A

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

Reverted to DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-225-0050

Requirements for Analysis in PSD Class II and Class III Areas

Modeling: For determining compliance with the AAQS, PSD increments, and other requirements in PSD Class II and Class III areas, the following methods must be used:

(1) For each regulated pollutant, a single source impact analysis is sufficient to show compliance with the AAQS and PSD increments if:

(a) The modeled impacts from emission increases equal to or greater than a SER above the netting basis due to the proposed source or modification being evaluated are less than the Class II significant impact levels specified in OAR 340-200-0020; and

(b) The owner or operator provides an assessment of factors that may impact the air quality conditions in the area to show that the SIL by itself ensures that the proposed source or modification will not cause or contribute to a new violation of an AAQS and PSD increment. The assessment must take into consideration but is not limited to the following factors:

(A) The background ambient concentration relative to the AAQS;

(B) The emission increases and decreases since the baseline concentration year from other sources that are expected to cause a significant concentration gradient in the vicinity of the source. Determination of significant concentration gradient may take into account factors including but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology.

(2) If the requirement in section (1) is not satisfied, the owner or operator of a proposed source or modification being evaluated must complete a competing source analysis as follows:

(a) For demonstrating compliance with the PSD Class II and III increments (as defined in OAR 340-202-0210), the owner or operator of the proposed source or modification must show that modeled impacts from the proposed increased emissions, above the modeled baseline concentration, plus competing PSD increment consuming source impacts above the modeled baseline concentration are less than the PSD increments for all averaging times; and

(b) For demonstrating compliance with the AAQS, the owner or operator of the source must

show that the total modeled impacts plus total competing source impacts plus general background concentrations are less than the AAQS for all averaging times.

(3) The owner or operator of a source or modification must also provide an analysis of:

(a) The impairment to visibility, soils and vegetation that would occur as a result of the [proposed](#) source or modification, and general commercial, residential, industrial and other growth associated with the source or modification. As a part of this analysis, deposition modeling analysis is required for sources emitting heavy metals above the SERs as defined in OAR 340-200-0020. Concentration and deposition modeling may also be required for sources emitting other compounds on a case-by-case basis; and

(b) The air quality concentration projected for the area as a result of general commercial, residential, industrial and other growth associated with the source or modification.

(4) Any analyses performed under this section must be done in compliance with OAR 340-225-0030 and 340-225-0040, as applicable.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-020-0040.]

Statutory/Other Authority: ORS 468.020 & 468A.070

Statutes/Other Implemented: ORS 468A

History:

[DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019](#)

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

Reverted to DEQ 1-2004, f. & cert. ef. 4-14-04

DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11

DEQ 1-2004, f. & cert. ef. 4-14-04

DEQ 11-2002, f. & cert. ef. 10-8-02

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

Division 226

GENERAL EMISSION STANDARDS

340-226-0130

Highest and Best Practicable Treatment and Control: Typically Achievable Control Technology (TACT)

~~For existing sources, the emission limit established will be typical of the emission level achieved by emissions units similar in type and size. For new and modified sources, the emission limit established will be typical of the emission level achieved by well-controlled new or modified emissions units similar in type and size that were recently installed.~~ TACT determinations will be based on information known to DEQ while considering pollution prevention, impacts on other environmental media, energy impacts, capital and operating costs, cost effectiveness, and the age and remaining economic life of existing emission control devices. DEQ may consider emission control technologies typically applied to other

types of emissions units where such technologies could be readily applied to the emissions unit. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required.

(1) Existing Sources. For existing sources, the emission limit established will be typical of the emission level achieved by emissions units similar in type and size. An existing emissions unit must meet TACT for existing sources if:

(a) The emissions unit is not already subject to emission standards for the regulated pollutant under OAR 340 divisions 224, 230, [OAR 340-232-0010](#) through [340-232-0234](#), OAR 340 divisions 234, 236, ~~or 238~~, [OAR 340-240-0110](#) through [340-240-0180](#), [OAR 340-240-0320](#) through [340-240-0430](#); or OAR 340 divisions 244 or 245;

(b) The source is required to have a permit;

(c) The emissions unit has emissions of criteria pollutants equal to or greater than 5 tons per year of particulate or 10 tons per year of any gaseous pollutant; and

(d) DEQ determines that air pollution control devices and emission reduction processes in use for the emissions unit do not represent TACT, and that further emission control is necessary to address documented nuisance conditions, address an increase in emissions, ensure that the source is in compliance with other applicable requirements, or protect public health or welfare or the environment.

(2) New and Modified Sources. For new and modified sources, the emission limit established will be typical of the emission level achieved by well controlled new or modified emissions units similar in type and size that were recently installed. A new or modified emissions unit must meet TACT for new or modified sources if:

(a) The new or modified emissions unit is not subject to [a control technology requirement based on](#) Major NSR in OAR 340 division 224, a Type A State NSR action under OAR 340 division 224, an applicable Standard of Performance for New Stationary Sources in OAR 340 division 238, [OAR 340-240-0110](#) through [340-240-0180](#), ~~340-240-0310(1)~~, [OAR 340-240-320](#) through [340-240-0430](#), or any other standard applicable only to new or modified sources in OAR 340 divisions 230, 234, 236, or 238, [a National Emission Standard for Hazardous Air Pollutants in OAR division 244](#), or [TBACT or TLAER in OAR division 245](#) for the regulated pollutant emitted;

(b) The source is required to have a permit;

(c) The emissions unit:

(A) If new, would have emissions of any criteria pollutant equal to or greater than 1 ton per year in any area, or of PM10 equal to or greater than 500 pounds per year in a PM10 nonattainment area; or

(B) If modified, would have an increase in emissions from the permitted level for the emissions unit of any criteria pollutant equal to or greater than 1 ton per year in any area, or

of PM10 equal to or greater than 500 pounds per year in a PM10 nonattainment area; and

(d) DEQ determines that the proposed air pollution control devices and emission reduction processes do not represent TACT.

(3) Before making a TACT determination, DEQ will notify the owner or operator of a source that it intends to make such a determination using information known to DEQ. The owner or operator of the source ~~may~~must supply DEQ with additional information by a reasonable date set by DEQ.

(4) The owner or operator of a source subject to TACT must submit, by a reasonable date established by DEQ, compliance plans and specifications for DEQ's approval. The owner or operator of the source must demonstrate compliance in accordance with a method and compliance schedule approved by DEQ.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468.020 & 468A.025

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0630

DEQ 22-1996, f. & cert. ef. 10-22-96

DEQ 19-1993, f. 11-4-93 & cert. ef. 1-1-94

340-226-0210

Grain Loading Standards: Particulate Emission Limitations for Sources Other Than Fuel Burning Equipment, Refuse Burning Equipment and Fugitive Emissions

(1) This rule does not apply to [the following](#):

[\(a\) F](#)fugitive emissions sources~~;~~

[\(b\) F](#)fuel burning equipment~~;~~

[\(c\) R](#)efuse burning equipment~~;~~ or to

[\(d\) S](#)olid fuel burning devices certified under OAR 340-262-0500.

(2) No person may cause, suffer, allow, or permit particulate matter emissions from any air contaminant source in excess of the following limits:

(a) For sources installed, constructed, or modified before June 1, 1970:

(A) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results collected prior to April 16, 2015, demonstrate emissions no greater than 0.080

grains per dry standard cubic foot;

(B) 0.15 grains per dry standard cubic foot if any representative compliance source test results collected prior to April 16, 2015 demonstrate emissions greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results, ~~then:~~

~~(i) 0.24 grains per dry standard cubic foot prior to Dec. 31, 2019; and~~

~~(ii) 0.15 grains per dry standard cubic foot on or after Jan. 1, 2020; and~~

(C) In addition to the limits in paragraphs (A) or (B), for equipment or a mode of operation that is used less than 876 hours per calendar year, ~~0.24 grains per dry standard cubic foot from April 16, 2015 through December 31, 2019, and~~ 0.20 grains per dry standard cubic foot ~~on or after Jan. 1, 2020.~~

(b) For sources installed, constructed, or modified on or after June 1, 1970 but prior to April 16, 2015:

(A) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results prior to April 16, 2015 demonstrate emissions no greater than 0.080 grains per dry standard cubic foot; or;

(B) If any representative compliance source test results prior to April 16, 2015 are greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results, then 0.14 grains per dry standard cubic foot.

(c) For sources installed, constructed or modified on or after April 16, 2015, 0.10 grains per dry standard cubic foot.

~~(d) The owner or operator of a source installed, constructed, or modified before June 1, 1970 who is unable to comply with the standard in subparagraph (a)(B)(ii) may request that DEQ grant an extension allowing the source up to one additional year to comply with the standard. The request for an extension must be submitted no later than Oct. 1, 2019.~~

(3) Compliance with the emissions standards in section (2) is determined using:

(a) Oregon Method 5;

(b) DEQ Method 8, as approved by DEQ for sources with exhaust gases at or near ambient conditions;

(c) DEQ Method 7 for direct heat transfer sources [NOTE: DEQ Methods are described in the DEQ Source Sampling Manual published with OAR 340-200-0035]; or

(d) An alternative method approved by DEQ.

(e) For purposes of this rule, representative compliance source test results are data that was obtained:

(A) No more than ten years before April 16, 2015; and

(B) When a source is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions based on the current configuration of the emissions unit and pollution control equipment.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040

Statutory/Other Authority: ORS 468.020, 468A.025 & 468A.070

Statutes/Other Implemented: ORS 468A.025 & 468A.070

History:

[DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019](#)

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0030

DEQ 3-1996, f. & cert. ef. 1-29-96

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 37, f. 2-15-72, ef. 3-1-72

Division 228

REQUIREMENTS FOR FUEL BURNING EQUIPMENT AND FUEL SULFUR CONTENT

340-228-0210

General Emission Standards for Fuel Burning Equipment: Grain Loading Standards

(1) This rule applies to fuel burning equipment, except solid fuel burning devices that have been certified under OAR 340-262-0500.

(2) No person may cause, suffer, allow, or permit particulate matter emissions from any fuel burning equipment in excess of the following limits:

(a) For sources installed, constructed, or modified before June 1, 1970:

(A) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results collected prior to April 16, 2015 demonstrate emissions no greater than 0.080 grains per dry standard cubic foot;

~~(B) If any representative compliance source test results collected prior to April 16, 2015 demonstrate emissions greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results, then:~~

~~(i) 0.24 grains per dry standard cubic foot until Dec. 31, 2019; and~~

~~(ii) 0.15 grains per dry standard cubic foot on and after Jan. 1, 2020; and~~

(C) In addition to the limits in paragraph (A) or (B), for equipment or a mode of operation (e.g., backup fuel) that is used less than 876 hours per calendar year, ~~0.24 grains per dry standard cubic foot from April 16, 2015 through December 31, 2019, and 0.20 grains per dry standard cubic foot on and after Jan. 1, 2020.~~

(b) For sources installed, constructed, or modified on or after June 1, 1970 but prior to April 16, 2015:

(A) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results prior to April 16, 2015 demonstrate emissions no greater than 0.080 grains per dry standard cubic foot; or

(B) If any representative compliance source test results collected prior to April 16, 2015⁹ demonstrate emissions greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results, then 0.14 grains per dry standard cubic foot.

(c) For sources installed, constructed or modified on or after April 16, 2015, 0.10 grains per dry standard cubic foot.

~~(d)(A) The owner or operator of a source installed, constructed or modified before June 1, 1970 who is unable to comply with the standard in subparagraph (a)(B)(ii) may request that DEQ set a source specific limit of 0.17 grains per dry standard cubic foot. The owner or operator must submit an application for a permit modification to request the alternative limit by no later than Oct. 1, 2019 that demonstrates, based on a signed report prepared by a registered professional engineer that specializes in boiler/multiclone operation, that the fuel burning equipment will be unable to comply with the standard in subparagraph (a)(B)(ii) after either:~~

~~(i) Maintenance or upgrades to an existing multiclone system; or~~

~~(ii) Conducting a boiler tune up if the boiler does not have a particulate matter emission control system.~~

~~(B) If a source qualifies under paragraph (A), DEQ will add the 0.17 grains per dry standard cubic foot source specific limit as a significant permit modification (simple fee) for sources with an Oregon Title V Operating Permit or a Simple Technical Modification for sources with an Air Contaminant Discharge Permit.~~

~~(e) The owner or operator of a source installed, constructed or modified before June 1, 1970 may request that DEQ grant an extension allowing the source up to one additional year to comply with the standard in paragraph (d)(A) provided that the owner or operator demonstrates, based on an engineering report signed by a registered professional engineer that specializes in boiler/multiclone operation, that the source cannot comply with the source specific limit established in OAR 340-228-0210(2)(d)(A) without making significant changes to the equipment or control equipment or adding control equipment. The request for an extension must be submitted no later than Oct. 1, 2019.~~

(3) Compliance with the emissions standards in section (2) is determined using Oregon

Method 5, or an alternative method approved by DEQ. [NOTE: Sampling methods are found in the DEQ Source Sampling Manual published with OAR 340-200-0035.]

(a) For fuel burning equipment that burns wood fuel by itself or in combination with any other fuel, the emission results are corrected to 12% CO₂.

(b) For fuel burning equipment that burns fuels other than wood, the emission results are corrected to 50% excess air.

(c) For purposes of this rule, representative compliance source test results are data that was obtained:

(A) No more than ten years before April 16, 2015; and

(B) When a source is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions based on the current configuration of the fuel burning equipment and pollution control equipment.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025 & 468A.070

Statutes/Other Implemented: ORS 468A.025 & 468A.070

History:

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DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11

DEQ 8-2007, f. & cert. ef. 11-8-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0020

DEQ 3-1996, f. & cert. ef. 1-29-96

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 18-1982, f. & ef. 9-1-82

DEQ 6-1981, f. & ef. 2-17-81

DEQ 12-1979, f. & ef. 6-8-79

DEQ 16, f. 6-12-70, ef. 7-11-70

Division 232

EMISSION STANDARDS FOR VOC POINT SOURCES

340-232-0030

Definitions

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply to this division. If the same term is defined in this rule and 340-200-0020 or 340-204-0010, the definition in this rule applies to this division.

- (1) "Aerospace component" means the fabricated part, assembly of parts, or completed unit of any aircraft, helicopter, missile or space vehicle.
- (2) "Air dried coating" means coatings which are dried by the use of air at ambient temperature.
- (3) "Applicator" means a device used in a coating line to apply coating.
- (4) "Bulk gasoline plant" means a gasoline storage and distribution facility which receives gasoline from bulk terminals by railroad car or trailer transport, stores it in tanks, and subsequently dispenses it via account trucks to local farms, businesses, and gasoline dispensing facilities.
- (5) "Bulk gasoline terminal" means a gasoline storage facility which receives gasoline from refineries primarily by pipeline, ship, or barge, and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tank truck.
- (6) "Can coating" means any coating applied by spray, roller, or other means to the inside and/or outside surfaces of metal cans, drums, pails, or lids.
- (7) "Carbon bed breakthrough" means the initial indication of depleted adsorption capacity characterized by a sudden measurable increase in VOC concentration exiting a carbon adsorption bed or column.
- (8) "Certified storage device" means vapor recovery equipment for gasoline storage tanks as certified by the State of California Air Resources Board Executive Orders, copies of which are on file with DEQ, or which has been certified by other air pollution control agencies and approved by DEQ.
- (9) "Class II hardboard paneling finish" means finishers which meet the specifications of Voluntary Product Standard PS-59-73 as approved by the American National Standards Institute.
- (10) "Clear coat" means a coating which lacks color and opacity or is transparent and uses the undercoat as a reflectant base or undertone color.
- (11) "Coating" means a material applied to a surface which forms a continuous film and is used for protective and/or decorative purposes.
- (12) "Coating line" means one or more apparatus or operations which include a coating applicator, flash-off area, and oven or drying station wherein a surface coating is applied, dried, and/or cured.
- (13) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature and/or pressure and remains liquid at standard conditions.
- (14) "Crude oil" means a naturally occurring mixture which consists of hydrocarbons and/or sulfur, nitrogen, and/or oxygen derivatives of hydrocarbons and which is a liquid at standard

conditions.

(15) "Custody transfer" means the transfer of produced petroleum and/or condensate after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(16) "Cutback asphalt" means a mixture of a base asphalt with a solvent such as gasoline, naphtha, or kerosene. Cutback asphalts are rapid, medium, or slow curing (known as RC, MC, SC), as defined in ASTM D2399.

(17) "Delivery vessel" means any tank truck or trailer used for the transport of gasoline from sources of supply to stationary storage tanks.

(18) "External floating roof" means a cover over an open top storage tank consisting of a double deck or pontoon single deck which rests upon and is supported by the volatile organic liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.

(19) "Extreme performance coatings" means coatings designed for extreme environmental conditions such as exposure to any one of the following: continuous ambient weather conditions, temperature consistently above 95°C, detergents, abrasive and scouring agents, solvents, corrosive atmosphere, or similar environmental conditions.

(20) "Extreme performance interior topcoat" means a topcoat used in interior spaces of aircraft areas requiring a fluid, stain or nicotine barrier.

(21) "Fabric coating" means any coating applied on textile fabric. Fabric coating includes the application of coatings by impregnation.

(22) "Flexographic printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(23) "Freeboard ratio" means the freeboard height divided by the width (not length) of the degreaser's air/solvent area.

(24) "Forced air dried coating" means a coating which is dried by the use of warm air at temperatures up to 90°C (194°F).

(25) "Gas freed" means a marine vessel's cargo tank has been certified by a Marine Chemist as "Safe for Workers" according to the requirements outlined in the National Fire Protection Association Rule 306.

(26) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 27.6 kPa (4.0 psi) or greater which is used to fuel internal combustion engines.

(27) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle, boat, or airplane gasoline tanks from stationary storage tanks.

- (28) "Gaseous service" means equipment which processes, transfers or contains a VOC or mixture of VOCs in the gaseous phase.
- (29) "Hardwood plywood" is plywood whose surface layer is a veneer of hardwood.
- (30) "High performance architectural coating" means coatings applied to aluminum panels and moldings being coated away from the place of installation.
- (31) "Internal floating roof" means a cover or roof in a fixed roof tank which rests upon or is floating upon the petroleum liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.
- (32) "Large appliance" means any residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dish washers, trash compactors, air conditioners, and other similar products.
- (33) "Leaking component" means any petroleum refinery source which has a VOC concentration exceeding 10,000 parts per million (ppm) when tested in the manner described in EPA Method 21. These sources include, but are not limited to, pumping seals, compressor seals, seal oil degassing vents, pipeline valves, flanges and other connections, pressure relief devices, process drains, and open-ended pipes. Excluded from these sources are valves which are not externally regulated.
- (34) "Lightering" means the transfer of a liquid product identified in OAR 340-232-0110(1)(a) or (1)(b), as applicable, into a cargo tank from one marine tank vessel to another.
- (35) "Liquid-mounted" means a primary seal mounted so the bottom of the seal covers the liquid surface between the tank shell and the floating roof.
- (36) "Liquid service" means equipment which processes, transfers or contains a VOC or mixture of VOCs in the liquid phase.
- (37) "Loading event" means the loading or lightering of a liquid product identified in OAR 340-232-0110(1)(a) or (1)(b), as applicable, into a marine tank vessel's cargo tank, or the loading of any product into a marine tank vessel's cargo tank where the prior cargo was a liquid product identified in OAR 340-232-0110(1)(a) or (1)(b), as applicable. The event begins with the connection of a marine tank vessel to a storage or cargo tank by means of piping or hoses for the transfer of a fuel product from the storage or cargo tank into the receiving marine tank vessel. The event ends with disconnection of the pipes and/or hoses upon completion of the loading process.
- (38) "Marine tank vessel" means any marine vessel constructed or converted to carry liquid bulk cargo that transports a liquid product identified in OAR 340-232-0110(1)(a) or (1)(b), as applicable.
- (39) "Marine terminal" means any facility or structure used to load or unload any fuel product cargo into or from marine tank vessels.

- (40) "Marine vessel" means any tugboat, tanker, freighter, passenger ship, barge or other boat, ship or watercraft.
- (41) "Maskant for chemical processing" means a coating applied directly to an aerospace component to protect surface areas when chemical milling, anodizing, aging, bonding, plating, etching and/or performing other chemical operations on the surface of the component.
- (42) "Miscellaneous metal parts and products" means any metal part or metal product, even if attached to or combined with a nonmetal part or product, except cans, coils, metal furniture, large appliances, magnet wires, automobiles, ships, and airplane bodies.
- (43) "Natural finish hardwood plywood panels" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.
- (44) "Operator" means any person who leases, operates, controls, or supervises a facility at which gasoline is dispensed.
- (45) "Oven dried" means a coating or ink which is dried, baked, cured, or polymerized at temperatures over 90°C (194°F).
- (46) "Packaging rotogravure printing" means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, which are, in subsequent operations, formed into packaging products and labels for articles to be sold.
- (47) "Paper coating" means any coating applied on paper, plastic film, or metallic foil to make certain products, including but not limited to adhesive tapes and labels, book covers, post cards, office copier paper, drafting paper, or pressure sensitive tapes. Paper coating includes the application of coatings by impregnation and/or saturation.
- (48) "Petroleum refinery" means any facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products through distillation of petroleum, crude oil, or through redistillation, cracking, or reforming of unfinished petroleum derivatives. "Petroleum refinery" does not mean a re-refinery of used motor oils or other waste chemicals. "Petroleum refinery" does not include asphalt blowing or separation of products shipped together.
- (49) "Pretreatment wash primer" means a coating which contains a minimum of 0.5% acid by weight for surface etching and is applied directly to bare metal surfaces to provide corrosion resistance and adhesion.
- (50) "Prime coat" means the first of two or more films of coating applied in an operation.
- (51) "Printed interior panels" means panels whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.
- (52) "Printing" means the formation of words, designs and pictures, usually by a series of application rolls each with only partial coverage.

(53) "Publication rotogravure printing" means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

(54) "Reasonably available control technology" or "RACT" means the lowest emission limitation that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

(55) "Roll printing" means the application of words, designs and pictures to a substrate by means of hard rubber or steel rolls.

(56) "Sealant" means a coating applied for the purpose of filling voids and providing a barrier against penetration of water, fuel or other fluids or vapors.

(57) "Specialty printing" means all gravure and flexographic operations which print a design or image, excluding publication gravure and packaging printing. Specialty Printing includes printing on paper plates and cups, patterned gift wrap, wallpaper, and floor coverings.

(58) "Submerged fill" means any fill pipe or hose, the discharge opening of which is entirely submerged when the liquid is 6 inches above the bottom of the tank; or when applied to a tank which is loaded from the side, means any fill pipe, the discharge of which is entirely submerged when the liquid level is 18 inches, or is twice the diameter of the fill pipe, whichever is greater, above the bottom of the tank.

(59) "Thirty-day rolling average" means any value arithmetically averaged over any consecutive thirty days.

(60) "Tileboard" means paneling that has a colored waterproof surface coating.

(61) "Topcoat" means a coating applied over a primer or intermediate coating for purposes such as appearance, identification or protection.

(62) "True vapor pressure" means the equilibrium pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from Floating Roof Tanks," February, 1980.

(63) "Vapor balance system" means a combination of pipes or hoses which create a closed system between the vapor spaces of an unloading tank and a receiving tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded.

(64) "Vapor-mounted" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the primary seal, the tank shell, the liquid surface, and the floating roof.

(65) "Vapor tight" means, as used in OAR 340-232-0110, a condition that exists when the concentration of a VOC, measured one centimeter from any source, does not exceed 10,000 ppm (expressed as methane) above background.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

[NOTE: Publications referenced and not linked to below are available from the agency.]

[NOTE: View a PDF of referenced EPA Methods by clicking on "Tables" link following OAR 340-232-8010.]

Statutory/Other Authority: ORS 468.020 & 468A.025

Statutes/Other Implemented: ORS 468A.025

History:

[DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019](#)

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 15-2001, f. & cert. ef. 12-26-01

DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0102

DEQ 6-1999, f. & cert. ef. 5-21-99

DEQ 20-1998, f. & cert. ef. 10-12-98

DEQ 9-1997, f. & cert. ef. 5-9-97

DEQ 6-1996, f. & cert. ef. 3-29-96

DEQ 13-1995, f. & cert. ef. 5-25-95

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 8-1991, f. & cert. ef. 5-16-91

DEQ 3-1986, f. & ef. 2-12-86

DEQ 23-1980, f. & ef. 9-26-80

DEQ 17-1979, f. & ef. 6-22-79

DEQ 21-1978, f. & ef. 12-28-78

340-232-0090

Bulk Gasoline Terminals Including Truck and Trailer Loading

(1) No terminal owner or operator, may allow VOCs to be emitted into the atmosphere in excess of 80 milligrams of VOC per liter of gasoline loaded from the operation of loading truck tanks, and truck trailers at bulk gasoline terminals with a daily throughputs of greater than 76,000 liters (20,000 gallons) per day of gasoline, determined by a thirty-day rolling average:

(a) The owner or operator of a gasoline loading terminal must only allow the transfer of gasoline between the facility and a truck tank or a truck trailer when a current leak test certification for the delivery vessel is on file with the terminal or a valid permit as required by OAR 340-232-0100(1)(c) is displayed on the delivery vessel;

(b) The owner or operator of a truck tank or a truck trailer must not make any connection to the terminal's gasoline loading rack unless the gasoline delivery vessel has been tested in accordance with OAR 340-232-0100(1);

(c) The truck driver or other operator who fills a delivery truck tank and/or trailer tank must not take on a load of gasoline unless the vapor return hose is properly connected;

(d) All equipment associated with the vapor balance system must be maintained to be vapor tight and in good working order.

(2) Compliance with section (1) must be determined by testing in accordance with Method 33 on file with DEQ. [NOTE: This Method is in the DEQ Source Sampling Manual published at OAR 340-200-0035.] The method for determining compliance with section (1) are delineated in 40 CFR part 60, subpart XX, §60.503.

(3) Bulk Gasoline terminals must comply with the following within the limits of section (1):

(a) All displaced vapors and gases during tank truck gasoline loading operations must be vented only to the vapor control system;

(b) The loading device must not leak when in use. The loading device must be designed and operated to allow no more than 10 cubic centimeters drainage per disconnect on the basis of 5 consecutive disconnects;

(c) All loading liquid lines must be equipped with fittings which make vapor-tight connections and which close automatically and immediately when disconnected;

(d) All vapor lines must be equipped with fittings which make vapor-tight connections and which close automatically and immediately when disconnected or which contain vapor tight unidirectional valves;

(e) Gasoline must be handled in a manner to prevent its being discarded in sewers or stored in open containers or handled in any manner that would result in evaporation. If more than 5 gallons are spilled, the operator must report the spillage in accordance with OAR 340-214-0300 through 340-214-0350;

(f) The vapor balance system must be operated in a manner to prevent the pressure therein from exceeding the tank truck or trailer pressure relief settings.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.050 & 468A.070

Statutes/Other Implemented: ORS 468A.025, 468A.050 & 468A.070

History:

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DEQ 20-1998, f. & cert. ef. 10-12-98

DEQ 26-1995, f. & cert. ef. 12-6-95

DEQ 25-1994, f. & cert. ef. 11-22-94

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 8-1991, f. & cert. ef. 5-16-91, Sec. (2) & (3) Renumbered from 340-022-0133, 340-022-0136

DEQ 3-1986, f. & cert. ef. 2-12-86

DEQ 12-1981(Temp), f. & cert. ef. 4-29-81
DEQ 23-1980, f. & cert. ef. 9-26-80
DEQ 17-1979, f. & cert. ef. 6-22-79
DEQ 21-1978, f. & cert. ef. 12-28-78

340-232-0160

Surface Coating in Manufacturing

(1) No person may operate a coating line which emits into the atmosphere VOCs in excess of the limits in section (5), expressed as pounds VOC per gallon of coating applied, excluding water and exempt solvents, unless an alternative emission limit is approved by DEQ pursuant to section (3) or emissions are controlled to an equivalent level pursuant to section (7). If surface coating is performed but is not specifically listed in section (5), then that surface coating is subject to OAR 340-232-0040, if applicable.

(2) Exemptions:

(a) This rule does not apply to airplanes painted out of doors in open air; automobile and truck refinishing; customized top coating of automobiles and trucks, if production is less than 35 vehicles per day; marine vessels and vessel parts painted out in the open air; flat wood coating; wood furniture and wood cabinets; wooden doors, mouldings, and window frames; machine staining of exterior wood siding; high temperature coatings (for service above 500° F.); lumber marking coatings; potable water tank inside coatings; high performance inorganic zinc coatings, air dried, applied to fabricated steel; and markings by stencil for railroad cars;

(b) This rule does not apply to:

(A) Sources whose VOC potential to emit before add on controls from activities identified in section (5) ~~are~~is less than 10 tons per year;

(B) Sources with VOC actual emissions before add on controls from activities identified in section (5) are less than ~~(or)~~ 3 pounds VOC/per hour; or

(C) Sources with VOC actual emissions before add on controls from activities identified in section (5) less than 15 pounds ~~actual VOC~~/per day; or

(DB) Sources used exclusively for chemical or physical analysis or determination of product quality and commercial acceptance, such as research facilities, pilot plant operations, and laboratories, unless:

(i) The operation of the source is an integral part of the production process; or

(ii) The emissions from the source exceed 363 kilograms (800 pounds) in any calendar month.

(3) Exceptions:

(a) On a case-by-case basis, DEQ may approve exceptions to the emission limits specified in

section (5), upon documentation by the source that an alternative emission limit would satisfy the federal criteria for RACT;

(b) Included in this documentation must be a complete analysis of technical and economic factors which:

(A) Prevent the source from using both compliance coatings and pollution control devices; and

(B) Justify the alternative emission limit sought by the source.

(c) The alternative emission limit approved by DEQ will be incorporated into the source's Air Contaminant Discharge Permit, or Title V operating permit, and will be effective upon approval by EPA as a source specific SIP revision.

(4) Applicability: This rule applies to each coating line, which includes the application area, flashoff area, air and forced air dryer, and oven used in the surface coating of the parts and products in subsections (5)(a) through (j).

(5) Process and Limitation: These emission limitations must be based on a daily average except subsection (5)(e) must be based on a monthly average. If more than one emission limitation in this rule applies to a specific coating, then the most stringent emission limitation must be applied:

(a) Can Coating:

(A) Sheet basecoat, exterior and interior, and over-varnish; two-piece can exterior, basecoat and over-varnish, 2.8 pounds/gallon;

(B) Two- and three-piece can interior and exterior body spray, two-piece can exterior end, spray or roll coat, 4.2 pounds/gallon;

(C) Three-piece can side-seam spray 5.5 pounds/gallon;

(D) End sealing compound 3.7 pounds/gallon;

(E) End Sealing Compound for fatty foods 3.7 pounds/gallon.

(b) Fabric Coating 2.9 pounds/gallon;

(c) Vinyl Coating 3.8 pounds/gallon;

(d) Paper Coating 2.9 pounds/gallon;

(e) Existing Coating of Paper and Film in the Medford-Ashland AQMA 55 pounds VOC per 1000 square yards of material per pass;

(f) Auto and Light Duty Truck Coating:

- (A) Prime 1.9 pounds/gallon;
- (B) Topcoat 2.8 pounds/gallon;
- (C) Repair 4.8 pounds/gallon;
- (g) Metal Furniture Coating 3.0 pounds/gallon;
- (h) Magnet Wire Coating 1.7 pounds/gallon;
- (i) Large Appliance Coating 2.8 pounds/gallon;
- (j) Miscellaneous Metal Parts and Products:
 - (A) Clear Coatings 4.3 pounds/gallon;
 - (B) Forced Air Dried or Air Dried 3.5 pounds/gallon;
 - (C) Extreme Performance Coatings 3.5 pounds/gallon;
 - (D) Other Coatings, i.e., powder, oven dried, 3.0 pounds/gallon;
 - (E) High Performance Architectural Coatings 3.5 pounds/gallon.
- (6) Compliance Determination: Compliance with this rule must be determined by testing in accordance with 40 CFR part 60 EPA Method 18, 24, 25, a material balance method, or an equivalent plant specific method approved by and on file with DEQ. The limit in section (1) of VOC in the coating is based upon an assumed solvent density, and other assumptions unique to a coating line; where conditions differ, such as a different solvent density, a plant specific limit developed pursuant to the applicable Control Technology Guideline document may be submitted to DEQ for approval.
- (7) Reduction Method: Compliance with the emission limits of sections (3) and (5) must be achieved by:
 - (a) The application of low solvent content coating technology;
 - (b) An incineration system which oxidizes at least 90.0 percent of the non-methane VOCs entering the incinerator, VOC measured as total combustible carbon, to carbon dioxide and water; or
 - (c) An equivalent means of VOC removal. The equivalent means must be approved by DEQ and will be incorporated in the source's Air Contaminant Discharge Permit or Title V Permit, and will be effective upon approval by EPA as a source-specific SIP revision. Other alternative emission controls approved by DEQ and allowed by EPA may be used to provide an equivalent means of VOC removal.
- (8) Recordkeeping Requirements:

(a) A current list of coatings must be maintained which provides all the coating data necessary to evaluate compliance, including the following information, where applicable:

(A) Coating catalyst and reducer used;

(B) Mix ratio of components used;

(C) VOC content of coating as applied; and

(D) Oven temperature.

(b) Where applicable, a monthly record must be maintained indicating the type and amount of solvent used for cleanup and surface preparation;

(c) Such records must be retained and available for inspection by DEQ for a period of five years.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

[NOTE: View a PDF of referenced EPA Methods by clicking on “Tables” link below OAR 340-232-8010.]

Statutory/Other Authority: ORS 468.020, 468A.025 & 468A.070

Statutes/Other Implemented: ORS 468A.025 & 468A.070

History:

[DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019](#)

[DEQ 141-2018, minor correction filed 04/11/2018, effective 04/11/2018](#)

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DEQ 20-1998, f. & cert. ef. 10-12-98

DEQ 22-1996, f. & cert. ef. 10-22-96

DEQ 4-1993, f. & cert. ef. 3-10-93, Sec. (5) Renumbered from 340-022-0173

DEQ 8-1991, f. & cert. ef. 5-16-91

DEQ 3-1986, f. & cert. ef. 2-12-86

DEQ 23-1980, f. & cert. ef. 9-26-80

DEQ 17-1979, f. & cert. ef. 6-22-79

DEQ 21-1978, f. & cert. ef. 12-28-78

340-232-0170

Aerospace Component Coating Operations

(1) No owner or operator of an aerospace component coating facility may emit into the atmosphere VOCs in excess of the following limits, expressed as pounds VOC per gallon of coating applied, excluding water and exempt solvents, unless an alternative emission limit is approved by DEQ pursuant to section (4) or emissions to the atmosphere are controlled to an equivalent level pursuant to section (10):

- (a) Primer — 2.9 pounds/gallon;
 - (b) Interior Topcoat — 2.8 pounds/gallon;
 - (c) Electric or Radiation Effect Coating — 6.7 pounds/gallon;
 - (d) Extreme Performance Interior Topcoat — 3.5 pounds/gallon;
 - (e) Fire Insulation Coating — 5.0 pounds/gallon;
 - (f) Fuel Tank Coating — 6.0 pounds/gallon;
 - (g) High Temperature Coating for conditions between 350° F. –500° F. — 6.0 pounds/gallon;
 - (h) Sealant — 5.0 pounds/gallon;
 - (i) Self-Priming Topcoat — 3.5 pounds/gallon;
 - (j) Topcoat — 3.5 pounds/gallon;
 - (k) Pretreatment Wash Primer — 3.5 pounds/gallon;
 - (l) Sealant Bonding Primer — 6.0 pounds/gallon;
 - (m) Temporary Protective Coating — 2.1 pounds/gallon;
- (2) Exemptions: This rule does not apply to the following:
- (a) The exterior of fully assembled airplanes painted out of doors, high temperature coatings (for conditions over 500° F.), adhesive bonding primer, flight test coatings, and space vehicle coatings;
 - (b) Sources whose potential [to](#) emit from activities identified in section (1) before add on controls of VOCs are less than ten tons per year (or 3 pounds VOC/hour or 15 pounds VOC/day actual);
 - (c) The use of separate coating formulations in volumes of less than 20 gallons per calendar year. No source may use more than a combined total of 250 gallons per calendar year of exempt coatings. Records of coating usage must be maintained as per section (8); or
 - (d) Sources used exclusively for chemical or physical analysis or determination of product quality and coating performance (such as research facilities and laboratories) unless:
 - (A) The operation of the source is an integral part of the production process; or
 - (B) The emissions from the source exceed 363 kilograms (800 pounds) in any calendar month.
- (3) Exceptions:

(a) On a case-by-case basis, DEQ may approve exceptions to the emission limits specified in section (1), upon documentation by the source that an alternative emission limit would satisfy the federal criteria for RACT;

(b) Included in this documentation must be a complete analysis of technical and economic factors which:

(A) Prevent the source from using both compliance coatings and pollution control devices; and

(B) Justify the alternative emission limit sought by the source.

(c) The alternative emission limit approved by DEQ will be incorporated into the source's Air Contaminant Discharge Permit and will be effective upon approval by EPA as a source-specific SIP revision.

(4) Applicability: This rule applies to each coating line, which includes the application area, flashoff area, air and forced air dryer, and oven used in the surface coating of aerospace components in subsections (1)(a) through (m) . If more than one emission limitation in this rule applies to a specific coating, then the most stringent emission limitation must be applied.

(5) Solvent Evaporation Minimization:

(a) Closed containers must be used for the storage or disposal of cloth or paper used for solvent surface preparation and cleanup;

(b) Fresh and spent solvent must be stored in closed containers;

(c) Organic compounds may not be used for the cleanup of spray equipment unless equipment is used to collect the cleaning compounds and to minimize their evaporation;

(d) Containers of coating, catalyst, thinner, or solvent may not be left open to the atmosphere when not in use.

(6) Stripper Limitations: No stripper may be used which contains more than 400 grams/liter (3.3 lbs./gal.) of VOC or which has a true vapor pressure of 1.3 kPa (0.19 psia) at actual usage temperature.

(7) Maskant for Chemical Processing Limitation: No maskant may be applied for chemical processing unless the VOC emissions from coating operations are reduced by 85 percent, or the coating contains less than 600 grams of VOC per liter (5.0 pounds/gallon) of coating excluding water, as applied.

(8) Compliance determination: Compliance with this rule must be determined by testing in accordance with 40 CFR part 60, Appendix A, Method 24 for determining the VOC content of the coating materials. Emissions from the coating processes and/or VOC emissions control efficiencies must be determined by testing in accordance with 40 CFR part 60, Appendix A, Method 18, 25, California Method ST-7, a material balance method, or an equivalent plant

specific method approved by EPA and DEQ and on file with DEQ. The limit in section (1) of VOC in the coating is based upon an assumed solvent density, and other assumptions unique to a coating line; where conditions differ, such as a different solvent density, a plant specific limit may be submitted to DEQ and EPA for approval.

(9) Reduction Method: The emission limits of section (1) must be achieved by:

(a) The application of a low solvent content coating technology;

(b) A vapor collection and disposal system; or

(c) An equivalent means of VOC removal. The equivalent means must be approved by DEQ and will be incorporated in the source's Air Contaminant Discharge Permit or Title V Operating Permit, and will be effective upon approval by EPA as a source-specific SIP revision. Other alternative emission controls approved by DEQ and allowed by EPA may be used to provide an equivalent means of VOC removal.

(10) Recordkeeping Requirements:

(a) A current list of coatings must be maintained which provides all of the coating data necessary to evaluate compliance, including the following information, where applicable:

(A) A daily record indicating the mix ratio of components used; and

(B) The VOC content of the coating as applied.

(b) A monthly record must be maintained indicating the type and amount of solvent used for cleanup and surface preparation;

(c) A monthly record must be maintained indicating the amount of stripper used;

(d) Such records must be retained and available for inspection by DEQ for a period of five years.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

[NOTE: View a PDF of California Test Methods by clicking on “Tables” link below.]

[NOTE: View a PDF of referenced EPA Methods by clicking on “Tables” link below OAR 340-232-8010.]

[\[ED. NOTE: To view attachments referenced in rule text, click here to view rule.\]](#)

Statutory/Other Authority: ORS 468.020, 468A.025 & 468A.070

Statutes/Other Implemented: ORS 468A.025 & 468A.070

History:

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DEQ 20-1998, f. & cert. ef. 10-12-98
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 8-1991, f. & cert. ef. 5-16-91

Division 234
EMISSION STANDARDS FOR WOOD PRODUCTS INDUSTRIES

340-234-0010

Definitions

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply to this division. If the same term is defined in this rule and 340-200-0020 or 340-204-0010, the definition in this rule applies to this division.

(1) "Baseline emissions rate" means a source's actual emissions rate during the baseline period, as defined in OAR 340-200-0020, expressed as pounds of emissions per thousand square feet of finished product, on a 1/8" basis.

(2) "BLS" means black liquor solids, dry weight.

(3) "Continuous monitoring" means instrumental sampling of a gas stream on a continuous basis, excluding periods of calibration.

(4) "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 using the DEQ 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. [NOTE: DEQ's Source Sampling Manual is published with OAR 340-200-0035; EPA Reference Methods are found at Appendix A to 40 C.F.R. Part 60.] 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.

(5) "Dry standard cubic meter" means the amount of gas that would occupy a volume of one cubic meter, if the gas were free of uncombined water, at a temperature of 20° C. (68° F.) and a pressure of 760 mm of mercury (29.92 inches of mercury). The corresponding English unit is dry standard cubic foot.

(6) "Kraft mill" or "mill" means any industrial operation which uses for a cooking liquor an alkaline sulfide solution containing sodium hydroxide and sodium sulfide in its pulping process.

(7) "Lime kiln" means any production device in which calcium carbonate is thermally converted to calcium oxide.

(8) "Non-condensables" mean gases and vapors, contaminated with TRS compounds, from

the digestion and multiple-effect evaporation processes of a mill.

(9) "Operations" includes plant, mill, or facility.

(10) "Other sources" 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:

(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; and

(b) Any vent which is shown to contribute to an identified nuisance condition.

(11) "Production" as used in OAR 340-234-0200 through 340-234-0270 means the daily amount of air-dried unbleached pulp, or equivalent, produced during the 24-hour period each calendar day, or DEQ approved equivalent period, and expressed in air-dried metric tons (admt) per day. The corresponding English unit is air-dried tons (adt) per day;

(12) "Recovery furnace" means the combustion device in which dissolved wood solids are incinerated and pulping chemicals recovered from the molten smelt. For OAR 340-234-0200 through 340-234-0270, this term includes a direct contact evaporator, if present.

(13) "Recovery system" means the process by which all or part of the cooking chemicals may be recovered, and cooking liquor regenerated from spent cooking liquor, including evaporation, combustion, dissolving, fortification, and storage facilities associated with the recovery cycle.

(14) "Smelt dissolving tank vent" means the vent serving the vessel used to dissolve the molten smelt produced by the recovery furnace.

(15) "Special problem area" means the formally designated Portland, Eugene-Springfield, and Medford AQMAs and other specifically defined areas that the EQC may formally designate in the future. The purpose of such designation will be to assign more stringent emission limits as may be necessary to attain and maintain ambient air standards or to protect the public health or welfare.

(16) "Tempering oven" means any facility used to bake hardboard following an oil treatment process.

(17) "Wigwam waste burner" means a burner which consists of a single combustion chamber, has the general features of a truncated cone, and is used for incineration of wastes.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 [with the exception of references to Total Reduced Sulfur.](#)]

Statutory/Other Authority: ORS 468.020 & 468A.025

Statutes/Other Implemented: ORS 468A.025

History:

[DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019](#)

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 8-2007, f. & cert. ef. 11-8-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0005, 340-025-0150, 340-025-0220, 340-025-0305, 340-025-0350, 340-025-0410

DEQ 15-1980, f. & ef. 5-23-80

DEQ 32, f. 11-23-71, ef. 12-15-71

DEQ 4-1995, f. & cert. ef. 2-17-95

DEQ 22-1991, f. & cert. ef. 11-13-91

DEQ 7-1979, f. & ef. 4-20-79

DEQ 132, f. & ef. 4-11-77

DEQ 26, f. 3-31-71, ef. 4-25-71

DEQ 22-1995, f. & cert. ef. 10-6-95

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 2-1990, f. & cert. ef. 1-24-90

DEQ 137, f. & ef. 6-10-77

DEQ 50, f. 2-9-73, ef. 3-1-73

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 37, f. 2-15-72, ef. 3-1-72

340-234-0210

Kraft Pulp Mills: Emission Limitations

(1) Emission of Total Reduced Sulfur (TRS):

(a) Recovery Furnaces:

(A) The emissions of TRS from each recovery furnace placed in operation before January 1, 1969, may not exceed 10 ppm ~~and~~ 0.15 Kg/metric ton (0.30 pound/ton) of production as daily arithmetic averages;

(B) TRS emissions from each recovery furnace placed in operation after January 1, 1969, and before September 25, 1976, or any recovery furnace modified significantly after January 1, 1969, and before September 25, 1976, to expand production must be controlled such that the emissions of TRS may not exceed 5 ppm ~~and~~ 0.075 Kg/metric ton (0.150 pound/ton) of production as daily arithmetic averages.

(b) Lime Kilns. Lime kilns must be operated and controlled such that emissions of TRS may not exceed 20 ppm as a daily arithmetic average ~~and~~ 0.05 Kg/metric ton (0.10 pound/ton) of production as a daily arithmetic average. This subsection applies to those sources where construction was initiated prior to September 25, 1976.

(c) Smelt Dissolving Tanks. TRS emissions from each smelt dissolving tank may not exceed 0.0165 gram/Kg BLS (0.033 pound/ton BLS) as a daily arithmetic average.

(d) Non-Condensables. Non-condensables from digesters, multiple-effect evaporators and contaminated condensate stripping must be continuously treated to destroy TRS gases by thermal incineration in a lime kiln or incineration device capable of subjecting the non-condensables to a temperature of not less than 650° C. (1,200° F.) for not less than 0.3 second. An alternate device meeting the above requirements must be available in the event adequate incineration in the primary device cannot be accomplished. Venting of TRS gases during changeover must be minimized but in no case may the time exceed one-hour.

(e) Other Sources:

(A) The total emission of TRS from other sources may not exceed 0.078 Kg/metric ton (0.156 pound/ton) of production as a daily arithmetic average;

(B) Miscellaneous Sources and Practices. If DEQ determines that sewers, drains, and anaerobic lagoons significantly contribute to an odor problem, a program for control will be required.

(2) Particulate Matter:

(a) Recovery Furnaces. The emissions of particulate matter from each recovery furnace stack may not exceed:

(A) 2.0 kilograms per metric ton (4.0 pounds per ton) of production as a daily arithmetic average;

(B) 0.30 gram per dry standard cubic meter (0.13 grain per dry standard cubic foot) as a daily arithmetic average; and

(C) Thirty-five percent opacity for a period or periods aggregating more than 30 minutes in any 180 consecutive minutes or more than 60 minutes in any 24 consecutive hours (excluding periods when the facility is not operating). [Recovery furnaces are exempt from the visible emission standards in OAR 340 division 208.](#)

(b) Lime Kilns. The emissions of particulate matter from each lime kiln stack may not exceed:

(A) 0.50 kilogram per metric ton (1.00 pound per ton) of production as a daily arithmetic average;

(B) 0.46 gram per dry standard cubic meter (0.20 grain per dry standard cubic foot) as a daily arithmetic average; and

(C) The visible emission limitations in section (4);

(c) Smelt Dissolving Tanks. The emission of particulate matter from each smelt dissolving tank vent may not exceed:

(A) A daily arithmetic average of 0.25 kilogram per metric ton (0.50 pound per ton) of

production; and

(B) The visible emission limitations in section (4).

(d) Replacement of or modification or a rebuild of an existing particulate pollution control device for which a capital expenditure of 50 percent or more of the replacement cost of the existing device is required, other than ongoing routine maintenance, after July 1, 1988 will result in more restrictive standards as follows:

(A) Recovery Furnaces:

(i) The emission of particulate matter from each affected recovery furnace stack may not exceed 1.00 kilogram per metric ton (2.00 pounds per ton) of production as a daily arithmetic average; and

(ii) 0.10 gram per dry standard cubic meter (0.044 grain per dry standard cubic foot) as a daily arithmetic average.

(B) Lime Kilns:

(i) The emission of particulate matter from each affected lime kiln stack may not exceed 0.25 kilogram per metric ton (0.50 pound per ton) of production as a daily arithmetic average; and

(ii) 0.15 gram per dry standard cubic meter (0.067 grain per dry standard cubic foot) as a daily arithmetic average when burning gaseous fossil fuel; or

(iii) 0.50 kilogram per metric ton (1.00 pound per ton) of production as a daily arithmetic average; and

(iv) 0.30 gram per dry standard cubic meter (0.13 grain per dry standard cubic foot) as a daily arithmetic average when burning liquid fossil fuel.

(C) Smelt Dissolving Tanks. The emissions of particulate matter from each smelt dissolving tank vent may not exceed 0.15 kilogram per metric ton (0.30 pound per ton) of production as a daily arithmetic average.

(3) Sulfur Dioxide (SO₂). Emissions of sulfur dioxide from each recovery furnace stack may not exceed a three-hour arithmetic average of 300 ppm on a dry-gas basis except when burning fuel oil. The sulfur content of fuel oil used must not exceed the sulfur content of residual and distillate oil established in OAR 340-228-0100 and 340-228-0110, respectively.

(4) Emissions from each kraft mill source, with the exception of the mill's emissions attributable to a recovery furnace [and fugitive emissions](#), may not equal or exceed 20 percent opacity as a six minute average. [Fugitive emissions must meet the requirements of OAR 340-208-0210. The kraft mill sources included in this rule are exempt from the visible emission rules in OAR 340 division 208.](#)

(5) New Source Performance Standards. New or modified sources that commenced

construction after September 24, 1976, are subject to each provision of this rule and the New Source Performance Standards, 40 CFR part 60 subpart BB as adopted under OAR 340-238-0060, whichever is more stringent.

[NOTE: [This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of references to Total Reduced Sulfur.](#) ~~Except for OAR 340-234-0210(1), this rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.~~]

Statutory/Other Authority: ORS 468.020 & 468A.025

Statutes/Other Implemented: ORS 468A.025

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 8-2007, f. & cert. ef. 11-8-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0165

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 2-1990, f. & cert. ef. 1-24-90

DEQ 137, f. & ef. 6-10-77

DEQ 50, f. 2-9-73, ef. 3-1-73

Division 236

EMISSION STANDARDS FOR SPECIFIC INDUSTRIES

340-236-8010

[Hot Mix Asphalt Plants](#) ~~Solid Waste Landfills~~: Table-Process Weight Table

This rule contains the Process Weight Table.

[ED. NOTE: [To view attachments referenced in rule text, click here for PDF copy.](#)]

Statutory/Other Authority: ORS 468.020, 468A.025 & 468A.070

Statutes/Other Implemented: ORS 468A.025 & 468A.070

History:

[DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019](#)

[DEQ 4-2018, minor correction filed 01/17/2018, effective 01/17/2018](#)

[DEQ 3-2018, minor correction filed 01/16/2018, effective 01/16/2018](#)

DEQ 7-2015, f. & cert. ef. 4-16-15



OAR 340-236-8010 Process Weight Table

Process Wt/hr (lbs)	Maximum Weight Discharge/hr (lbs)	Process Wt/hr (lbs)	Maximum Weight Discharge/hr (lbs)
50	0.24	3400	5.44
100	0.46	3500	5.52
150	0.66	3600	5.61
200	0.85	3700	5.69
250	1.03	3800	5.77
300	1.20	3900	5.85
350	1.35	4000	5.93
400	1.50	4100	6.01
450	1.63	4200	6.08
500	1.77	4300	6.15
550	1.89	4400	6.22
600	2.01	4500	6.30
650	2.12	4600	6.37
700	2.24	4700	6.45
750	2.34	4800	6.52
800	2.43	4900	6.60
850	2.53	5000	6.67
900	2.62	5500	7.03
950	2.72	6000	7.37



OAR 340-236-8010 Process Weight Table

Process Wt/hr (lbs)	Maximum Weight Discharge/hr (lbs)	Process Wt/hr (lbs)	Maximum Weight Discharge/hr (lbs)
1000	2.80	6500	7.71
1100	2.97	7000	8.05
1200	3.12	7500	8.39
1300	3.26	8000	8.71
1400	3.40	8500	9.03
1500	3.54	9000	9.36
1600	3.66	9500	9.67
1700	3.79	10000	10.00
1800	3.91	11000	10.63
1900	4.03	12000	11.28
2000	4.14	13000	11.89
2100	4.24	14000	12.50
2200	4.34	15000	13.13
2300	4.44	16000	13.74
2400	4.55	17000	14.36
2500	4.64	18000	14.97
2600	4.74	19000	15.58
2700	4.84	20000	16.19
2800	4.92	30000	22.22
2900	5.02	40000	28.30



OAR 340-236-8010 Process Weight Table

Process Wt/hr (lbs)	Maximum Weight Discharge/hr (lbs)	Process Wt/hr (lbs)	Maximum Weight Discharge/hr (lbs)
3000	5.10	50000	34.30
3100	5.18	600000	40.00
3200	5.27	Or	
3300	5.36	More	

DRAFT

Division 238
NEW SOURCE PERFORMANCE STANDARDS

340-238-0040

Definitions

The definitions in OAR 340-200-0020 and this rule apply to this division. If the same term is defined in this rule and 340-200-0020, the definition in this rule applies to this division.

- (1) "Administrator" means the Administrator of the EPA or authorized representative.
- (2) "Affected facility" means, with reference to a stationary source, any apparatus to which a standard is applicable.
- (3) "Capital expenditures" means an expenditure for a physical or operational change to an existing facility that exceeds the product of the applicable "annual asset guideline repair allowance percentage" specified in the ~~latest~~ [November 2016](#) edition of Internal Revenue Service (IRS) Publication 534 and the existing facility's basis, as defined by section 1012 of the Internal Revenue Code. However, the total expenditure for a physical or operational change to an existing facility must not be reduced by any "excluded additions" as defined in IRS Publication 534, as would be done for tax purposes.
- (4) "C.F.R." means the July 1, 2020 edition Code of Federal Regulations unless otherwise identified.
- (5) "Closed municipal solid waste landfill" (closed landfill) means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under 40 C.F.R. 60.7(a)(4). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed.
- (6) "Commenced", with respect to the definition of "new source" in section 111(a)(2) of the federal Clean Air Act, means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.
- (7) "Existing municipal solid waste landfill" (existing landfill) means a municipal solid waste landfill that began construction, reconstruction or modification before 5/30/91 and has accepted waste at any time since 11/08/87 or has additional design capacity available for future waste deposition.
- (8) "Existing facility", with reference to a stationary source, means any apparatus of the type for which a standard is promulgated in 40 C.F.R. Part 60, and the construction or modification of which commenced before the date of proposal by EPA of that standard; or any apparatus that could be altered in such a way as to be of that type.
- (9) "Fixed capital cost" means the capital needed to provide all the depreciable components.

(10) "Large municipal solid waste landfill" (large landfill) means a municipal solid waste landfill with a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters.

(11) "Modification:"

(a) except as provided in subsection (b) of this section, means any physical change in, or change in the method of operation of, an existing facility that increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or that results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted;

(b) As used in OAR 340-238-0100 means an action that results in an increase in the design capacity of a landfill.

(12) "Municipal solid waste landfill" (landfill) means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. A municipal solid waste landfill may also receive other types of RCRA Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of a municipal solid waste landfill may be separated by access roads and may be publicly or privately owned. A municipal solid waste landfill may be a new municipal solid waste landfill, an existing municipal solid waste landfill, or a lateral expansion (modification).

(13) "New municipal solid waste landfill" (new landfill) means a municipal solid waste landfill that began construction, reconstruction or modification or began accepting waste on or after 5/30/91.

(14) "Reconstruction" means the replacement of components of an existing facility to such an extent that:

(a) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility; and

(b) It is technologically and economically feasible to meet the applicable standards set forth in 40 C.F.R. Part 60.

(15) "Reference method" means any method of sampling and analyzing for an air pollutant as specified in 40 C.F.R. Part 60.

(16) "Small municipal solid waste landfill" (small landfill) means a municipal solid waste landfill with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters.

(17) "Standard" means a standard of performance proposed or promulgated under 40 C.F.R. Part 60.

(18) "State Plan" means a plan developed for the control of a designated pollutant provided under 40 C.F.R. Part 60.

Statutory/Other Authority: ORS 468.020
Statutes/Other Implemented: ORS 468A.025

History:

[DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019](#)

[DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019](#)

DEQ 6-2017, f. & cert. ef. 7-13-17

DEQ 8-2015, f. & cert. ef. 4-17-15

DEQ 4-2013, f. & cert. ef. 3-27-13

DEQ 1-2011, f. & cert. ef. 2-24-11

DEQ 8-2009, f. & cert. ef. 12-16-09

DEQ 15-2008, f. & cert. ef. 12-31-08

DEQ 13-2006, f. & cert. ef. 12-22-06

DEQ 2-2006, f. & cert. ef. 3-14-06

DEQ 2-2005, f. & cert. ef. 2-10-05

DEQ 4-2003, f. & cert. ef. 2-06-03

DEQ 22-2000, f. & cert. ef. 12-18-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0510

DEQ 22-1998, f. & cert. ef. 10-21-98

DEQ 8-1997, f. & cert. ef. 5-6-97

DEQ 27-1996, f. & cert. ef. 12-11-96

DEQ 22-1995, f. & cert. ef. 10-6-95

DEQ 17-1993, f. & cert. ef. 11-4-93

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 24-1989, f. & cert. ef. 10-26-89

DEQ 17-1987, f. & ef. 8-24-87

DEQ 19-1986, f. & ef. 11-7-86

DEQ 15-1985, f. & ef. 10-21-85

DEQ 16-1984, f. & ef. 8-21-84

DEQ 17-1983, f. & ef. 10-19-83

DEQ 22-1982, f. & ef. 10-21-82

DEQ 97, f. 9-2-75, ef. 9-25-75

340-238-0070

Compliance

Compliance with standards set forth in this division shall be determined by performance tests and monitoring methods as set forth in the Federal Regulation adopted by reference in OAR 340-238-00650.

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468A.025

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0800

Renumbered from 340-700-0000, DEQ 4-1993, f. & cert. ef. 3-10-93

Renumbered from 340-025-0540, DEQ 15-1985, f. & ef. 10-21-85

DEQ 97, f. 9-2-75, ef. 9-25-75