



State of Oregon Department of Environmental Quality

# Notice of Proposed Rulemaking

## May 27, 2022

### Air Quality Permitting Updates 2022

This package contains the following documents:

- Notice of Rulemaking
- Draft Rules – Edits Highlighted
- Draft Rules – Edits Included (final clean version)

### Note for Readers:

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# Introduction

DEQ invites public input on a proposed program to update, clarify, improve and streamline air quality permitting requirements including permanent rule adoption and rule amendments to chapter 340 of the Oregon Administrative Rules.

## Request for Other Options

During the public comment period, DEQ asks for public comment on whether there are other options for achieving the rule and rule amendments' substantive goals while reducing the rules' negative economic impact on business. In particular, DEQ requests comment on the following:

- Proposed minor source Significant Emission Rates for requiring Minor Source Emission Reduction Technology review and an air quality modeling analysis for some Notice of Construction projects in OAR 340-200-0020(93). DEQ has included two options in the proposed rules;
- List of presumptive Minor Source Emission Reduction Technology in proposed new rule OAR 340-224-0300;
- Type 1 Notice of Construction equipment list in OAR 340-210-0225(1);
- How much time should be allowed under the excess emission rules in OAR 340-214-0330 before the owner or operator is required to shut down;

## Overview

### Short summary of proposed rule changes

DEQ proposes to update, clarify, improve and streamline Oregon's air quality permit programs. Three categories of proposed changes include:

- Policy changes that strengthen the permitting program, streamline the rules and improve the permitting process;
- Technical changes that clarify the program and rules; and
- Corrections to typographical errors and non-technical changes.

The changes would allow DEQ to protect air quality with more efficient and effective permitting programs, allowing DEQ to focus resources and address environmental justice issues. As required under HB 2993, DEQ expects this proposed rulemaking to favorably impact racial equity, the fair, just and unbiased treatment of people of different races, and environmental justice in Oregon.

The proposed rule changes include the following policy changes:

- Strengthen the efficacy of the air quality permitting program
  - Eliminate Generic Plant Site Emission Limits, which currently often allow greater emissions than a facility is physically capable of emitting;

- Clarify and update the Notice of Intent to Construct rules;
  - Develop a review process for smaller increases in emissions that includes technology review and modeling requirements;
  - Require that sources must construct or modify in accordance with approved plans submitted with their applications;
  - Change permit type if sources are on the wrong permit;
  - Eliminate provisions that currently allow sources to operate without using pollution control devices for 48-hours under the excess emission rules;
  - Clarify that an air quality analysis is required in applications for new sources and if requested by DEQ for renewal and modification applications to ensure compliance with the National Ambient Air Quality Standards;
  - Clarify DEQ's ability to require and use modeling in addition to monitoring (by DEQ or sources) for NAAQS exceedance verification; and
  - Clarify that permittees must comply with all conditions in their permits.
- Streamline rules and make process improvements
    - Extend permit terms for Simple permits to better allocate DEQ resources to work on more significant permitting issues;
    - Provide no expiration date for New Source Review permits that must be incorporated into a Title V Operating Permit;
    - Provide a petition process for additional industrial categories to have general permits, rather than source-specific permits;
    - Require more complete applications at permit renewal to ensure DEQ staff have sufficient information to process the renewal applications;
    - Require additional information to be submitted by a date certain with an opportunity to request more time if needed rather than allowing 90 days for all submittals;
    - Clarify reinstatement procedures for owners or operators whose permits have been terminated because of a late permit renewal application or late payment of fees;
    - Add a 1-bromopropane (1-BP) to the state list of Hazardous Air Pollutants to make it consistent with its listing under Section 112 of the Clean Air Act, as recently added by the EPA; and
    - Provide flexibility for Exempt Toxics Emissions Units under Cleaner Air Oregon.

Many of the proposed rule changes improve clarity, especially where rules may conflict, and correct cross-references and other errors.

DEQ proposes the Environmental Quality Commission approve the proposed rule and rule amendments for incorporation into Oregon's State Implementation Plan. With EQC's approval, DEQ would submit the proposed rule and rule amendments to the United States Environmental Protection Agency to be included in and revise the State Implementation Plan required by the Clean Air Act.

## **Regulated parties**

The proposed rule and rule amendments affect:

- All businesses, agencies, local governments and other entities holding air quality permits and that may be required to obtain air quality permits; and
- Businesses and other entities (both permitted and unpermitted) required to submit construction approval notices.

As part of adoption, the EQC will designate which of these rule changes must be enforced by the Lane Regional Air Protection Agency, unless and until LRAPA adopts its own rules and the EQC approves them as being at least as strict these rules, under ORS 468A.135. DEQ also requests public comment on which DEQ rule amendments LRAPA should be required to enforce.

# **Procedural Summary**

## **More information**

Information about this rulemaking is on this rulemaking's web page: [Air Quality Permitteing Updates 2022](#)

## **Public hearings**

DEQ plans to hold one virtual public hearing. Anyone can attend a hearing by webinar or teleconference.

Date: June 27, 2022

Start time: 3 p.m.

### **Call in and web connection information:**

[Join online via Zoom](#)

### **Join by phone**

Call-in number: 888-548-0282

Meeting ID: 835 8072 6931

Meeting Password: 168395

Instructions for joining webinar or teleconference: [Zoom webinar instructions](#)

## **How to comment on this rulemaking proposal**

DEQ is asking for public comment on the proposed program changes, including the proposed new rule and rule amendments. Anyone can submit comments and questions about this rulemaking. A person can submit comments by email, regular mail or at the public hearing.

## **Comment deadline**

DEQ will only consider comments on the proposed rule changes that DEQ receives by 4 p.m., on **Aug. 1, 2022**.

## **Submit comment by email to:**

[2022.AQPermits@DEQ.oregon.gov](mailto:2022.AQPermits@DEQ.oregon.gov)

## **Note for public university students:**

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student, notify DEQ that you wish to keep your email address confidential.

## **By mail**

Oregon DEQ  
Attn: Jill Inahara  
700 NE Multnomah St., Suite 600  
Portland, OR 97232-4100

## **At hearing**

June 27, 2022

## **Sign up for rulemaking notices**

Get email or text updates about this rulemaking by either:

- Signing up through this link: [Air Quality Permits Email List](#); or
- Signing up on the rulemaking web site: [Air Quality Permitting Updates 2022](#).

## **What will happen next?**

DEQ will include a written response to comments in a staff report DEQ will submit to the Environmental Quality Commission. DEQ may modify the rule and rule amendments proposal based on the comments and consistent with the scope of this rulemaking notice.

The proposed rule and rule amendments only become effective if the Environmental Quality Commission adopts them. DEQ intends to submit the proposed rule changes to the EQC on or after July 15, 2022.

# Statement of need

## Strengthen rules

The following proposed changes strengthen DEQ's air quality permitting program:

- Eliminate Generic Plant Site Emission Limits, which currently often allow greater emissions than a facility is physically capable of emitting;
- Clarify and update the Notice of Intent to Construct rules;
- Develop a review process for smaller increases in emissions that includes technology review and modeling requirements;
- Require that sources must construct or modify in accordance with approved plans submitted with their applications;
- Change permit type if sources are on the wrong permit;
- Eliminate provisions that currently allow sources to operate without using pollution control devices for 48-hours under the excess emission rules;
- Clarify that an air quality analysis is required in applications for new sources and if requested by DEQ for renewal and modification applications to ensure compliance with the National Ambient Air Quality Standards;
- Clarify DEQ's ability to require and use modeling in addition to monitoring (by DEQ or sources) for NAAQS exceedance verification; and
- Clarify that permittees must comply with all conditions in their permits.

## Eliminate Generic Plant Site Emission Limits.

Plant Site Emission Limits are included in almost all Air Contaminant Discharge Permits and Oregon Title V Operating Permits as a means of regulating increases and decreases in air emissions. PSELs are annual emission limits that can be source-specific or can be set at generic levels. This concept of Generic PSELs was developed as a streamlining measure in the Streamlined Permit Process Improvement Team rulemaking in 2001 to replace source-specific PSELs for some facilities. Sources assigned Generic PSELs often have actual emissions that are much lower than the Generic PSEL.

EPA's and DEQ's air permitting programs use Significant Emission Rates as a threshold to determine when New Source Review requirements apply to new and existing facilities. Air quality modeling analysis is required for Significant Emission Rate increases to ensure the National Ambient Air Quality Standards are protected. In addition, a control technology review is required for major sources requesting Significant Emission Rate increases. Because there were no federal requirements in place for increases of emissions less than the Significant Emission Rate at the time of the SPPIT rulemaking in 2001, the Generic PSELs were established to allow owners or operators to increase emissions up to the Generic PSEL without requiring a permit modification if there were no physical modifications. The changes were intended to result in:

- Less time to calculate PSELs
- Less time to write permits
- Fewer permit modifications

- Less public notice for PSEL changes
- Less time spent by applicants and DEQ on permit review issues

In order to address more stringent ambient air quality standards, DEQ is proposing to eliminate Generic PSELs. In the proposed rule changes, rather than assigning sources Generic PSELs, DEQ would permit those sources using a limit based on their capacity or potential to emit. Permitting sources at capacity or potential to emit:

- Creates permits that more accurately reflect actual emissions;
- Provides more regulatory certainty;
- Avoids over-allocation of air resources;
- Provides transparency for communities; and
- Allows more opportunities to review air quality modeling of emission increases to ensure compliance with short-term National Ambient Air Quality Standards for some permit modifications.

<b>What need would the proposed rule changes address?</b>	<b>How would the proposed rule changes address the need?</b>
<p>DEQ rules will establish permit requirements “to prevent violation of an ambient air quality standard caused or projected to be caused substantially by emissions from the source as determined by modeling, monitoring, or a combination thereof.” In 2006, EPA lowered the primary and secondary 24-hour PM<sub>2.5</sub> standards. In 2010, EPA established 1-hour NAAQS for both NO<sub>2</sub> and SO<sub>2</sub> for the first time. Significant Emission Rates, on which Generic PSELs are based, were established in 1980, before 1-hour NAAQS were set. Significant Emission Rates are based on long-term (annual) emissions which do not consider the variability of operations on a short-term basis. Because of this, Significant Emission Rates may not be protective of the short-term NAAQS in many cases.</p> <p>The Generic PSELs allow a source to expand operations and increase emissions up to the Significant Emission Rate without having to go through significant permit review, which increases the possibility of violations of short-term NAAQS.</p>	<p>The proposed rule change to eliminate the use of Generic PSEL gives DEQ the option to permit sources at capacity or potential to emit instead of Generic PSELs. Without the extra “cushion” of the Generic PSEL, DEQ can require evaluation of increases that are less than the Significant Emission Rates and apply its existing rules to require modeling information, in addition to a technology review analysis. See “Develop a review process for smaller increases in emissions that includes technology review and modeling requirements” below.</p>
<p>Most sources that have Generic PSELs in their permits emit at a small percentage of the Generic PSEL.</p>	<p>Permitting at capacity or potential to emit instead of Generic PSELs creates permits that more accurately reflect actual emissions, providing more transparency for communities.</p>

<p>Permitting at capacity or potential to emit would reduce the risk of adverse findings from EPA. The current practice of issuing Generic PSELs does not assure protection of NAAQS. An owner or operator can increase emissions within its Generic PSEL and still exceed short-term NAAQS.</p>	<p>To protect short-term NAAQS and comply with the Clean Air Act, DEQ must evaluate increases that are less than the Significant Emission Rates and apply its existing rules to require modeling information.</p> <p>DEQ anticipates an increase in permit modifications. This change may also increase the opportunity for public comment from impacted communities.</p>
<p>Title V sources are required to pay fees based on permitted emissions (i.e., Generic level PSELs) or potential to emit. DEQ performs an audit of Title V fees every three years. The audit is resource intensive and requires a staff person to work 4-6 hours/day and a second staff person to work one full day/week for 4 months. The cost of the audit is approximately \$40,000. For sources that pay on the Generic level PSELs rather than their potential to emit, DEQ refunds fees for overpayment since their potential to emit is less than the Generic level PSEL.</p>	<p>The proposed rule changes will eliminate the work needed to refund the overpayment of fees based on Generic level PSELs by Title V sources. Permittees on Air Contaminant Discharge Permits do not pay fees based on emissions.</p>

**Clarify and update the Notice of Intent to Construct rules.**

Whenever an owner or operator of a facility, permitted or unpermitted, wants to construct something, whether it's building a brand new facility, modifying an existing facility, or installing equipment at an unpermitted facility, the owner or operator must notify DEQ and submit the correct application forms in accordance with the Notice of Intent to Construct rules. This includes equipment that emits pollution and equipment that controls pollution.

The proposed rule changes will promote consistent construction approval through the Notice of Intent to Construct/Notice of Approval process for all sources, both sources permitted through Air Contaminant Discharge Permits or Title V permits, and also for unpermitted sources. Several issues have been identified with the NC rules and how they have been interpreted or implemented. The main issue is that the rules are not clear on what type of construction/modification qualifies for a Type 1 or a Type 2 NC. Another issue that will be addressed is that the rules allow for default approvals of NCs if DEQ does not respond to a source within the defined timeline. In many cases an NC should be reviewed before it is approved.

DEQ has proposed elimination of "modification" from the Notice of Intent to Construct rules because the definition of "construction" already includes "modification."

OAR 340-200-0020(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;

<p>(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.</p>	
<p><b>What need would the proposed rule changes address?</b></p>	<p><b>How would the proposed rule changes address the need?</b></p>
<p>The Title V construction rules in OAR 340-218-0190 point to the NC rules in OAR 340-210-0205 through 340-210-0250 but call them “Notice of Approval.” There is no mention of “Notice of Approval” in the NC rules.</p>	<p>The proposed rule changes add “Notice of Approval” for Title V sources to make the rules clearer that they also apply to Title V sources.</p>
<p>There has been some confusion on the following:</p> <ul style="list-style-type: none"> <li>• Difference between Type 1 and Type 2 NCs;</li> <li>• Emission thresholds apply to the emissions unit, not the whole source;</li> </ul> <p>Changes to the Standard Industrial Classification code are only allowed by permit modification.</p>	<p>The proposed NC rules will:</p> <ul style="list-style-type: none"> <li>• To distinguish between Type 1 and Type 2 NCs, establish a list of Type 1 NCs that do not need approval;</li> <li>• Clarify that the emissions thresholds apply to emissions units;</li> <li>• Clarify that SIC codes cannot be changed through an NC.</li> </ul>
<p>Some construction projects need no review at all, and therefore, no approval. Some NCs have been inappropriately approved by default because the rules allow for a 10-day default approval.</p>	<p>The proposed rule changes establish “notification only” construction projects to replace the Type 1 NC. Sources need to notify DEQ of the installation of the equipment but do not need to wait for approval. The proposed rule changes will eliminate the 10-day default approval and expedite permitting. DEQ will expand the list of “notification only” equipment for the Type 1 NC in a future rulemaking based on implementation experience.</p>
<p>Most NC approvals are completed in a timely manner but there have been instances where the construction has not been completed (e.g., nine years after approval and construction still has not been completed).</p>	<p>The proposed rule changes add expiration dates for NC approvals. Even approval for major construction projects approved under the New Source Review program terminates after 18 months unless the source can show good cause for an extension.</p>
<p>Current rules do not require sources to construct or modify in accordance with approved plans. If this does not occur, sources should be required to resubmit a corrected application for review.</p>	<p>The proposed rule changes require sources to construct or modify their facility in accordance with the approved plans and specifications.</p>
<p><b>Develop a review process for smaller increases in emissions that includes technology review and modeling requirements.</b></p>	

DEQ rules provide that DEQ will establish permit requirements “to prevent violation of an ambient air quality standard caused or projected to be caused substantially by emissions from the source as determined by modeling, monitoring, or a combination thereof.” In 2006, EPA lowered the primary and secondary 24-hour PM<sub>2.5</sub> standards. In 2010, EPA established 1-hour NAAQS for both NO<sub>2</sub> and SO<sub>2</sub> for the first time. Significant Emission Rates were established in 1980, before 1-hour NAAQS were set. Significant Emission Rates are based on long-term (tons per year) emissions which do not consider the variability of operations on a short-term basis (pounds per hour or pounds per day). Because of this, Significant Emission Rates may not be protective of the short-term NAAQS in many cases. To protect short-term NAAQS and comply with the Clean Air Act, DEQ must evaluate increases that are less than the Significant Emission Rates and apply its existing rules to require a control technology review and an air quality modeling analysis.

<b>What need would the proposed rule changes address?</b>	<b>How would the proposed rule changes address the need?</b>
DEQ must evaluate increases that are less than the Significant Emission Rates.	<p>The proposed rules would establish minor source Significant Emission Rates for devices or activities that would trigger review if equaled or exceeded. DEQ has included two options in the proposed rules and asks for comments on these options:</p> <p>Option 1:</p> <ul style="list-style-type: none"> <li>• NO<sub>x</sub> = 5 tons per year</li> <li>• PM<sub>10</sub> = 2 tons per year</li> <li>• Direct PM<sub>2.5</sub> = 2 tons per year</li> <li>• SO<sub>2</sub> = 5 tons per year</li> </ul> <p>Option 2:</p> <ul style="list-style-type: none"> <li>• NO<sub>x</sub> = 10 tons per year</li> <li>• PM<sub>10</sub> = 3 tons per year</li> <li>• Direct PM<sub>2.5</sub> = 3 tons per year</li> <li>• SO<sub>2</sub> = 10 tons per year</li> </ul>
DEQ must issue permits that ensure the ambient air quality standards are protected.	The proposed rule changes would require new facilities or existing facilities whose construction projects propose emissions increases over the minor source SER to conduct a technology review analysis, apply Minor Source Emission Reduction Technology as needed, and perform an air quality modeling analysis to ensure the ambient air quality standards are protected.
The new requirements will require additional work by applicants. DEQ should consider options to mitigate those increases.	DEQ has provided an option to performing a control technology review by proposing presumptive MSERT in the rules. If an owner or operator chooses to install any of the pollution control technologies identified

	in the list of presumptive MSERT, then a technology review is not required and saves the owner or operator the cost of that body of work.
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**Require that sources must construct or modify in accordance with approved plans submitted with their applications.**

Construction approvals are based on the application submitted by the owner or operator. If construction is not completed in accordance with the approved plans, the emissions and ambient air quality impacts may not align with DEQ’s approval.

<b>What need would the proposed rule changes address?</b>	<b>How would the proposed rule changes address the need?</b>
DEQ and the public need to know that the project is constructed in accordance with DEQ’s approval.	The proposed rule clarifies that sources must construct or modify in accordance with approved plans submitted with application.
There are times when construction cannot be completed in accordance with DEQ’s approval.	The proposed rule changes require the owner or operator to notify DEQ of any corrections and revisions to the plans and specifications upon becoming aware of the changes. DEQ will evaluate whether the correction or revisions negatively impact air quality.

**Change permit type if sources are on the wrong permit.**

Current rules allow DEQ to require sources to be on a more complex permit (Standard) rather than a Simple permit based on the following criteria:

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

DEQ proposes to use this same criteria to evaluate what type of permit a source should be required to obtain for all permit types: General, Basic, Simple or Standard. This would also ensure that the source receives the correct amount of oversight, both when the permit is written and when the source is inspected.

<b>Permit Type</b>	<b>Compliance Inspection Frequency</b>
Basic ACDP	Every 10 years
General ACDP	Every 5-10 years
Simple ACDP	Every 4 years

<table border="1" style="margin: auto;"> <tr> <td style="padding: 5px;">Standard ACDP</td> <td style="padding: 5px;">Every 3-5 years</td> </tr> </table>		Standard ACDP	Every 3-5 years
Standard ACDP	Every 3-5 years		
<b>What need would the proposed rule changes address?</b>	<b>How would the proposed rule changes address the need?</b>		
Some sources may be on the wrong type of permit and do not receive the correct amount of oversight.	The proposed rule changes would clarify that the criteria DEQ uses to place sources on the correct type of permit would apply to all permit types.		
<b>Eliminate provisions that currently allow sources to operate without using pollution control devices for 48-hours under the excess emission rules.</b>			
Excess emissions are defined as emissions in excess of a permit limit, in excess of a risk limit, or in violation of any applicable air quality rule. Excess emissions can occur during startup, shutdown, maintenance or malfunction of equipment. The current rules allow a source to operate for 48 hours before ceasing operation if there is a condition causing excess emissions. The owner or operator does not have to cease operation if DEQ approves procedures to minimize excess emissions until the condition causing the excess emissions is corrected or brought under control.			
<b>What need would the proposed rule changes address?</b>	<b>How would the proposed rule changes address the need?</b>		
Venting uncontrolled emissions for 48 hours or more can cause harmful impacts to the neighboring community, especially if the emissions contain toxic air contaminants.	<p>The proposed rule changes would:</p> <ul style="list-style-type: none"> <li>• Not allow 48 hours of operation without a control device;</li> <li>• Only allow continued operation of process equipment that is generating the excess emissions if an emission minimization plan for continued operation is approved in writing, in advance, by DEQ;</li> <li>• Require the source to immediately reduce or cease operation of the equipment or facility until the condition causing the excess emissions has been corrected or brought under control, unless doing so could result in physical damage to the equipment or facility, cause injury to employees; or the emission minimization plan is not followed.</li> </ul>		
<b>Clarify that an air quality analysis is required in applications for new sources and if requested by DEQ for renewal and modification applications to ensure compliance with the National Ambient Air Quality Standards.</b>			

<p>DEQ has the authority to require an air quality analysis in existing rules. The existing rules do not clearly state a requirement for sources to submit an air quality analysis with a permit application.</p>	
<p><b>What need would the proposed rule changes address?</b></p>	<p><b>How would the proposed rule changes address the need?</b></p>
<p>DEQ must issue permits that are protective of the NAAQS.</p>	<p>The proposed rule changes require that an air quality analysis be included in the permit application for a new source. The air quality analysis is required with renewal or modification applications if requested by DEQ.</p>
<p><b>Clarify DEQ's ability to require and use modeling in addition to monitoring (by DEQ or sources) for NAAQS exceedance verification.</b></p>	
<p>The National Ambient Air Quality Standards, established by the EPA under authority of the Clean Air Act, are limits on atmospheric concentration of six criteria pollutants in outdoor air. These criteria pollutants (carbon monoxide, nitrogen dioxide, ground level ozone, particulate matter, sulfur dioxide and lead) cause smog, acid rain, and other health hazards. After EPA sets a new NAAQS or revises an existing standard for a criteria air pollutant, the Clean Air Act requires EPA to determine if areas of the country meet the new standards. In 2014, EPA promulgated a rule directing state and tribal air agencies to provide data to characterize current air quality in areas with large sources of sulfur dioxide emissions to identify maximum 1-hour SO<sub>2</sub> concentrations in ambient air. The rule also sets forth a process and timetables by which air agencies must characterize air quality through ambient monitoring and/or air quality modeling techniques and submit such data to the EPA. The air quality data developed by air agencies could be used by the EPA in future actions to evaluate an area's air quality under the 2010 1-hour SO<sub>2</sub> NAAQS, including area designations and redesignations. Current DEQ rules require DEQ to monitor to verify NAAQS exceedance. Ambient monitoring can be very time consuming and expensive.</p>	
<p><b>What need would the proposed rule changes address?</b></p>	<p><b>How would the proposed rule changes address the need?</b></p>
<p>The Clean Air Act defines a nonattainment area as the area that is violating the NAAQS or a nearby area that is contributing to a violation. For example, the PM<sub>2.5</sub> standards are based on averaging air quality measurements both annually and on a 24-hour basis. The annual standard for PM<sub>2.5</sub> is met whenever the 3-year average of the annual mean PM<sub>2.5</sub> concentrations for designated monitoring sites in an area is less than or equal to 15.0 µg/m<sup>3</sup>. The 24-hour standard for PM<sub>2.5</sub> is met whenever the 3-year average of the annual 98<sup>th</sup></p>	<p>The proposed rule changes give DEQ the ability to use air quality modeling data, rather than monitoring data, to designate a nonattainment area, as allowed by EPA.</p>

<p>percentile of values at designated monitoring sites in an area is less than or equal to 35 µg/m<sup>3</sup>.</p> <p>Because nonattainment areas are based on averaging air quality measurements for three years, monitoring to define a nonattainment area can be very time consuming and expensive.</p>	
<p>The existing rules do not distinguish between a violation of a NAAQS and an exceedance of a NAAQS.</p> <p>A violation of NAAQS would require nonattainment designation for the selected area. Violations of NAAQS would be determined by three years of monitoring data or modeling data, as discussed above.</p> <p>An individual source could exceed a NAAQS. An exceedance of a NAAQS could be determined based on air quality modeling of an individual source or ambient monitoring.</p>	<p>The proposed rule changes clarify that DEQ may use air quality modeling or monitoring, or require a source to use either, to determine if a source is causing or contributing to an exceedance of a NAAQS.</p>
<p><b>Clarify that permittees must comply with all conditions in their permit.</b></p>	
<p>Currently, there is no air quality rule that requires permittee compliance with all permit conditions. DEQ proposes to make it clear that compliance with all permit conditions is required.</p>	
<p><b>What need would the proposed rule changes address?</b></p>	<p><b>How would the proposed rule changes address the need?</b></p>
<p>The lack of an explicit rule that requires permittees to comply with all conditions in permits can make evaluation and assessment of enforcement cases more difficult.</p>	<p>The proposed rule changes clarify that permittees must comply with all conditions in their permits.</p>
<p><b>Streamline rules and make process improvements</b></p>	
<p>The 2018 Secretary of State’s Audits Division found that DEQ should evaluate staffing and workloads among Title V and ACDP permit writers and provide better guidance to both staff and businesses to help reduce the agency’s air quality permit backlog. To facilitate reduction of the backlog and to align with EPA rules, DEQ is proposing the rule changes listed below:</p> <ul style="list-style-type: none"> <li>• Extend permit terms for Simple permits to better allocate DEQ resources to work on more significant permitting issues;</li> <li>• Provide no expiration date for New Source Review permits that must be incorporated into a Title V permit;</li> <li>• Expand the use of short-term activity permits for temporary operations in addition to unexpected and emergency activities, providing more flexibility for businesses;</li> <li>• Provide a petition process for additional industrial categories to have general permits, rather than source-specific permits;</li> </ul>	

- Require more complete applications at permit renewal to ensure DEQ staff have sufficient information to process the renewal applications;
- Require additional information to be submitted by a date certain with an opportunity to request more time if needed rather than allowing 90 days for all submittals;
- Clarify reinstatement procedures for owners or operators whose permits have been terminated because of a late permit renewal application or late payment of fees;
- Add a 1-bromopropane (1-BP) to the list of state Hazardous Air Pollutants to make it consistent with its listing under Section 112 of the Clean Air Act, as recently added by the EPA; and
- Provide flexibility for Exempt Toxics Emissions Units under Cleaner Air Oregon.

**Extend permit terms for Simple permits.**

Air Contaminant Discharge Permits are issued for varying permit terms, depending on the type of permit. More complex permits have shorter permit terms because DEQ needs more oversight of these sources.

Permit Type	Permit Term
Basic ACDP	Up to 10 years
General ACDP	Up to 10 years
Simple ACDP	Up to 5 years

**What need would the proposed rule changes address?**

Most facilities change little between permit issuance and renewal. Staff time would be better spent addressing major issues.

**How would the proposed rule changes address the need?**

The proposed rule changes provide an extended permit term for Simple permits to streamline the permitting process and also allow for permit modifications when needed. In some cases, permits must be updated because of changes proposed by the source or because rules have changed. DEQ must have the ability to change the permit for these reasons.

**Provide no expiration date for New Source Review permits that must be incorporated into a Title V permit.**

Title V permits allow for operation only, not construction. If an owner or operator of a Title V source proposes construction, it must be done through the Notice of Intent to Construct rules or through NSR rules. A Title V source that is subject to NSR has permit conditions from that NSR permit that must be incorporated into the Title V permit. The NSR permit is cited as the authority for those permit conditions. After the NSR permit conditions are incorporated into the Title V permit, the NSR permit expires, usually after 5 years. If those NSR permit conditions ever need to be modified (e.g., the BACT limits were set based on normal operation, not during startup or shutdown), the NSR permit must be reissued first. Rather than have the source reapply for the same NSR permit, DEQ is proposing no expiration date for that NSR permit. This way, the source

can apply for a permit modification to modify the NSR permit conditions. If the NSR permit must have major revisions or the source proposes changes that would trigger NSR again, DEQ would require application for a new NSR permit.

<b>What need would the proposed rule changes address?</b>	<b>How would the proposed rule changes address the need?</b>
DEQ must reissue an expired NSR permit in order to change any NSR permit conditions.	Removing expiration dates for NSR permits that must be incorporated into Title V permits will eliminate the time and expense for businesses to reapply for the same permit. The proposed rule change will also save DEQ resources from having to reissue the permit.

**Expand the use of short-term activity permits for temporary operations.**

Short-term activity permits are currently allowed only for unexpected and emergency activities. These permits expire in 60 days and are not allowed to be renewed. At times, DEQ has allowed short-term planned operations to occur under a Mutual Agreement and Order, a tool under DEQ’s formal enforcement actions. These activities are not allowed under existing permits and arguably should not be handled as enforcement actions because the business asks permission to perform these types of activities, giving DEQ an opportunity to assess the environmental impacts of the proposed action. In addition, it is resource intensive for DEQ to develop Mutual Agreement and Orders.

<b>What need would the proposed rule changes address?</b>	<b>How would the proposed rule changes address the need?</b>
Sources have asked to permit planned temporary activities that are currently not allowed under their permit but would only take place for a short time.	<p>The proposed rule changes expand the use of short-term activity permits for activities such as:</p> <ul style="list-style-type: none"> <li>• Operation or source test of a pilot or an exploratory emissions unit;</li> <li>• Temporary installation used for temporary storage because of exceptional events; and</li> <li>• Other similar types of temporary activities that emit air contaminants.</li> </ul> <p>Short-term activity permits could also be renewed for one additional 60-day period.</p>

**Provide a petition process to add new industrial categories for general permits.**

General permits were created to achieve efficiency in permit processing and to facilitate DEQ’s implementation of federal standards that apply to area sources of hazardous air pollutants (National Emission Standards for Hazardous Air Pollutants). General ACDPs are available for a variety of industries such as rock crushing, prepared feeds, metal fabrication and surface coating , where a standardized permit is appropriate to regulate any such facility

<p>seeking to operate. This allows a source to avoid the higher cost of a Simple or Standard permit.</p>	
<p><b>What need would the proposed rule changes address?</b></p>	<p><b>How would the proposed rule changes address the need?</b></p>
<p>Similar businesses can be permitted on the same General ACDP but only if DEQ has developed a General ACDP for that industry type.</p>	<p>The proposed rule changes include the option for a business or member of the public to petition DEQ to develop a General ACDP if there are similar sources that would qualify for the permit.</p> <p>The petition should include:</p> <ul style="list-style-type: none"> <li>• Justification for why a new category General ACDP should be developed;</li> <li>• Approximate number of businesses that would be eligible for the General ACDP; and</li> <li>• Criteria for qualification of the General ACDP.</li> </ul>
<p><b>Require more complete applications at permit renewal rather than streamlined applications that do not provide enough information.</b></p>	
<p>Current rules allow streamlined permit renewal applications for Standard and Title V permits unless there are significant changes to a permit.</p>	
<p><b>What need would the proposed rule changes address?</b></p>	<p><b>How would the proposed rule changes address the need?</b></p>
<p>Many businesses take advantage of this streamlined renewal application option even though many changes have taken place since the last permit was issued. In these instances, DEQ must try to renew the permit with incomplete information. The intent was to streamline the renewal process but in fact, it makes permit renewals more difficult.</p>	<p>The proposed rule changes will require submittal of more complete applications (electronic submittals) at Standard ACDP and Title V permit renewal.</p>
<p><b>Require additional information to be submitted by a date certain with an opportunity to request more time if needed rather than allowing 90 days for all submittals.</b></p>	
<p>Sources requesting or renewing Air Contaminant Discharge Permits have 90 days to submit additional information requested by DEQ, regardless of the type of request.</p>	
<p><b>What need would the proposed rule changes address?</b></p>	<p><b>How would the proposed rule changes address the need?</b></p>

<p>DEQ often must ask for more information to draft a permit. Some information can be submitted within hours or days. Allowing 90 days to submit information causes delays in permit processing.</p>	<p>The proposed rule changes modify the time sources must submit information in response to a request from DEQ from 90 days to a date certain. Some information is easier to gather and will be given less time to submit. Some information is more difficult to gather and will be given more time to submit. A source can request more time for good reason. If the applicant does not submit the requested information, DEQ may return or deny the application.</p>
<p><b>Clarify reinstatement procedures for owners or operators whose permits have been terminated because of a late permit renewal application or late payment of fees.</b></p>	
<p>Owners or operators are required to submit permit renewal applications before their permit expires in order to give DEQ staff time to renew the permit. If the owner or operator does not submit a timely renewal application, the permit terminates upon the expiration date. In addition, if the owner or operator does not submit the permitting fees by their annual due date, the permit terminates 90 days after the invoice date unless prior arrangements for a payment plan have been approved in writing by DEQ.</p>	
<p><b>What need would the proposed rule changes address?</b></p>	<p><b>How would the proposed rule changes address the need?</b></p>
<p>The rules treat failure to submit a renewal application the same as failure to submit annual fees.</p>	<p>The proposed rule changes clarify that reinstatement of a permit for failure to submit a renewal application can only occur if not later than 30 days after the permit expiration date, the owner or operator submits the permit renewal application along with a late application fee which is equivalent to the new permit fee.</p> <p>The proposed rule changes clarify that reinstatement of a permit for failure to pay annual fees can only occur if, not later than 90 days after the permit termination date, the owner or operator submits all unpaid fees and applicable late fees.</p> <p>If neither of the actions above happen, the owner or operator of a terminated permit must apply as a new source, pay new permit fees and late fees, and cannot operate until the permit is issued.</p>
<p><b>Add a 1-bromopropane (1-BP) to the list of state Hazardous Air Pollutants to make it consistent with its listing under Section 112 of the Clean Air Act.</b></p>	

<p>EPA recently added 1-bromopropane (1-BP) to the list of Hazardous Air Pollutants under Section 112 of the Clean Air Act. Uses include:</p> <ul style="list-style-type: none"> <li>• An aerosol solvent in asphalt, aircraft, and synthetic fiber manufacturing</li> <li>• A vapor and immersion degreaser in metals, metal products, plastics, optics, and electronics manufacturing;</li> <li>• A cleaning solvent for dry cleaning;</li> <li>• An adhesive in laminates and foam products; and</li> <li>• A chemical intermediate in pharmaceuticals, pesticides, quaternary ammonium compounds, flavors, and fragrances.</li> </ul>	
<b>What need would the proposed rule changes address?</b>	<b>How would the proposed rule changes address the need?</b>
The proposed addition of 1-bromopropane to the state list of HAPs would ensure that DEQ's program would align with EPA's program to regulate HAPs.	Adding 1-bromopropane to the state list of HAPs would ensure that DEQ can regulate sources of these emissions.
<b>Provide flexibility for Exempt Toxics Emissions Units under Cleaner Air Oregon.</b>	
DEQ has the authority to determine if activities at a source can be Exempt Toxics Emissions Units for the purpose of conducting a risk assessment under the Cleaner Air Oregon program. The current rules do not provide for the development of minimum reporting thresholds for activities that may not materially contribute to the final source risk at a facility.	
<b>What need would the proposed rule changes address?</b>	<b>How would the proposed rule changes address the need?</b>
Allow DEQ to establish minimum reporting thresholds to improve both the efficiency of the risk assessment process, as well as the efficacy of permitting under the Cleaner Air Oregon program.	The proposed rule changes would allow DEQ and sources to provide justification for Exempt Toxics Emissions Unit determinations that are based on conservative risk screening thresholds. DEQ will maintain approval authority for these determinations.
<b>Clarify rules</b>	
The proposed rule changes listed below are arguably unclear and therefore need clarification.	
<b>What need would the proposed rule changes address?</b>	<b>How would the proposed rule changes address the need?</b>
It is unclear whether the permit is effective on the date it is signed or on the date it is received by the permittee.	The proposed rule changes clarify that the effective date of permit is the date that it is signed unless a contested case hearing is requested.

It is unclear whether a Title V permit application must be timely or complete or both.	The proposed rule changes specify that applications need to be both timely and complete.
OAR 340-216-8020 Table 2 says the fees are for ACDP sources only.	The proposed rule changes clarify that Type 2 NC fee, in addition to some of the other specific activity permit fees, applies to Title V sources, if applicable.
A few of the OAR 340-216-8020 Table 1 categories that list the sources that must apply for a permit are not clear.	<p>The proposed rule changes clarify the following Table 1 categories:</p> <ul style="list-style-type: none"> <li>• 51 Molded container manufacturing.</li> <li>• 52 Motor coach manufacturing</li> <li>• 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 40 CFR part 63 subpart VVVVVV.</li> </ul>
Statewide opacity and grain loading standards apply to all emissions units unless the rules contain a specific exemption. There is no exemption for recovery furnaces at kraft pulp mills, which are subject to more specific rules.	The proposed rule changes exempt recovery furnaces from the statewide opacity and grain loading standards because there are specific rules that apply to them.

## How will DEQ know the rules have addressed the needs stated above?

To determine whether the rulemaking met its objectives, DEQ:

- Will be able to provide more transparency to the public when issuing permits that are based on potential or capacity to emit, rather than Generic PSELs;
- Will be able to review smaller increases in emissions to ensure emissions are minimized with appropriate control technology and that the National Ambient Air Quality Standards are protected;
- Will ensure that businesses are on the correct type of permit for the complexity of their facility;
- Will ensure the safety of the public and workers by eliminating the ability for businesses to operation without pollution control devices for up to 48 hours;
- Will be able to process some permits on a more timely basis;
- Will provide more flexibility for owners or operators that can have short-term activities not allowed under their permits to be permitted; and
- Focus resources on more significant permitting issues.

To determine whether the rulemaking met its objectives to clarify the rules, DEQ would confirm, as part of ongoing interaction with regulated parties, whether regulated parties have a clearer understanding of the program and their obligations. DEQ expects to see a reduction in the number of businesses that request help interpreting the rules. In addition, DEQ expects to see a permit backlog reduction as a sign that the proposed rule changes are effective after training on the proposed rules and full implementation.

If EQC adopts the proposed rule changes after considering public comments, DEQ would submit the rules to EPA to update Oregon's State Implementation Plan. DEQ would know that one of the goals of this rulemaking have been addressed when EPA reviews and approves the State Implementation Plan revision.

# Rules affected, authorities, supporting documents

ORS 183.335(2)(b)

## Lead division

Air Quality

## Program or activity

Air Operations

## Chapter 340 action

Adopt				
224-0300				
Amend				
200-0020	200-0025	200-0035	200-0040	204-0300
204-0310	206-0010	208-0110	208-0510	208-0610
209-0080	210-0100	210-0205	210-0225	210-0230
210-0240	210-0250	214-0110	214-0114	214-0130
214-0330	216-0020	216-0025	216-0040	216-0054
216-0056	216-0060	216-0064	216-0066	216-0068
216-0082	216-0084	216-8010	216-8020	218-0020
218-0040	218-0050	218-0080	218-0150	218-0170
218-0180	218-0240	220-0180	222-0020	222-0035
222-0041	222-0042	222-0046	222-0060	224-0010
224-0030	224-0520	224-0530	225-0030	225-0050
225-0070	226-0100	226-0130	226-0140	226-0210
228-0210	232-0030	232-0040	232-0090	232-0160
232-0170	234-0010	234-0210	236-8010	238-0030
238-0040	238-0070	238-0080	244-0040	245-0060
Repeal				
210-0215	222-0040	224-0100		

Statutory Authority - ORS				
468.020	468.065	468A.025	468A.040	468A.050
468A.055	468A.070	468A.135	468A.155	468A.310
468A.337				

Statutes Implemented - ORS				
468.020	468.065	468A.010	468A.015	468A.025
468A.035	468A.040	468A.050	468A.055	468A.070
468A.135	468A.155	468A.310	468A.337	

Divisions 210, 216 and 218 include rules, programs or activities considered land use programs under the DEQ State Agency Coordination Program.

# Fee Analysis

This rulemaking does not involve new fees.

- OAR 340-210-0100(2) contains registration fees and late fees. The proposed change moves these fees to OAR 340-216-8020 Table 2 where all the other fees exist.
- DEQ is proposing to clarify that Title V sources may be subject to some of the ACDP fees in OAR 340-216-8020 Table 2. DEQ currently invoices Title V sources for these fees if they apply for any of the listed activities.
- In addition, DEQ is proposing to remove the OAR 340-216-8020 Table 2, Part 2a because these fees apply through June 30, 2021, and this date has passed.

# Statement of fiscal and economic impact

## Fiscal and Economic Impact

The proposed rule and rule amendments may have fiscal and economic impacts on businesses, state and federal agencies, units of local governments and the public. Fiscal impacts can be positive or negative to those affected. As examples, reducing health costs to the public would be a positive impact, and increasing costs of regulatory compliance for businesses would be a negative impact.

## Statement of cost of compliance

### State agencies

Federal and state agencies hold approximately 30 Air Contaminant Discharge Permits. For state agencies, the cost to comply with the proposed rule changes are similar to costs described under small businesses.

DEQ expects to see an overall increase in workload as a result of the proposed rule changes. DEQ workloads would initially increase as staff become familiar with the proposed rule changes and would level off after the first years of implementation. The following table lists proposed rule changes that would either increase or decrease workload for DEQ staff.

Increase in Workload	Decrease in Workload
Increase in permit modification applications with elimination of Generic PSELS	Clarifications to the Notice of Intent to Construct rules
Increase in permit modification applications needed to ensure the National Ambient Air Quality Standards are protected for smaller increases in emissions	Type 1 NC “notice & go” list of equipment that do not require review
	More complete permit renewal applications
	Simple permits have a permit term of 10 years rather than 5 years
	Provide no expiration date for New Source Review permits that must be incorporated into a Title V Operating Permit
	Expand the use of short-term activity permits for temporary operations in addition to unexpected and emergency activities, providing more flexibility for businesses
	Provide a petition process for additional industrial categories to have general permits, rather than source-specific permits
	Eliminate the work needed to refund the

Increase in Workload	Decrease in Workload
	overpayment of fees based on Generic level PSEs by Title V sources

### Local governments

Local governments hold approximately 57 Air Contaminant Discharge Permits. For local governments, the cost to comply with the proposed rule changes is similar to costs described under small businesses.

### Large businesses - businesses with more than 50 employees

Approximately 974 large businesses hold Air Contaminant Discharge Permits, and 90 large businesses hold Title V operating permits as of May 12, 2022.

#### Clarify and update the Notice of Intent to Construct rules and develop a review process for smaller increases in emissions that includes technology review and modeling requirements.

The proposed rule changes to the Notice of Intent to Construct rules provide a review process for smaller increases in emissions and may cause a delay in permitting. This may require an air quality modeling analysis and a control technology review if the owner or operator does not choose to install presumptive Minor Source Emission Reduction Technology. If this work is not done in house, owners or operators may need to hire consultants to perform this work. Consultant costs can range from \$200/hour to \$300/hour. The extent of consultant services depends on the complexity of the proposed construction. Without detailed information about the proposed construction, DEQ cannot estimate consultant fees but did receive the following information from a Rules Advisory Committee member.

- Air quality modeling analysis:
  - Initial model set-up can range anywhere from \$10,000 to \$25,000, depending on the complexity of the facility and availability of previous modeling performed at the facility, such as existing Cleaner Air Oregon models. These costs are generally attributed to an initial run for all criteria pollutants with ambient air quality standards and any subsequent model would likely cost \$1,000 to \$2,000 per pollutant and model run.
  - Additional costs for modeling protocol and report development should also be accounted for. Modeling protocol development can range from \$5,000 to \$10,000, depending on the complexity. Report development carries an additional \$5,000 to \$10,000 cost, also dependent upon complexity. Any additional communication and follow-up information requested by DEQ could also increase modeling costs for a facility.
  - As noted here, the total costs for performing a single NAAQS analysis can range from \$25,000 to over \$55,000.
- Minor Source Emission Reduction Technology Review
  - An analysis of MSERT is facility dependent, but within a relative range. This type of analysis can cost anywhere from \$10,000 to \$15,000, which does not account for the actual material and installation cost of any control technology.

If the owner or operator has previously completed modeling to demonstrate compliance with the National Ambient Air Quality standards or under OAR chapter 340, division 245, Cleaner Air Oregon, then no additional modeling review fees are required. If the owner or operator has not previously completed modeling, the owner or operator must pay the \$9,000 modeling review fee in OAR 340-216-8020.

The proposed rule changes to the Notice of Intent to Construct rules could both increase and decrease costs for applicants for the following reasons:

- Construction projects that previously qualified as a Type 1 NC may now require Type 2 NC approval. This would result in a \$720 application fee along with a 60-day approval time period, rather than the previous 10-day approval time period for Type 1 NCs. This could cause a delay in permitting.
- The proposed rule changes will be clearer so it will be easier to know when an NC is required or not.
- The proposed rule changes allow for ‘notification only’ of some types of construction so businesses will not have to wait for approval before commencing construction of Type 1 NCs. This would streamline permitting.

Some businesses may be required to install air pollution control devices because of the proposed rule changes to construction approvals or because their emissions may cause exceedances of the National Ambient Air Quality Standards. But DEQ does not have sufficient information to predict the specific costs of new required equipment or the sources that may need to install equipment.

- DEQ cannot anticipate which businesses will submit construction approval applications and what type of construction they propose. DEQ would not have enough detailed information about any specific proposed construction to be able to accurately estimate the cost of pollution control devices. This estimate would be supplied by the manufacturer directly to the business proposing construction.
- Until the ambient air quality analyses are submitted and reviewed, DEQ cannot anticipate which businesses will be required to reduce emissions.

Because of these unknowns, DEQ does not have the information needed to estimate how many businesses may be affected or what actual costs they may incur.

That said, DEQ does have general information about potential costs of pollution control equipment and DEQ has provided an option in the proposed rule changes for sources to performing a technology review by proposing presumptive MSERT in the rules. If an owner or operator chooses to install any of the pollution control technologies identified in the list of presumptive MSERT, then a technology review is not required, thus saving the owner or operator the cost of that body of work.

The proposed rule changes would allow businesses flexibility in choosing a method to reduce emissions through the application of pollution prevention or pollution control equipment. If owners or operators choose to install pollution control equipment, Table 1 below shows what the range of estimated costs could be. Small businesses may also incur

these costs if required to install pollution control equipment. DEQ drew costs from DEQ’s Cleaner Air Oregon rulemaking fiscal impact statement(2018)<sup>1</sup> and DEQ’s Regional Haze rulemaking fiscal impact statement(2021)<sup>2</sup>. The dollars have been adjusted to 2022 dollars.<sup>3</sup>

**Table 1  
Cost of Pollution Control Equipment Installation and Maintenance**

Control Device Type	Types of Pollutants Reduced	Types of Facilities Controlled	Initial Costs <sup>4, 5</sup>	Annual Operating Costs
			low – high	low – high
Fabric filter (baghouse)	PM, HAP PM	Asphalt batch plants, concrete batch kilns, steel mills, foundries, fertilizer plants, and other industrial processes, glass furnaces	\$410,400 - \$21,090,000	\$205,200 - \$7,068,000
Electrostatic precipitator (ESP)	PM, HAP PM	Power plants, steel and paper mills, smelters, cement plants, oil refineries	\$364,800 - \$11,400,000	\$114,000 - \$8,664,000
Catalytic Ceramic Filters (CCF)	NO <sub>x</sub> , PM, SO <sub>2</sub>	Glass furnaces	Approximately \$5,300 per ton of pollutant removed	
Enclosure	Fugitive PM or VOCs	Any process or operation where emissions capture is required, i.e., printing, coating, laminating	\$15,960 - \$478,800	\$456 - \$11,400
HEPA filter	Chrome emissions	Chrome plating	\$14,820 - \$273,600	Application specific
Wet scrubber (packed towers, spray chambers, Venturi scrubbers)	Gases, vapors, sulfur oxides, corrosive acidic or basic gas streams, solid particles, liquid droplets	Asphalt and concrete batch plants; facilities that emit sulfur oxides, hydrogen sulfide, hydrogen chloride, ammonia, and other gases that can be absorbed into water and neutralized with the appropriate reagent	\$28,500 - \$855,000	\$21,660 - \$946,200

<sup>1</sup> <https://www.oregon.gov/deq/rulemaking/Documents/AQPermits2022CAOfis.pdf>

<sup>2</sup> <https://www.oregon.gov/deq/rulemaking/Documents/AQPermits2022RHfis.pdf>

<sup>3</sup> Inflation Calculator | Find US Dollar's Value from 1913-2022 (usinflationcalculator.com)

<sup>4</sup> Costs are from examples in the EPA Air Pollution Control Cost Manual, Report No. 452/B-02-001, EPA Air Pollution Control Technology Fact Sheets, and information provided by permitted facilities and regulatory agencies.

<sup>5</sup> Costs are estimated based on best available information, but may be higher or lower than shown, depending on facility-specific conditions and business decisions.

**Table 1  
Cost of Pollution Control Equipment Installation and Maintenance**

Control Device Type	Types of Pollutants Reduced	Types of Facilities Controlled	Initial Costs <sup>4, 5</sup>	Annual Operating Costs
			low – high	low – high
Low NO <sub>x</sub> Burner (LNB)	NO <sub>x</sub>	Combustion of natural gas	\$10,600 – \$47,700 per MMBtu/hour of equipment capacity	\$1,060 – \$5,300/year, per MMBtu/hour of equipment capacity
Selective Catalytic Reduction (SCR)	NO <sub>x</sub>	Combustion	\$3,180,000 - \$31,800,000	\$106,000 - \$4,240,000 /year
Selective Non-Catalytic Reduction (SNCR)	NO <sub>x</sub>	Combustion	\$1,060,000 - \$6,360,000	\$53,000 - \$530,000/year
Low Emission Combustion (LEC)	NO <sub>x</sub>	Reciprocating natural gas compressor engines	\$2,120,000 - \$5,300,000 per engine	\$2,120 – \$318,000/year per engine
Ultra Low Sulfur Diesel Fuel (ULSD)	SO <sub>2</sub>	Equipment formerly using high-sulfur #6 Fuel Oil as backup	No additional cost. No additional changes to site.	
Thermal oxidizer	VOCs, gases, fumes, hazardous organics, odors, PM	Landfills, crematories, inks from graphic arts production and printing, can and coil plants, hazardous waste disposal, semiconductor manufacturing	\$19,380 - \$7,068,000	\$3,990 - \$5,928,000
Regenerative thermal oxidizer	VOCs	Paint booths, printers, paper mills, municipal waste treatment facilities	\$1,071,600 - \$8,778,000	\$125,400 - \$627,000
Catalytic reactor	VOCs, gases	Landfills, oil refineries, printing or paint shops	\$23,940 - \$7,068,000	\$4,446 - \$1,938,000
Carbon adsorber	Vapor-phase VOCs, hazardous air	Soil remediation facilities, oil refineries, steel mills, printers, wastewater treatment plants	\$410,400 - \$2,850,000	Not available

**Table 1  
Cost of Pollution Control Equipment Installation and Maintenance**

Control Device Type	Types of Pollutants Reduced	Types of Facilities Controlled	Initial Costs <sup>4, 5</sup>	Annual Operating Costs
			low – high	low – high
	pollutants (HAPs)			
Biofilter	VOCs, odors, hydrogen sulfide (H <sub>2</sub> S), mercaptans (organic sulfides)	Wastewater treatment plants, wood products facilities, industrial processes	\$410,4000 - \$4,104,000	Not available
Fume suppressants	Chromic acid mist, chromium, cadmium and other plating metals	Chromic acid anodizing, chrome plating operations	Up to \$139,080	Not available

DEQ acknowledges that some, though not all, pollution controls will increase a facility's energy use and energy costs. Pollution controls that rely on the combustion of natural gas (e.g., thermal oxidizer) will increase emissions of some air pollutants while reducing VOC emissions. DEQ would expect energy use and cost to vary depending on several facility-specific and control-specific characteristics. Even if additional heat is required, in some cases, that could be supplied by waste heat, not requiring more energy use.

As an alternative to or in addition to the controls above, facilities may be able to use pollution prevention to reduce emissions. In EPA's and DEQ's hierarchy of pollution management strategies (acceptable ways to reduce pollution), pollution prevention, also known as source reduction, is preferred over the addition of pollution controls and treatment whenever feasible (see Pollution Prevention Act of 1990, <https://www.epa.gov/p2/pollution-prevention-act-1990>).<sup>6</sup> Pollution prevention has been implemented successfully for cleaning operations (e.g., metal parts), coating and painting (e.g., marine anti-fouling, wood preservation), lubricants and process fluids (e.g., loss lubrication, mold release agents), and dry cleaning of clothes. In evaluating the costs of pollution prevention, DEQ considers not

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<sup>6</sup> Pollution prevention is generally preferred because it results in less pollution to control, treat, or dispose of. Pollution controls can generate wastes or contaminated equipment that require end-of-life management. Reducing pollution at the source means fewer hazards posed to the public and the environment. In addition, pollution controls can fail, and toxic substances can be used in unintended ways. Reducing the use of those toxic substances at the source avoids those potential risks.

only the cost of replacing one production method with another, but also capital costs, energy differences, labor costs, waste disposal and quality control considerations. In many instances involving both large and small businesses, DEQ has found that pollution prevention can decrease costs for a facility owner, rather than increase them. Short-term investments in pollution prevention measures can result in savings that may pay for the initial investments over time.

### **Elimination of Generic Plant Site Emission Limits**

If a source must apply for a permit modification for an increase in their Plant Site Emission Limits because PSELs at the generic levels are no longer available, permit modification fees would be charged. The level of the fee would depend on the level of the emissions increase. The permit modification fees for Title V sources are:

- Simple — \$2,041
- Moderate — \$15,306
- Complex — \$30,612

DEQ received 19 requests from sources permitted on Standard ACDPs that have asked for PSEL increases since 2000 to May 16, 2022. This number does not reflect the sources that are permitted on Simple ACDPs that may need to request a PSEL increase in the future if Generic PSELs are eliminated but is an indicator that requests for PSEL increases by Standard permittees are rare.

### **Eliminate operation without pollution control devices for 48-hours**

A business will not be allowed to operate without their air pollution control device for 48 hours under the proposed rule changes to the excess emission rules so may have to shut down operation if they cannot curtail the excess emissions. During the shutdown, the business may be required to curtail production, so it could potentially lose money from loss of production. The proposed rule changes allow continued operation if procedures to minimize excess emissions are approved in writing, in advance, by DEQ.

### **Expanded use of Short-Term Activity Permits**

The expanded use of short-term activity permits for temporary operations will increase fees for permittees who apply for these types of permits, but it will also provide flexibility that is not available now. The Short-Term Activity ACDP initial permitting fee is \$4,500.

### **Provide no expiration date for New Source Review permits that must be incorporated into a Title V permit**

No expiration date for New Source Review permits that must be incorporated into Title V permits will eliminate the time and expense for businesses so they do not have to reapply for the same permit. The proposed rule change will also save DEQ resources from having to reissue the permit.

### **Clarify reinstatement procedures for owners or operators whose permits have been terminated because of a late permit renewal application or late payment of fees**

Permittees who do not renew their permits on time and whose permit has been terminated will be required to pay a late application fee equivalent to the new permit application fee

that would apply if the source was a new source. Current rules allow reinstatement if the permittee submits a renewal application within 90 days of expiration date. The proposed rules require a complete application no later than 30 days after permit expiration, rather than 90 days. This may have a fiscal impact on permittees that do not renew on time but also allows them to operate under their expired permit rather than requiring the business to shut down or pay daily civil penalties for operating without a permit.

### **Provide flexibility for Exempt Toxics Emissions Units under Cleaner Air Oregon**

The flexibility when determining if activities at a source may be considered Exempt Toxics Emissions Units under the Cleaner Air Oregon program based on their anticipated contribution to source risk may result in a reduction in monitoring and recordkeeping requirements for sources under the CAO program. This will reduce costs for businesses regulated under CAO.

## **Small businesses - businesses with 50 or fewer employees**

DEQ estimated that there were 942 small businesses with air quality permits as of February 4, 2022. There were an additional 514 facilities with air quality permits that did not list the number of employees they have but would presumably fall into businesses with fewer than 50 employees based on types of business (e.g., gasoline stations and dry cleaners). Generally, facilities with less complex permits experience a smaller economic impact than larger facilities with more complex permits. In addition to the fiscal and economic impact described in the large business section above, the proposed rule changes could have the following impacts on small businesses.

The proposed rule changes should decrease costs for small businesses on Basic, General or Simple ACDPs for the following reasons:

- **Extending permit terms for Simple permits.** Owners or operators of these businesses will not have to prepare permit renewal applications as often because of the proposal to extend permit terms for Simple permits from 5 years to 10 years.
- **Provide a petition process to add new industrial categories for general permits.** An owner or operator can petition DEQ to develop a General ACDP if there are businesses that will qualify. Fees for General ACDPs are much less than for Simple ACDPs.

### **Elimination of Generic Plant Site Emission Limits**

Permitting businesses on source specific Plant Site Emission Limits rather than Generic PSELs may require more permit modifications. Currently, there are 150 sources that are on Simple permits that contain Generic PSELs. If the owner or operator chooses to be permitted at its capacity to emit, a physical modification would be required to increase the capacity to emit. Current rules require the owner or operator to obtain approval of that physical modification to install equipment but may or may not require a permit modification. Under the proposed rule changes, the owner or operator would need to apply and pay for a permit modification. In addition, if the owner or operator is requesting an increase in their Plant

Site Emission Limits because Generic PSELs are no longer available, permit modification fees would be charged. The level of the fee would depend on the level of the emissions increase. The permit modification fees for ACDP sources are contained in OAR 340-216-8020 Table 2, Part 4 and included below.

Actual emissions from most sources on Simple permits are a small percentage of the Generic PSELs. If the owner or operator chooses to be permitted at its capacity, DEQ does not anticipate that many sources will be required to submit permit modifications to increase their emissions.

**Changing Permit Type**

Sources that are required or request to switch permit type may have to pay the initial permitting fees that are contained in OAR 340-216-8020 Table 2, Part 1. The fee depends on the existing permit type and the type of permit that the source is switching to. The permit hierarchy from low to high is: Basic, General, Simple, Standard, and Title V. Sources that switch to a higher-level permit will be charged the full application fee. Sources changing from a Title V permit to a Standard or Simple permit will also be charged the full application fee. Sources that change from a higher fee level permit to a lower fee level permit, that switch from a Title V permit to a General or Basic permit, or that switch from a Basic permit to a General permit are not required to pay an initial application fee. Annual fees will be adjusted during annual invoicing.

For either a permit modification application or an application for a new type of permit, the source may need to hire a consultant at a rate of \$200/hour to \$300/hour to prepare the application, incurring further fees. The largest fee increase would be for a source on a General permit required to obtain a Simple or Standard permit. There is much more detail in a Simple or Standard permit that would require more work to prepare the application.

 <p><b>OAR 340-216-8020</b>  <b>Table 2</b>  <b>Air Contaminant Discharge</b>  <b>Permits</b></p>	
<b>Part 1. Initial Permitting Application Fees: (in addition to first annual fee)</b>	
Short Term Activity ACDP	\$4,500.00
Basic ACDP	\$180.00
Assignment to General ACDP <sup>1</sup>	\$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



**OAR 340-216-8020**  
**Table 2**  
**Air Contaminant Discharge**  
**Permits**

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.

**Part 4. Specific Activity Fees:**

Notice of Intent to Construct Type 2 <sup>1</sup>		\$720.00
Permit Modification	(A) Non-Technical <sup>2</sup>	\$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
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
Public Hearing at Source's Request		\$3,600.00
<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.<sup>7</sup></p> <p>3. 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>		

<sup>7</sup> The footnote for gasoline dispensing facilities will be deleted. Under the transition to the Environmental Data Management System (called Your DEQ Online), it cannot accommodate partial air quality fees going to another program (underground storage tanks) so this footnote must be removed.

## **ORS 183.336 - Cost of Compliance for Small Businesses**

### **a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.**

Based on existing permittee's self-reporting on the number of employees, these proposed rules could affect approximately 931 small businesses.

- Basic ACDP: 140
- General ACDP: 724
- Simple ACDP: 48
- Standard ACDP: 19

These businesses include asphalt plants, auto body shops, chromium electroplaters, grain elevators, lumber mills, metal fabricators, metal foundries, and surface coaters.

### **b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule**

The proposed rule changes may affect reporting, recordkeeping and other administrative activities if these businesses were required to apply for permit modifications. There would be fewer administrative activities if the small business did not have to renew their permit as often, but the same amount of reporting and recordkeeping would be required to verify compliance with the permit. In addition, owners or operators of these businesses will not be required to submit paper copies of applications, which would be a cost savings.

### **c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule**

Equipment costs may increase if a business is required to install pollution control equipment. Depending on the size and nature of a small business's operation, pollution control costs could be much less than, or in some cases the same as, the cost ranges for different types of pollution control equipment found in Table 1 above.

### **Mitigation measures for small businesses**

Mitigation measures include:

- Extending permit terms for Simple permits, so small businesses with these types of permits will not need to expend the time to file permit renewal applications as often;
- Permitting small businesses at their capacity to emit to minimize the number of permit modifications that may be required;
- Offering technical assistance to small businesses if they are required to perform ambient air quality analyses so they do not have to pay consultant fees;
- Including a list of pollution control equipment that would be Minor Source Emission Reduction Technology rather than requiring the small business to do a Minor source Emission Reduction Technology analysis; and
- Providing more types of General permits if small businesses are of the same industry type.

#### **d. How DEQ involved small businesses in developing this proposed rule**

DEQ notified small businesses during rule development by GovDelivery, announcements on the DEQ website, and through advisory committee meetings. Small business representatives were on the Rules Advisory Committee during rule development. At the onset of the public comment period, DEQ notified small businesses by GovDelivery and notices in the Secretary of State Bulletin.

### **Impacts on the public**

The rulemaking does not impose any mandatory requirements for the public at large and, accordingly, does not impose any direct compliance costs on the public. DEQ addresses the potential for the proposed rule changes to increase the cost of building materials in the Housing Cost section of this document.

### **Positive impacts on the public**

#### **Elimination of Generic Plant Site Emission Limits.**

Permitting sources at capacity or potential to emit, rather than assigning sources Generic PSELs:

- Creates permits that more accurately reflect actual emissions;
- Avoids over-allocation of air resources;
- Provides transparency for communities; and
- Allows more opportunities to review air quality modeling of emission increases to ensure compliance with short-term National Ambient Air Quality Standards for some permit modifications.

Studies consistently find that air pollution has substantial negative impacts on the U.S. economy. For example, a 2019 study found that air pollution costs the United States about 5% of its gross domestic product.<sup>8</sup> It also found that, while air pollution overall is on the decline, the cost of air pollution from the manufacturing sector—which includes Oregon stationary sources affected by the proposed rule changes—remains high, costing the U.S. nearly \$100 billion in 2014.<sup>9</sup>

The public could experience health benefits for the following reasons:

- An air pollution control device that may be required by the proposed changes to the Notice of Intent to Construct rules would reduce air pollution.
- Air pollution will be reduced because a business will not be allowed to operate without operation of their air pollution control device for 48 hours under the proposed rule changes to the excess emission rules.

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<sup>8</sup> Ellis Robinson, *How Much Does Air Pollution Cost the U.S.?* Stanford Earth Matters (Sept. 19, 2019), <https://earth.stanford.edu/news/how-much-does-air-pollution-cost-us#gs.zh6ypm> (citing Tschofen, Azevedo, and Muller, *Fine Particulate Matter Damages and Value Added in the U.S. Economy*, Proceedings of the National Academy of Sciences (Sept. 9, 2019), <https://doi.org/10.1073/pnas.1905030116>).

<sup>9</sup> *Id.*

DEQ expects the proposed rule changes to have indirect, broad and positive fiscal effects on the public, particularly people living or working near regulated facilities, through community health improvement and reduced health care costs if these facilities will be required to reduce emissions. Table 2 below ([Health Effects « CAPCOA – California Air Pollution Control Officers Association](#)) shows the health effects from criteria pollutants emissions that may be reduced as a result of this rulemaking.

**Table 2 CRITERIA AIR POLLUTANTS**

Pollutant	Major Man-Made Sources	Human Health & Welfare Effects	Control Methods
<p><b>Particulate Matter</b> Airborne solid particle and liquid particles grouped into 2 categories</p> <p>“Coarse Particles” from 2.5 to 10 microns in diameter</p> <p>“Fine Particles” smaller than 2.5 microns in diameter</p>	<p>Power plants, steel mills, chemical plants, unpaved roads and parking lots, wood-burning stoves and fireplaces, automobiles and others.</p>	<p>Can get deep into your lungs or even enter your blood stream, and cause serious health problems; Increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing; aggravated asthma; development of chronic bronchitis; irregular heartbeat; nonfatal heart attacks; and premature death in people with heart or lung disease. Impairs visibility (haze).</p>	<p>Pollution control equipment and reduction of fuel combustion</p>
⋮			
<p><b>Ozone (Smog) A</b> colorless or bluish gas</p>	<p>Formed by a chemical reaction between volatile organic compounds (VOC) and nitrous oxides (NO<sub>x</sub>) in the presence of sunlight. Motor vehicle exhaust industrial emissions, gasoline storage and transport, solvents, paints and landfills.</p>	<p>Irritates and causes inflammation of the mucous membranes and lung airways; causes wheezing, coughing and pain when inhaling deeply; decreases lung capacity; aggravates lung and heart problems. Damages plants; reduces crop yield. Damages rubber, some textiles and dyes.</p>	<p>Pollution control equipment; reducing NO<sub>x</sub> emissions from power plants and industrial combustion sources; introducing low-emission cars and trucks; using “cleaner” gasoline; use of low-VOC solvents.</p>
⋮			
<p><b>Sulfur Dioxide A</b> colorless, nonflammable gas</p>	<p>Formed when fuel containing sulfur, such as coal and oil, is burned; when gasoline is extracted from oil; or when metal is extracted from ore. Examples are petroleum refineries, cement manufacturing, metal processing facilities, locomotives, large ships, and fuel combustion in diesel engines.</p>	<p>Respiratory irritant. Aggravates lung and heart problems. In the presence of moisture and oxygen, sulfur dioxide converts to sulfuric acid which can damage marble, iron and steel; damage crops and natural vegetation. Impairs visibility. Precursor to acid rain.</p>	<p>Use of low-sulfur fuels, energy conservation (reduces power plant emissions), and pollution control equipment. Ultra Low Sulfur Diesel is being phased in during 2006 and will be mandatory in 2007.</p>
⋮			
<p><b>Carbon Monoxide A</b> odorless, colorless gas.</p>	<p>Formed when carbon in fuel is not burned completely; a component of motor vehicle exhaust.</p>	<p>Reduces the ability of blood to deliver oxygen to vital tissues, affecting the cardiovascular and nervous system. Impairs vision, causes dizziness, and can lead to unconsciousness or death.</p>	<p>Transportation planning, vehicle emission testing and reduction, efficient combustion techniques, and energy conservation.</p>

Pollutant	Major Man-Made Sources	Human Health & Welfare Effects	Control Methods
<b>Nitrogen Dioxide</b> A reddish-brown gas	Fuel combustion in motor vehicles and industrial sources. Motor vehicles; electric utilities, and other sources that burn fuel.	Respiratory irritant; aggravates lung and heart problems. Precursor to ozone and acid rain. Contributes to global warming, and nutrient overloading which deteriorates water quality. Causes brown discoloration of the atmosphere.	Exhaust gas recirculation in motor vehicles; reduction of combustion temperatures in industrial sources; energy conservation pollution control equipment.

Decades of research have shown that air pollutants such as ozone and particulate matter increase the amount and seriousness of lung and heart disease and other health problems. More investigation is needed to further understand the role poor air quality plays in causing detrimental effects to health and increased disease, especially in vulnerable populations. Children, the elderly, and people living in areas with high levels of air pollution are especially susceptible. ([Research on Health Effects from Air Pollution | US EPA](#))

DEQ is not aware of calculated public health costs saved from this rulemaking but refers to information available through the Oregon Health Authority that estimates the health burden costs from diseases exacerbated by air pollution (Table 3). According to OHA 2017 data and analysis, lower respiratory disease is the fifth leading cause of death for Oregonians.<sup>10</sup> A comprehensive 2002 study assessed the contribution of pollution to disease and found that 10-30% of asthma is attributable to outdoor air pollution (including both industrial and non-industrial sources). In the early 2000s, the yearly fraction of asthma cases that could be attributed to environmental factors cost the US between \$0.7 and \$2.3 billion. These cost estimates account for direct medical costs and lost productivity due to asthma-related premature deaths.<sup>11</sup>

Health Outcome	Description	Hospitalization Costs in Oregon	Emergency Department Visits in Oregon
Asthma	Estimates for adults and children	\$7 million	\$10 million

<sup>10</sup> <https://www.oregon.gov/OHA/PH/ABOUT/Documents/indicators/leadingcausesofdeath.pdf>

<sup>11</sup> Landrigan PJ, Schechter CB, Lipton JM, Fahs MC, Schwartz J. Environmental pollutants and disease in American children: estimates of morbidity, mortality, and costs for lead poisoning, asthma, cancer, and developmental disabilities. *Environ Health Perspect.* 2002 Jul;110(7):721-8.

<sup>12</sup> <https://www.oregon.gov/oha/PH/DISEASES/CONDITIONS/CHRONICDISEASE/DATAREPORTS/Pages/Healthcare.aspx>. OHA Chronic Health Disease Data includes only hospitalization costs and emergency department visit costs.

Cardiovascular disease	Estimates for adults only - hypertension, stroke, coronary heart disease, congestive heart failure, other	\$971 million	\$101 million
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**Information needed to quantify economic impact of health improvements**

Oregon currently lacks the data necessary to quantify total potential health cost savings from environmental rules because of the lack of information about how many people are exposed to specific concentrations of industrial and commercial air contaminant emissions and the relative actual contribution of air contaminants to disease. Just as a lack of information about individual facility impacts and emission reduction outcomes prevent DEQ from quantifying specific fiscal impacts to businesses, a lack of health information also prevents DEQ from quantifying specific positive fiscal impacts from potential emission reductions. The health impact of reducing emissions depends on the specific chemicals that are being reduced, the health risks those chemicals influence, the relationship between exposure and health, and the extent to which emissions are reduced. Defining the economic impact of improved health further requires knowledge of the portion of cases that are related to air contaminant exposures, prevalence of health outcomes in the state, and the cost of medical treatment for each case.

**Negative impacts on the public**

The proposed rule changes could have negative economic effects on the public if facilities providing jobs and contributing to local economies were to curtail production or close in response to regulatory requirements. DEQ recognizes that employment plays a key role in public health, and that negative economic impacts through job loss could occur despite proposed mitigation measures to allow business flexibility and decrease the chances of business closures or employee layoffs in direct response to regulations.

The proposed rule changes could affect the public directly if businesses change the price of goods and services to offset any increased or decreased costs to comply with the proposed rule changes. DEQ expects any such price increases to be small but lacks available information to estimate potential increases accurately.

**Impacts on the environmental services sector**

The direct cost of complying with regulations can result in increased employment in the environmental services sector. For example, an environmental regulation could mean more jobs for those engaged in environmental consulting and pollution abatement. Further, it is possible that regulations may produce more labor-intensive production processes. Studies of national air quality regulations have shown positive effects on overall economic health. The Clean Air Act’s public health safeguards encourage technology investments that can have positive economic effects on the public.

**General impacts to businesses from environmental regulations**

Although in the short-term, new environmental regulations can have some positive and

negative impacts on employment in different sectors, studies indicate that those impacts are limited and that the overall effect of environmental regulations on reported job shift events are extremely minor compared to other factors, such as overall economic growth, business cycles, and changes in technology.<sup>13</sup>

A peer-reviewed study by economists at Resources for the Future, a nonpartisan Washington, D.C. think tank, examined the impact of environmental compliance costs on employment in four regulated industries (pulp and paper, refining, iron and steel, and plastics). They concluded that increased environmental spending generally does not cause a significant change in employment.<sup>14</sup> Another peer-reviewed study published in the Journal of Public Economics found no evidence that stringent local air quality regulation substantially reduced employment in the Los Angeles basin over a 13-year period of “sharply increased” regulation.

## Documents relied on for fiscal and economic impact

Document title	Document location
DEQ TRAACS air quality database reports	DEQ Headquarters Office 700 NE Multnomah St. Suite 600 Portland, OR 97232
DEQ Fiscal Impact Statement, Cleaner Air Oregon Rulemaking	<a href="https://www.oregon.gov/deq/rulemaking/Documents/AQPermits2022CAOfis.pdf">https://www.oregon.gov/deq/rulemaking/Documents/AQPermits2022CAOfis.pdf</a>
DEQ Fiscal Impact Statement, Regional Haze Rulemaking	<a href="https://www.oregon.gov/deq/rulemaking/Documents/AQPermits2022RHfis.pdf">https://www.oregon.gov/deq/rulemaking/Documents/AQPermits2022RHfis.pdf</a>
<a href="#">Health Effects « CAPCOA – California Air Pollution Control Officers Association</a>	<a href="http://www.capcoa.org/health-effects/#:~:text=Health%20Effects%20%20%20Pollutant%20%20%20Symbol,and%20reductio%20...%20%208%20more%20rows%20">http://www.capcoa.org/health-effects/#:~:text=Health%20Effects%20%20%20Pollutant%20%20%20Symbol,and%20reductio%20...%20%208%20more%20rows%20</a>
Research on Health Effects from Air Pollution	<a href="https://www.epa.gov/air-research/research-health-effects-air-pollution">https://www.epa.gov/air-research/research-health-effects-air-pollution</a>
Oregon Health Authority. Leading Causes of Death.	<a href="https://www.oregon.gov/OHA/PH/ABOUT/Documents/indicators/leadingcausesofdeath.pdf">https://www.oregon.gov/OHA/PH/ABOUT/Documents/indicators/leadingcausesofdeath.pdf</a>
Environmental pollutants and disease in American children: estimates of morbidity, mortality, and costs for lead poisoning, asthma, cancer, and developmental disabilities. Landrigan PJ, Schechter CB, Lipton JM, Fahs MC, Schwartz J.	J. Environ Health Perspect. 2002 July; 110(7):721-8.
OHA Chronic Health Disease Data	<a href="https://www.oregon.gov/oha/PH/DISEASESCONDITIONS/CHRONICDISEASE/DATAREPORTS/Pages/Healthcare.aspx">https://www.oregon.gov/oha/PH/DISEASESCONDITIONS/CHRONICDISEASE/DATAREPORTS/Pages/Healthcare.aspx</a> .

<sup>13</sup> [http://econweb.ucsd.edu/~elib/berman\\_bui2001](http://econweb.ucsd.edu/~elib/berman_bui2001)

<sup>14</sup> [https://www.epa.gov/clean-air-act-overview/clean-air-act-and-economy#\\_edn10](https://www.epa.gov/clean-air-act-overview/clean-air-act-and-economy#_edn10)

Document title	Document location
Environmental regulation and labor demand: evidence from the South Coast Air Basin. Eli Berman, Linda T.M. Bui	<a href="https://purl.org/ucdr/p00101-2">PII: S0047-2727(99)00101-2 (ucsd.edu)</a>
Morgenstern, R. D., W. A. Pizer, and J. S. Shih. 2002, Jobs versus the Environment: An Industry-Level Perspective.	Journal of Environmental Economics and Management 43(3):412-436.
Ellis Robinson, <i>How Much Does Air Pollution Cost the U.S.?</i>	Stanford Earth Matters (Sept. 19, 2019) <a href="https://earth.stanford.edu/news/how-much-does-air-pollution-cost-us#gs.zh6ypm">https://earth.stanford.edu/news/how-much-does-air-pollution-cost-us#gs.zh6ypm</a>
Tschofen, Azevedo, and Muller, <i>Fine Particulate Matter Damages and Value Added in the U.S. Economy</i>	Proceedings of the National Academy of Sciences (Sept. 9, 2019) <a href="https://doi.org/10.1073/pnas.1905030116">https://doi.org/10.1073/pnas.1905030116</a> .
Meltzer, Parker, Lewis & DiNatal, University of Oregon, 2016. <i>Cost Components of Housing</i> .	<a href="https://www.oregon.gov/lcd/UP/Documents/UO-Cost_Components.pdf">https://www.oregon.gov/lcd/UP/Documents/UO-Cost_Components.pdf</a>

## Advisory committee fiscal review

DEQ appointed an advisory committee for both the rulemaking and the fiscal impact statement. The advisory committee met on May 2, 2022, to discuss the fiscal impact statement. DEQ made changes to the fiscal impact statement based on their comments.

### As ORS 183.335 requires, DEQ asked for the committee's recommendations on:

- Whether the proposed rule changes would have a fiscal impact:
  - Most of the RAC members agreed that the rules would have a fiscal impact. Non-industry representatives shared they did not feel qualified or in the best position to assess or communicate from an industry perspective on cost impacts to businesses.
  - A member noted there would be significant fiscal impact to both small and large businesses.
  - Many members agreed that a positive fiscal impact would be reduced emissions and subsequent improved public health benefits to impacted communities.
  - A member commented for current small businesses that have a general or simple permit, replacing the Generic Plant Site Emission Limits (PSELs) with Capacity to Emit (CTE) may cause them to submit a new permit application for a permit to do modeling and Best Available Technology<sup>15</sup> (BAT) analysis they did not need. The member expressed concern around the removal of Generic PSELs and the possible significant costs to businesses. The member requested DEQ to look more closely at the impacts to small businesses.

<sup>15</sup> During Rules Advisory Committee meetings, Best Available Technology (BAT) was discussed. DEQ has changed that concept to Minor Source Emission Reduction Technology (MSERT).

- Another member emphasized the fiscal assessment does not fully consider the increase to costs it would take to maintain a permit issuance service level. In addition to offering modeling support for small businesses, DEQ may have increased permit writing work from the increased number of permit modifications and setting site specific PSELs for all the permits. They added that getting rid of Generic PSELs will require more work on a permit-to-permit basis and there will be a lot of back and forth between the source and permit writers. The member concluded by noting how important it is for DEQ to anticipate how much time this will take of technical permit staff.
- A member commented DEQ is not prohibited from assessing the financial benefits of improving air quality for the good of public health. They added the benefit of removing Generic PSELs is to bring specificity in, and both DEQ and sources need to work with the costs associated with the goal of air regulation, which is to improve the quality of air.
- A member noted the permit application will now include a NAAQS and BAT analysis and questioned whether the permit application fee includes these additional costs. They emphasized that it can be costly for businesses to hire on consultants to conduct analysis.
- The extent of the fiscal impact:
  - A member noted there would be significant impact on small businesses whether its due to the cost of consulting, preparing applications, fees, or BAT analysis.
  - Another member commented that anything that changes the amount of pollution will have a fiscal impact. They added the impact on public health is a huge cost to taxpayers, yet the fiscal impact spends more time looking at the costs of changes to the regulated sources. They suggested DEQ have better data on these costs. The members shared the rules are an important precursor to reducing emissions, however, they wish the rules went further to guarantee reduced emissions.
  - A RAC member commented there would be substantial impact to both small and large businesses. One major fiscal impact is the rules will delay costs because of the significant additional time required to go through basic permitting efforts. Sources may question expanding its workforce in Oregon and to increase production elsewhere. The member noted the best indicator of the health of a community is the state of the manufacturing sector, which will be directly impacted with these changes.
  - A member remarked this rulemaking will create a more transparent and health-protective permitting system in Oregon. The member added there most likely will be a learning curve and adjustment period, and this transitory phase of a new system can require more work and time.
  - Another RAC member emphasized they do not view this as a small rulemaking, nor will the fiscal impact be minor.
  - A member noted these changes have been decades in the making and they anticipate a large fiscal impact.
- Whether the proposed rule changes would have a significant adverse impact on small

businesses; if so, then how DEQ can comply with ORS 183.540 to reduce that impact:

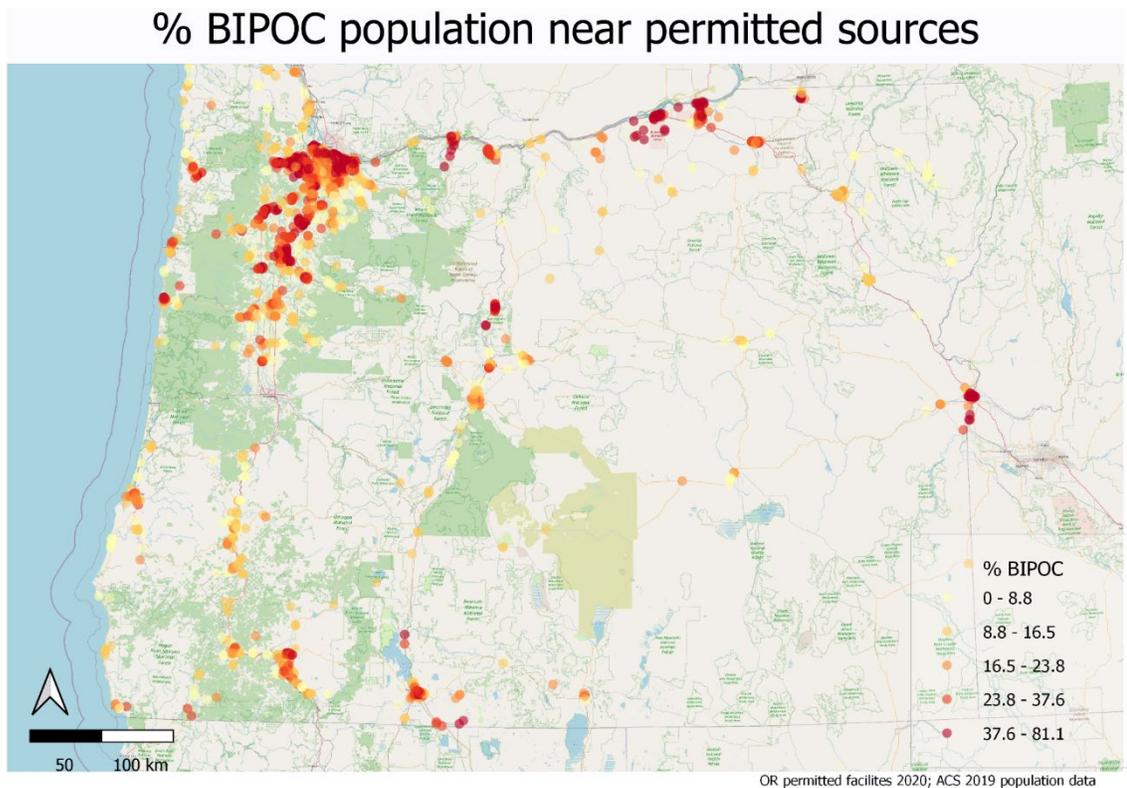
- Several RAC members opted out in providing a response to this question.
- Some members agreed that the rules do have the potential to have significant adverse impact on both small and large businesses.
- A member shared one way adverse impact can be mitigated is for DEQ to clarify when modification and fees will be applied and in what circumstances.
- Another member commented that few things can be done to mitigate for adverse impacts. They agreed DEQ must be clear on the fees not charged to small businesses, so they don't get charged modeling fees or BAT assessment fees.
- A couple of members agreed one way to mitigate adverse impact is to not have BAT analysis apply to a small source whose emissions are less than the Significant Emission Rate. If the small sources are required to do a BAT analysis, provide them with additional time to complete this task
- Regarding how to mitigate adverse impacts, a member shared modeling support from DEQ can go a long way in terms of costs for small businesses.

# Impacts on racial equity

As required under HB 2993, Section 2, DEQ expects this proposed rulemaking to favorably impact racial equity: the fair, just and unbiased treatment of people of different races, and environmental justice in Oregon. Adoption of the proposed rulemaking will impact racial equity and environmental justice by providing more precise permit limits that more accurately reflect facility operation, rather than generic limits, giving the public more exact information. The proposed rulemaking could also potentially require emission reductions in all areas of the state, including those identified as having vulnerable populations because of the requirement to perform a technology review analysis and air quality modeling analysis.

Because DEQ does not know which sources may be required to install pollution control devices, DEQ cannot identify whether members of any racial groups living nearby are likely to be most concerned and affected by the issues addressed in the rule. As mentioned above, shut down of a business that cannot afford to comply with the proposed rules would be an unintended adverse consequence on racial equity if Black, Indigenous, and People of Color worked for that business. Conversely, decreased emissions of pollutants from facilities in proximity to such communities would be a positive consequence on racial equity.

The following map shows areas in the state where air quality permitted sources are located near populations of people who are Black, Indigenous, and People of Color.



This proposed rulemaking is not expected to impact one group of people differently than

others because potential emission reductions could be realized anywhere in the state, depending on the business and its emissions.

## Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rule changes would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel. A memorandum<sup>16</sup> pertaining to a study conducted by the University of Oregon to support Oregon Department of Land Conservation and Development rulemaking describes the major factors influencing the cost of residential housing construction. Cost components include land, material and labor and regulatory costs such as permits, compliance with zoning requirements and system development charges.

DEQ acknowledges the proposed rule changes have the potential to affect housing development costs because some of the large businesses regulated by the proposed rule changes are in the lumber products industry or otherwise produce building materials. DEQ would not expect any increase in regulatory compliance costs for the lumber or building materials industry, over current compliance costs, to be significant enough to affect the cost of building materials. DEQ does not expect the proposed rule changes to have any effect on the major cost components of residential construction such as cost of land, labor, or permitting or zoning regulations.

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<sup>16</sup> University of Oregon, 2016. Cost Components of Housing. [https://www.oregon.gov/lcd/UP/Documents/UO-Cost\\_Components.pdf](https://www.oregon.gov/lcd/UP/Documents/UO-Cost_Components.pdf) accessed on 05/07/21.

# Federal relationship

[ORS 183.332](#), [ORS 468A.327](#) and [OAR 340-011-0029](#) require DEQ to attempt to adopt rules that correspond with existing equivalent federal laws and rules unless there are reasons not to do so. This section complies with those statutes and rules to clearly identify the relationship between the proposed rule changes and applicable federal requirements.

The following proposed rules would adopt federal requirements.

- Add a 1-bromopropane (1-BP) to the state list of Hazardous Air Pollutants to make it consistent with its listing under Section 112 of the Clean Air Act, as recently added by the EPA.

The following proposed rule changes are not different from or in addition to federal requirements.

- Clarify DEQ’s ability to require and use modeling in addition to monitoring (by DEQ or sources) for NAAQS exceedance verification.
- Clarify that permittees must comply with all conditions in their permit.
- Require more complete applications at permit renewal to ensure DEQ staff have sufficient information to process the renewal applications.
- Require additional information to be submitted by a date certain with an opportunity to request more time if needed rather than allowing 90 days for all submittals.
- Require that sources must construct or modify in accordance with approved plans submitted with their applications.
- Provide a petition process to allow requests that additional industrial categories be approved to have general permits, rather than source-specific permits.
- Eliminate provisions that currently allow sources to operate without using pollution control devices for 48-hours under the excess emission rules.

The following categories of DEQ’s proposed changes contain rules that are “in addition to federal requirements.”

<b>Eliminate Generic Plant Site Emission Limits, which currently often allow greater emissions than a facility is physically capable of emitting.</b>	
The proposed change to the use of Generic PSEL gives DEQ the option to permit at capacity or potential to emit instead of Generic PSELs. Permitting at capacity or potential to emit instead of Generic PSELs creates permits that more accurately reflect actual emissions.	
<b>In addition to federal requirements?</b>	<b>What alternatives did DEQ consider, if any?</b>
EPA’s Major New Source Review regulations provide the option to use Plantwide Applicability Limits that are similar to Plant Site Emission Limits. EPA regulations for minor stationary sources do	DEQ considered keeping Generic PSELs for sources on Basic and General permits. DEQ did not pursue this alternative because many of these permits do not contain any PSELs at all. For those General

<p>not include Plant Site Emission Limits. EPA guidance provides flexibility to states to design programs to regulate the operation of minor sources.</p>	<p>permits that have Generic PSELs, DEQ will calculate source specific PSELs for the highest emitting source on that General permit and use them for all sources on that General permit.</p>
<p><b>Clarify and update the Notice of Intent to Construct rules.</b></p>	
<p>The proposed rule changes will promote consistent construction approval through the Notice of Intent to Construct/Notice of Approval (NC/NOA) process for all sources, both sources permitted through Air Contaminant Discharge Permits (ACDPs) or Title V permits, and also for unpermitted sources. Several issues have been identified with the NC rules and how they have been interpreted or implemented. The main issue is that the rules are not clear on what type of construction/modification qualifies for a Type 1 or a Type 2 NC.</p>	
<p><b>In addition to federal requirements?</b></p>	<p><b>What alternatives did DEQ consider, if any?</b></p>
<p>Federal law requires states to have both a major and a minor New Source Review program. The requirements for the federal major New Source Review program are very prescriptive. States have more flexibility in designing a state minor New Source Review program if the state demonstrates that it will protect air quality. The requirements for a state minor New Source Review program are not included in EPA's rules.</p>	<p>DEQ considered not making the proposed rule changes but DEQ has identified circumstances where the interpretation and implementation of NC rules have been inconsistent or need clarification. Consistent construction approval through the Notice of Intent to Construct/Notice of Approval process for sources permitted through Air Contaminant Discharge Permits and Title V permits, as well as new sources not otherwise required to obtain a permit is an important part of DEQ's minor New Source Review program.</p> <p>DEQ considered and is proposing a separate minor New Source Review program as an alternative.</p>
<p><b>Develop a review process for smaller increases in emissions that includes technology review and modeling requirements.</b></p>	
<p>To protect short-term NAAQS, in compliance with the Clean Air Act, DEQ must evaluate increases that are less than the Significant Emission Rates and apply its existing rules to require a control technology review and an air quality modeling analysis. The proposed rules would establish minor source Significant Emission Rates for devices or activities. The proposed rule changes would require new facilities or existing facilities whose construction projects propose emissions increases over the minor source SER to conduct a technology review analysis, Minor Source Emission Reduction Technology (MSERT) or install presumptive MSERT, and perform an air quality modeling analysis to ensure the ambient air quality standards are protected.</p>	

In addition to federal requirements?	What alternatives did DEQ consider, if any?
<p>EPA regulations require state pre-construction permitting programs to include procedures that address air quality data and air quality modeling used to meet Clean Air Act permitting requirements. EPA guidance provides flexibility to states to design programs to regulate the operation of minor sources.</p> <p>The requirements for the federal major New Source Review program are very prescriptive and use Significant Emission Rates to determine when major New Source Review requirements apply to new and existing facilities. Air quality modeling analysis is required for Significant Emission Rate increases to ensure the National Ambient Air Quality Standards are protected. In addition, a control technology review is required for major sources requesting Significant Emission Rate increases. There were no federal requirements in place for increases of emissions less than the Significant Emission Rate.</p>	<p>DEQ's minor New Source Review program is comprised of the following:</p> <ul style="list-style-type: none"> <li>• Notice of Intent to Construct;</li> <li>• Air Contaminant Discharge Permits; and</li> <li>• State New Source Review.</li> </ul> <p>DEQ considered not developing a review process for smaller increases in emissions. Without developing this process, DEQ does not know if the 1-hour NAAQS for NO<sub>2</sub> and SO<sub>2</sub> and the primary and secondary 24-hour PM<sub>2.5</sub> standards are protected.</p> <p>DEQ considered requiring technology review and modeling for Type 3 Notice of Intent to Construct and similar permit modifications but did not pursue this alternative. New sources can be subject to this requirement but would not necessarily be subject to Notice of Intent to Construct requirements in division 210. Because of this, DEQ is proposing a Minor New Source Review program in division 224 New Source Review.</p>
<b>Change permit type if sources are on the wrong permit.</b>	
<p>DEQ proposes to use the existing criteria to evaluate whether a source should be on a Simple or a Standard permit for all permit types: General, Basic, Simple or Standard. This would also ensure that the source receives the correct amount of oversight, both when the permit is written and when the source is inspected.</p>	
In addition to federal requirements?	What alternatives did DEQ consider, if any?
<p>EPA regulations require state pre-construction permitting programs to assure that national ambient air quality standards are achieved. EPA guidance provides flexibility to states to design programs to regulate the operation of minor sources.</p>	<p>DEQ considered not clarifying the rules that allow moving sources to a different type of permit. DEQ wants to permit sources on the correct type of permit to ensure that the correct amount of oversight is provided for that source. Without this clarification, a source could stay on a Standard permit when a Simple permit may be more appropriate. The difference in fees between a Standard and a Simple permit is</p>

	significant.
<b>Clarify that an air quality analysis is required in applications for new sources and if requested by DEQ, for renewal and modification applications to ensure compliance with the National Ambient Air Quality Standards.</b>	
The authority to require an air quality analysis is included in the existing rules. The existing rules do not contain the requirement to submit an air quality analysis with a permit application.	
<b>In addition to federal requirements?</b>	<b>What alternatives did DEQ consider, if any?</b>
EPA regulations require state pre-construction permitting programs to include procedures that address air quality data and air quality modeling used to meet Clean Air Act permitting requirements. EPA guidance provides flexibility to states to design programs to regulate the operation of minor sources.	DEQ considered not clarifying that an air quality analysis is required in applications. Without this clarification, applicants may not know that an air quality analysis is required and therefore, may submit an incomplete application, delaying issuance of the permit. If the source is on a tight timeline for their permit, this delay could be avoided with this clarification.  In addition, this clarification will help DEQ demonstrate that its minor New Source Review Program is protective of air quality.
<b>Extend permit terms for Simple permits but allow for needed permit modifications. This will better allocate DEQ resources to work on more significant permitting issues.</b>	
The proposed rule changes provide extended permit terms from 5 years to 10 years for Simple permits to streamline the permitting process but allow for permit modifications when needed.  In some cases, permits must be updated because of changes proposed by the source or because rules have changed. DEQ must have the ability to change the permit for these reasons.	
<b>In addition to federal requirements?</b>	<b>What alternatives did DEQ consider, if any?</b>
EPA regulations require state pre-construction permitting programs to include procedures that address air quality data and air quality modeling used to meet Clean Air Act permitting requirements. EPA guidance provides flexibility to states to design programs to regulate the operation of minor sources.	DEQ considered eliminating expiration dates for Basic, General and Simple permits. DEQ did not pursue this alternative because of input from the Rules Advisory Committee.
<b>Expand the use of short-term activity permits for temporary operations in addition to unexpected and emergency activities.</b>	

Short-term activity permits are currently allowed for only unexpected and emergency activities. These permits expire in 60 days and are not allowed to be renewed. Currently DEQ allows these types of planned operations under a Mutual Agreement and Order, a tool under DEQ's formal enforcement actions. These activities are not allowed under existing permits but are not technically considered enforcement actions because the business asks permission to perform these types of activities. In addition, it is resource intensive for DEQ to develop Mutual Agreement and Orders.

<b>In addition to federal requirements?</b>	<b>What alternatives did DEQ consider, if any?</b>
<p>EPA does not issue short-term activity permits. State permitting and enforcement programs under the SIP follow guidance to states addressing excess emissions during periods of startup, shutdown, and malfunction.</p>	<p>DEQ considered not expanding the use of short-term activity permits but did not pursue this alternative. The proposed changes provide flexibility for both businesses and DEQ by providing a mechanism to allow short-term temporary operations that are not covered by the permit. In the past, DEQ has developed a Mutual Agreement and Order to allow for short-term temporary operations. MAOs are usually used in enforcement cases so not appropriate for activities that could be allowed under the short-term activity permit.</p>

# Land use

## Land-use considerations

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rule changes significantly affect land use. If so, DEQ must explain how the proposed rule changes comply with statewide land-use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, DEQ considers that rules affect land use if:

- The statewide land use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
- Resources, objects, or areas identified in the statewide planning goals, or
- Present or future land uses identified in acknowledge comprehensive plans

DEQ determined whether the proposed rule changes involve programs or actions that affect land use by reviewing its Statewide Agency Coordination plan. The plan describes the programs that DEQ determined significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

<b>Goal</b>	<b>Title</b>
5	Natural Resources, Scenic and Historic Areas, and Open Spaces
6	Air, Water and Land Resources Quality
11	Public Facilities and Services
16	Estuarine Resources
19	Ocean Resources

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

## Determination

DEQ determined that the proposed rule changes in the following rules divisions, listed under the Rules affected, authorities, supporting documents section above, affect programs or activities that the DEQ State Agency Coordination Program considers a land-use program.

- OAR 340-210 Source Notification Requirements
- OAR 340-216 Air Contaminant Discharge Permits
- OAR 340-218 Oregon Title V Operating Permits
- OAR 340-224 New Source Review

The air quality permit programs require that a new business provide a Land Use

Compatibility Statement from local government when applying for a permit. This assures that the business has an approved use for the property where it is located. Existing permittees have provided Land Use Compatibility Statements, which are on file with DEQ. The proposed rule changes do not include any changes to land use procedures in the air quality permitting program.

DEQ's statewide goal compliance and local plan compatibility procedures adequately cover the proposed rule changes.

- OAR 340-018-0040(1) - compliance with statewide planning goals achieved by ensuring compatibility with acknowledged comprehensive plans
- OAR 340-018-0050(2)(a) - ensuring compatibility with acknowledged comprehensive plans may be accomplished through a Land Use Compatibility Statement.

# **EQC Prior Involvement**

DEQ will share information about this rulemaking with the EQC through an informational item on the July 21/22, 2022, EQC agenda.

# Advisory Committee

## Background

DEQ convened the **Air Quality Permit Updates 2022 rulemaking and fiscal** advisory committee. The committee included representatives from an array of industry representatives and met five times. The committee’s web page is located at: [Department of Environmental Quality : Air Quality Permitting Updates 2022 : Rulemaking at DEQ : State of Oregon](#)

In accordance with Oregon HB 2993, Section 1, the rulemaking advisory committee and fiscal impact advisory committee for this proposed rulemaking represent the interests of persons and communities likely to be affected by the proposed rule.

The committee members were:

<b>Name</b>	<b>Affiliation</b>	<b>Representing</b>	<b>Racial Groups Represented</b>
David Monro	Portland General Electric	Regulated entity (large business)	NA
Pamela Pulliam	Lonza	Regulated entity (small business)	NA
Jeff Hunter Ellen Porter (alternate)	Perkins Coie, LLP (alternate: LMI Environmental)	Attorney typically representing industry	NA
Monica Wright Rodrigo González-Abraham (alternate)	Jacobs Engineering	Air quality consultant	NA
Jonah Sandford	Northwest Environmental Defense Center	Attorney typically representing community groups	NA
Molly Tack-Hooper Ashley Bennett (alternate)	Earthjustice	Attorney typically representing community groups	NA
Brian Brazil	Northwest Pulp and Paper Association	Regulated industry association	NA
Tom Wood Geoff Tichenor (alternate)	Oregon Business and Industry	Regulated industry associations	NA

Name	Affiliation	Representing	Racial Groups Represented
Mary Peveto	Neighbors for Clean Air	Air quality advocacy (statewide)	NA
Lisa Arkin	Beyond Toxics	Environmental Justice communities (non-PDX areas)	Latinx/Black
Sergio Lopez	Verde	Environmental Justice communities (PDX area)	People of Color
Nadège Dubuisson	Multnomah County Public Health	Public health expertise	People of Color

## Meeting notifications

To notify people about the advisory committee's activities, DEQ:

- Sent GovDelivery bulletins, a free e-mail subscription service, to the following lists:
  - Rulemaking
  - Air Quality Permits
  - DEQ Public Notices
- Added advisory committee announcements to DEQ's calendar of public meetings at [DEQ Calendar](#).

# Public Engagement

## Public notice

DEQ provided notice of the proposed rulemaking and rulemaking hearing by:

- On May 24, 2022 Filing notice with the Oregon Secretary of State for publication in the July 2022 Oregon Bulletin;
- Posting the Notice, Invitation to Comment and Draft Rules on the web page for this rulemaking, located at: [Air Quality Permitting Updates 2022](#);
- Emailing approximately 22,364 interested parties on the following DEQ lists through GovDelivery:
  - Rulemaking
  - DEQ Public Notices
  - Air Quality Permits
- Emailing the following key legislators required under [ORS 183.335](#):
  - Speaker Rayfield
  - Representative Marsh
  - Senate President Courtney
  - Senator Lieber
- Emailing advisory committee members,
- Posting on the DEQ event calendar: [DEQ Calendar](#)

## How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments by email, regular mail or at the public hearing.

### Comment deadline

DEQ will only consider comments on the proposed rule changes that DEQ receives by 4 p.m., on **Aug. 1, 2022**.

### Submit comment by email to:

[2022.AQPermits@DEQ.oregon.gov](mailto:2022.AQPermits@DEQ.oregon.gov)

### Note for public university students:

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student, notify DEQ that you wish to keep your email address confidential.

### By mail

Oregon DEQ

Attn: Jill Inahara  
700 NE Multnomah St., Suite 600  
Portland, OR 97232-4100

**At hearing**

June 27, 2022

**Public Hearing**

DEQ plans to hold one virtual public hearing. Anyone can attend a hearing by webinar or teleconference.

Date: June 27, 2022

Start time: 3 p.m.

**Call in and web connection information:**

[Join online via Zoom](#)

**Join by phone**

Call-in number: 888-548-0282

Meeting ID: 835 8072 6931

Meeting Password: 168395

Instructions for joining webinar or teleconference: [Zoom webinar instructions](#)

## **Accessibility Information**

You may review copies of all documents referenced in this announcement electronically. To schedule a review of all websites and documents referenced in this announcement, call Jill Inahara, DEQ (503-875-4903).

Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format, or any other arrangements necessary to accommodate a disability. To make these arrangements, contact DEQ, Portland, at 503-229-5696 or call toll-free in Oregon at 1-800-452-4011, ext. 5696; fax to 503-229-6762; or email to [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us). Hearing impaired persons may call 711.



# Draft Rules – Edits Highlighted

Key to Identifying Changed Text:

~~Deleted Text~~

New/inserted text

~~Text deleted from one location and moved to another location~~

## Division 200

### GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

#### 340-200-0020

#### General Air Quality Definitions

As used in OAR [chapter 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 [chapter 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 CO<sub>2</sub>e 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, exclusive of uncombined water.

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

(1034) "Air pollution control device" or "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.

(a) 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 (e.g., carbon beds, condensers); scrubbers, (e.g., 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; at acid plants; and sulfur recovery plants; injection systems, such as (e.g., 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).

(b)(A) 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.

(B) 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.

(110) "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.

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

(132) "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 [chapter 340](#), division 216, including any term or condition of any preconstruction permits issued under OAR [chapter 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.

(143) “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 [chapter 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.

(154) “Attainment pollutant” means a pollutant for which an area is designated an attainment or unclassified area.

(165) "Baseline emission rate" means the actual emission rate during a baseline period as determined under OAR [chapter 340](#), division 222.

(176) "Baseline period" means the period used to determine the baseline emission rate for each regulated pollutant under OAR [chapter 340](#), division 222.

(187) "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.

(198) "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.

(2019) "Capacity" means the maximum regulated pollutant emissions from a stationary source under its physical and operational design.

(210) "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.

(224) "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.

(232) "Carbon dioxide equivalent" or "CO<sub>2</sub>e" 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.

(243) "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.

(254) "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.

(265) "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.

(276) "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.

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

(298) "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.

(3029) "Commission" or "EQC" means Environmental Quality Commission.

(310) "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.

(321) "Construction":

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

(b) As used in OAR chapter 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.

(332) "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.

(343) "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 (CO<sub>2</sub>e) = 2,756 tons per year.

(b) CO = 1 ton per year.

(c) NO<sub>x</sub> = 1 ton per year.

(d) SO<sub>2</sub> = 1 ton per year.

(e) VOC = 1 ton per year.

(f) PM = 1 ton per year.

(g) PM<sub>10</sub> (except Medford AQMA) = 1 ton per year.

(h) PM<sub>10</sub> (Medford AQMA) = 0.5 ton per year and 5.0 pounds/day.

(i) Direct PM<sub>2.5</sub> = 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 [chapter 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 [chapter 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 PM2.5" has the meaning provided in the definition of PM2.5.

(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(s) limitation," "emission(s) limit," or "Emission(s) standard" or "Emission(s) limitation or standard" means:

(a) Except as provided in subsection (b), a requirement established by a state, local government, or ~~the EPA rule; a permit condition or order~~, 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(s) limit, emission(s) limitation, emission(s) standard, standard of performance or means of emission(s) 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 SO<sub>2</sub> per hour, pounds of SO<sub>2</sub> per million British thermal units of fuel input, kilograms of VOC per liter of applied coating solids, or parts per million by volume of SO<sub>2</sub>, or as the relationship of uncontrolled to controlled emissions, e.g., percentage capture and destruction efficiency of VOC or percentage reduction of SO<sub>2</sub>. 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 ~~R~~reduction credit banking" means to presently reserve, subject to requirements of OAR chapter 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 [chapter 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 [chapter 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 [chapter 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 [chapter 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 (CO<sub>2</sub>e) = 74,000 tons per year~~

~~(b) CO = 99 tons per year~~

~~(c) NO<sub>x</sub> = 39 tons per year~~

- (d) SO<sub>2</sub> = 39 tons per year
- (e) VOC = 39 tons per year
- (f) PM = 24 tons per year
- (g) PM<sub>10</sub> (except Medford AQMA) = 14 tons per year
- (h) PM<sub>10</sub> (Medford AQMA) = 4.5 tons per year and 49 pounds per day
- (i) PM<sub>2.5</sub> = 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
- (723)(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 (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), 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.
- (734) "Growth allowance" means an allocation of some part of an airshed's capacity to

accommodate future proposed sources and modifications of sources.

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

(756) "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.

(767) "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.

(778) "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.

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

(7980) "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.

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

(812) "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.

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

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

(845) "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."

(856) "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.

(~~867~~) "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.

(~~878~~) "Maintenance pollutant" means a regulated pollutant for which a maintenance area was formerly designated a nonattainment area.

(~~889~~) "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.

(~~8990~~) "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.

(~~901~~) "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 [chapter 340](#), division 210, Stationary Source Notification Requirements; [Compliance Assurance Monitoring, OAR 340-212-0200 through 340-212-0280](#); [OAR 340-216-0066, Standard ACDPs](#); OAR [chapter 340](#), division 218, Oregon Title V Operating Permits; OAR [chapter 340](#), division 220, Oregon Title V Operating Permit Fees; ~~340-216-0066, Standard ACDPs~~; and OAR [chapter 340](#), division 236, Emission Standards for Specific Industries; 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 CO<sub>2</sub>e, including fugitive emissions.

(91~~2~~) "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.

[\(92\) "Minor Source Emission Reduction Technology" or "MSERT" means an emissions limitation, emission control measure, design standard, equipment standard, work practice standard or other operational standard, or a combination thereof, established on a case-by-case basis for nitrogen oxides, volatile organic compounds, particulate matter, PM10, PM2.5, and sulfur dioxide from a particular emissions unit under OAR 340-224-0300.](#)

[\(93\) "Minor source significant emission rate" or "minor source SER" means an emission](#)

rate equal to the following rates specified for these regulated pollutants:

**(a) OPTION 1**

(A) NO<sub>x</sub> = 5 tons per year;

(B) PM<sub>10</sub> = 2 tons per year;

(C) Direct PM<sub>2.5</sub> = 2 tons per year;

(D) SO<sub>2</sub> = 5 tons per year.

**(b) OPTION 2**

(A) NO<sub>x</sub> = 10 tons per year;

(B) PM<sub>10</sub> = 3 tons per year;

(C) Direct PM<sub>2.5</sub> = 3 tons per year;

(D) SO<sub>2</sub> = 510tons per year.

(943) "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.

(954) "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.

(965) "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.

(976) "Netting basis" means an emission rate determined as specified in OAR 340-222-0046.

(987) "Nitrogen oxides" or "NO<sub>x</sub>" means all oxides of nitrogen except nitrous oxide.

(998) "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.

(10099) "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.

(1010) "Normal source operation" means operation that does not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.

(1021) "Odor" means that property of an air contaminant that affects the sense of smell.

(1032) "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.

(1043) "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.

(1054) "Oregon Title V operating permit" or "Title V permit" means written authorization issued, renewed, amended, or revised under OAR [chapter 340](#), division 218.

(1065) "Oregon Title V operating permit program" or "Title V program" means the Oregon program described in OAR [chapter 340](#), division 218 and approved by the Administrator under 40 C.F.R. part 70.

(1076) "Oregon Title V operating permit program source" or "Title V source" means any source subject to the permitting requirements, OAR [chapter 340](#), division 218.

(1087) "Ozone precursor" means nitrogen oxides and volatile organic compounds.

(1098) "Ozone season" means the contiguous 3 month period during which ozone exceedances typically occur, i.e., June, July, and August.

(1109) "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.

(1110) "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 chapter 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.](#)

(1121) "Permit" means an Air Contaminant Discharge Permit or an Oregon Title V Operating Permit, permit attachment and any amendments or modifications thereof.

(1132) "Permit modification" means a permit revision that meets the applicable requirements of OAR [chapter 340](#), division 216, OAR [chapter 340](#), division 224, or OAR 340-218-0160 through 340-218-0180.

(1143) "Permit revision" means any permit modification or administrative permit amendment.

(1154) "Permitted emissions" as used in OAR [chapter 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.

(1165) "Permittee" means the owner or operator of a source, authorized to emit regulated

pollutants under an ACDP or Oregon Title V Operating Permit.

(1176) "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.

(1187) "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 [chapter 340](#), division 220.

(1198) "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.

(12019) "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.

(1210) "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 (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>) 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.

(1221) "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.

(1232) "Pollutant-specific emissions unit" means an emissions unit considered separately with respect to each regulated pollutant.

(1243) "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.

(1254) "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.

(1265) "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.

(1276) "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.

(1287) "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.

(1298) "Process upset" means a failure or malfunction of a production process or system to operate in a normal and usual manner.

(13029) "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.

(1310) "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.

(1321) “Reattainment pollutant” means a regulated pollutant for which an area is designated a reattainment area.

(1332) "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.

(1343) "Regional agency" means Lane Regional Air Protection Agency.

(1354) "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 [chapter 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 [chapter 340](#), division 222, Plant Site Emission Limits and division 224, New Source Review, regulated pollutant does not include any pollutant listed in OAR [chapter 340](#), divisions ~~244 and~~ 246 [or 247](#).

(d) As used in OAR [chapter 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).

(1365) “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.

(1376) "Renewal" means the process by which a permit is reissued at the end of its term.

(1387) "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.

(1398) "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.

(14039) "Section 111" means section 111 of the FCAA, 42 U.S.C. § 7411, which includes Standards of Performance for New Stationary Sources (NSPS).

(1410) "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.

(1421) "Section 112" means section 112 of the FCAA, 42 U.S.C. § 7412, which contains regulations for Hazardous Air Pollutants.

(1432) "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.

(1443) "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.

(1454) "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.

(1465) "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.

(1476) "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.

(1487) "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.

(1498) "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.

(15049) "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<sub>x</sub> in ozone nonattainment areas.

(1510) "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<sub>x</sub> sources in ozone nonattainment areas.

(1524) "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.

(1532) "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.

(1543) "Section 184" means section 184 of the FCAA, 42 U.S.C. § 7511c, which contains regulations for the control of interstate ozone air pollution.

(1554) "Section 302" means section 302 of the FCAA, 42 U.S.C. § 7602, which contains definitions for general and administrative purposes in the FCAA.

(1565) "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."

(1576) "Section 328" means section 328 of the FCAA, 42 U.S.C. § 7627, which contains regulations for air pollution from outer continental shelf activities.

(1587) "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.

(1598) "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.

(16059) "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.

(1610) "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.

(1624) "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 (CO<sub>2</sub>e) = 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 (NOX) = 40 tons per year.

(d) Particulate matter = 25 tons per year.

(e) PM<sub>10</sub> = 15 tons per year.

- (f) Direct PM<sub>2.5</sub> = 10 tons per year.
- (g) PM<sub>2.5</sub> precursors (SO<sub>2</sub> or NO<sub>x</sub>) = 40 tons per year.
- (h) Sulfur dioxide (SO<sub>2</sub>) = 40 tons per year.
- (i) Ozone precursors (VOC or NO<sub>x</sub>) = 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 (as measured by EPA method 13A or 13B), excluding hydrogen fluoride = 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 PM<sub>10</sub> 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/m<sup>3</sup> (24 hour average) is emitting at a SER. This subsection does not apply to greenhouse gas emissions.

(1632) "Significant impact" means an additional ambient air quality concentration equal to or greater than the significant impact level. For sources of VOC or NO<sub>x</sub>, a source has a significant impact if it is located within the ozone impact distance defined in OAR [chapter 340](#), division 224.

(1643) "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 [chapter 340](#), division 202, but do not apply for protecting air quality related values, including visibility.

(a) For Class I areas:

(A) PM<sub>2.5</sub>:

(i) Annual = 0.06 µg/m<sup>3</sup>.

(ii) 24-hour = 0.07 µg/m<sup>3</sup>.

(B) PM<sub>10</sub>:

~~(i) Annual = 0.20 µg/m<sup>3</sup>.~~

(i) 24-hour = 0.30 µg/m<sup>3</sup>.

(C) Sulfur dioxide:

(i) Annual = 0.10 µg/m<sup>3</sup>.

(ii) 24-hour = 0.20 µg/m<sup>3</sup>.

(iii) 3-hour = 1.0 µg/m<sup>3</sup>.

(D) Nitrogen dioxide: annual = 0.10 µg/m<sup>3</sup>.

(b) For Class II areas:

(A) PM<sub>2.5</sub>:

(i) Annual = 0.3 µg/m<sup>3</sup>.

(ii) 24-hour = 1.2 µg/m<sup>3</sup>.

(B) PM<sub>10</sub>:

~~(i) Annual = 0.20 µg/m<sup>3</sup>.~~

(i) 24-hour = 1.0 µg/m<sup>3</sup>.

(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  $\mu\text{g}/\text{m}^3$ .

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

(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  $\text{mg}/\text{m}^3$ .

(ii) 1-hour = 2.0  $\text{mg}/\text{m}^3$ .

(c) For Class III areas:

(A) PM<sub>2.5</sub>:

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

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

(B) PM<sub>10</sub>:

~~(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  $\text{mg}/\text{m}^3$ .

(ii) 1-hour = 2.0  $\text{mg}/\text{m}^3$ .

(1654) "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.

(1665) "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.

(1676) "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.

(1687) "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 [chapter 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 [air](#) pollution control device.

(1698) "Source test" means the average of at least three test runs conducted under the DEQ Source Sampling Manual found in 340-200-0035.

(17069) "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).

(1710) "Startup" and "shutdown" means that time during which a source or control device is brought into normal operation or normal operation is terminated, respectively.

(1724) "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.

(1732) "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.

(1743) "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 [chapter 340](#), division 216.

(1754) "Substantial underpayment" means the lesser of 10 percent of the total interim emission fee for the major source or five hundred dollars.

(1765) "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.

(1776) "Sustainment pollutant" means a regulated pollutant for which an area is designated a sustainment area.

(1787) "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.

(1798) "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.

(18079) "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 (H<sub>2</sub>S).

(1810) "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.

(1821) "Type A State NSR" means State NSR as specified in OAR 340-224-0010(2)(a).

(1832) "Type B State NSR" means State NSR that is not Type A State NSR.

(1843) "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.

(1854) "Unassigned emissions" means the amount of emissions that are in excess of the PSEL but less than the netting basis.

(1865) "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.

(1876) "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 [chapter 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.

(1887) "Upset" or "Breakdown" means any failure or malfunction of any [air](#) pollution control device or operating equipment that may cause excess emissions.

(1898) "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.

(19089) "Veneer dryer" means equipment in which veneer is dried.

(1910) "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.

(1924) "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 Solstice™ 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 demonstrating,](#) 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.~~

(1932) "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.

(1943) "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.

(1954) "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<sub>2</sub>e" 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.

- [\(68\)](#) "MSERT" means minor source emission reduction technology.
- [\(698\)](#) "MTBE" means methyl tertiary butyl ether.
- [\(7069\)](#) "MWC" means municipal waste combustor.
- [\(710\)](#) "NAAQS" means National Ambient Air Quality Standards.
- [\(721\)](#) "NAICS" means North American Industrial Classification System.
- [\(732\)](#) "NEPA" means National Environmental Policy Act.
- [\(743\)](#) "NESHAP" means National Emissions Standard for Hazardous Air Pollutants.
- [\(754\)](#) "NIOSH" means National Institute of Occupational Safety & Health.
- [\(765\)](#) "NOx" means nitrogen oxides.
- [\(776\)](#) "NSPS" means New Source Performance Standards.
- [\(787\)](#) "NSR" means New Source Review.
- [\(798\)](#) "NSSC" means neutral sulfite semi-chemical.
- [\(8079\)](#) "O3" means ozone.
- [\(810\)](#) "OAR" means Oregon Administrative Rules.
- [\(821\)](#) "ODOT" means Oregon Department of Transportation.
- [\(832\)](#) "ORS" means Oregon Revised Statutes.
- [\(843\)](#) "OSAC" means orifice spark advance control.
- [\(854\)](#) "OSHA" means Occupational Safety & Health Administration.
- [\(865\)](#) "PCDCE" means pollution control device collection efficiency.
- [\(876\)](#) "PEMS" means predictive emission monitoring system.
- [\(887\)](#) "PM" means particulate matter.
- [\(898\)](#) "PM10" means particulate matter less than 10 microns.
- [\(9089\)](#) "PM2.5" means particulate matter less than 2.5 microns.
- [\(910\)](#) "POTW" means Publicly Owned Treatment Works.
- [\(921\)](#) "POV" means privately owned vehicle.

- (932) "ppm" means parts per million.
- (943) "PSD" means Prevention of Significant Deterioration.
- (954) "PSEL" means Plant Site Emission Limit.
- (965) "QIP" means quality improvement plan.
- (976) "RACT" means Reasonably Available Control Technology.
- (987) "ROI" means range of influence.
- (998) "RVCOG" means Rogue Valley Council of Governments.
- (10099) "RWOC" means running weighted oxygen content.
- (1010) "scf" means standard cubic feet.
- (1024) "SCS" means speed control switch.
- (1032) "SD" means standard deviation.
- [\(104\) "SER" means significant emission rate.](#)
- (1053) "SERP" means source emission reduction plan.
- (1064) "SIC" means Standard Industrial Classification from the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987).
- (1075) "SIP" means State Implementation Plan.
- (1086) "SKATS" means Salem-~~Kaiser~~[Keizer](#) Area Transportation Study.
- (1097) "SLAMS" means State or Local Air Monitoring Stations.
- (1108) "SO2" means sulfur dioxide.
- (11109) "SOCMI" means synthetic organic chemical manufacturing industry.
- (1120) "SOS" means Secretary of State.
- (1134) "SPMs" means Special Purpose Monitors.
- (1142) "TAC" means thermostatic air cleaner.
- (1153) "TACT" means Typically Achievable Control Technology.
- (1164) "TCM" means transportation control measures.
- (1175) "TCS" means throttle control solenoid.

- (1186) "TIP" means Transportation Improvement Program.
- (1197) "tpy" means tons per year.
- (12018) "TRS" means total reduced sulfur.
- (12119) "TSP" means total suspended particulate matter.
- (1220) "UGA" means urban growth area.
- (1234) "UGB" means urban growth boundary.
- (1242) "USC" means United States Code.
- (1253) "US DOT" means United States Department of Transportation.
- (1264) "UST" means underground storage tanks.
- (1275) "UTM" means universal transverse mercator.
- (1286) "VIN" means vehicle identification number.
- (1297) "VMT" means vehicle miles traveled.
- (13028) "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:**

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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, 2020 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 [chapter 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 ~~February 3, 2022~~[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<sub>2.5</sub>.

(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](#), or 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 (SO<sub>2</sub>) — 1.0 ppm, 24-hour average.
- (2) For particulate matter:
  - (a) PM<sub>10</sub> — 600 micrograms per cubic meter, 24-hour average.
  - (b) PM<sub>2.5</sub> — 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 (O<sub>3</sub>) — 0.6 ppm, 2-hour average.
- (5) For nitrogen dioxide (NO<sub>2</sub>):
  - (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 chapter 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)(a) For all emission units sources, 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 (b) or (c).~~

~~(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.~~

~~(b5) For wood-fired boilers installed, constructed or modified prior to on or after June 1, 1970 but before April 16, 2015 and not modified after that date, 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 on or after January 1, 2020, with one or more of the following exceptions:~~

~~(A) V~~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;

~~(cB) For wood-fired boilers installed, constructed or modified prior to June 1, 1970 and not modified after that date:~~

~~(A)~~ 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

~~(B)~~ 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 OAR 340-228-0210(2)(d) ~~as provided below~~ and:

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

(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.

~~(6) For wood-fired boilers installed, constructed, or modified 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 chapter 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 1, 1970, 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 on the 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 [issued](#) 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 unless the applicant requests a hearing to contest the permit within 20 days of the date of the notification of issuance of the permit.](#)

(6) Denial of a permit [application](#): [If DEQ proposes to deny a permit application](#), DEQ will promptly notify the applicant in writing of the [proposed](#) 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 application is effective 60 days from the date of notification of the proposed denial unless within that time, the applicant requests a hearing as provided in section \(7\).](#)

~~(7) DEQ's decision under sections (5) and (6) is effective 20 days from the date of service of the notice unless, within that time, DEQ receives a request for a hearing from the applicant.~~ [A](#)~~The~~ request for a hearing [to challenge a DEQ decision under section \(5\) or \(6\)](#) 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 [chapter 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 [chapter 340](#), division 216, or Oregon Title V Operating Permits, OAR [chapter 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~~[otherwise required by](#) 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 of its registration 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 [by March 1 of each year](#) ~~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 [chapter 340](#), division 216 (Air Contaminant Discharge Permits) or OAR [chapter 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 and Requirements**

(1) Except as provided in section (2), OAR 340-210-0205 through 340-210-0250 apply to the following:

(a) New Sources. ~~All new sources~~ No person, not otherwise required to obtain a permit under OAR chapter 340, division 216 or 218, may undertake construction or operation of a new source that will cause an increase in any regulated pollutant emissions without first notifying DEQ in writing. Proposed new Ssources that are required to submit ~~a~~ permit applications under OAR chapter 340, division 216 or 218 are not required to submit a Notice of Construction application under this rule; and

(b) ~~Modifications at e~~Existing sources, including sources that have permits under OAR chapter 340, division 216 or 218, undertaking any of the following:

(A) No person may undertake construction at 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.

(B) No person may replace a device or activity at an existing source without first notifying DEQ in writing.

(C) No person may undertake construction or modification at an existing source of any air pollution control device without first notifying DEQ in writing.

~~(e) 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 [chapter 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 340-210-0205 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 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 340-210-020~~50~~ through 340-210-0250, [notices of construction](#) ~~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~~ [for which the owner or operator](#) ~~sources~~ [is not required to obtain a permit or permit modification under OAR chapter 340, division 216, and](#) where [the changes meet the criteria in either subsection \(a\) or \(b\):](#) ~~such a change meets the criteria in subsections (a) through (f):~~

[\(a\) The construction would:](#)

[\(A\) Result in an increase of potential to emit of any regulated air pollutants, in the aggregate, of less than or equal to 10 pounds per day;](#)

[\(B\) Result in an increase of potential to emit to the inlet\(s\) of air pollution control devices of any regulated air pollutants, in the aggregate, of less than or equal to 10 pounds per day;](#)

- (C) Not result in an increase of emissions from the source above any PSEL; and
- (D) Not result in an increase of emissions from the source above the netting basis by more than or equal to the SER; or
- (b) The construction is one of the following that does not increase production or throughput in other unchanged portions of the facility, thereby increasing the overall efficiency of the operation:
- (A) Stationary internal combustion engines having a rated capacity <60 horsepower output;
- (B) Hand-held sanding equipment;
- (C) Portable vacuum blasting equipment using steel shot and vented to a fabric filter;
- (D) Shot peening operations, provided that no surface material is removed;
- (E) Replacement of process control equipment;
- (F) Vacuum pumps;
- (G) Extrusion equipment used exclusively for extruding rubber or plastics where no organic plasticizer is present, or for pelletizing polystyrene foam scrap;
- (H) Equipment used for extrusion, compression molding, and injection molding of plastics, provided that the VOC content of all mold release products or lubricants is <1% by weight;
- (I) Injection or blow-molding equipment for rubber or plastics, provided that no blowing agent other than compressed air, water, or carbon dioxide is used;
- (J) Presses or molds used for curing, post-curing, or forming composite products and plastic products, provided that the blowing agent contains no VOC or chlorinated compounds;
- (K) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives;
- (L) Dredging wet spoils handling and placement;
- (M) Graphic label and/or box labeling operations where the inks are applied by hand stamping or hand rolling;
- (N) Ultraviolet disinfection processes;
- (O) The cleaning and/or deburring of metal products where all tumblers are used without abrasive blasting;
- (P) Ozone generators and ozonation equipment;

(Q) Emissions from the storage and application of road salt (calcium chloride or sodium chloride);

(R) Process emissions from sources which are located at private, public, or vocational education institutions, where the emissions are primarily the result of teaching and training exercises, and the institution is not engaged in the manufacture of products for commercial sale;

(S) Degreasing units which exclusively use caustics (e.g., potassium hydroxide and sodium hydroxide);

(T) Equipment used for hydraulic or hydrostatic testing;

(U) Storage tanks, reservoirs, pumping and handling equipment, and control equipment used to exclusively vent such equipment of any size, limited to soaps, lubricants, hydraulic fluid, vegetable oil, grease, animal fat, aqueous salt solutions or other materials and processes using appropriate lids and covers where there is no generation of objectionable odor or airborne particulate matter;

(V) Operation, loading and unloading storage of butane, propane, or liquefied petroleum gas with a vessel capacity less than 40,000 gallons;

(W) Tanks, vessels and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids;

(X) Ultraviolet curing processes, to the extent that toxic air contaminants as defined in OAR chapter 340, division 247 are not emitted;

(Y) Contaminant detectors, sampling devices and recorders;

(Z) Environmental chambers and humidity chambers using only gases that are not toxic air contaminants listed in OAR chapter 340, division 247;

(AA) Lithographic printing equipment which uses laser printing;

(BB) Equipment used exclusively for conveying and storage of plastic pellets;

(CC) Gas cabinets using only gasses that are not regulated air pollutants;

(DD) Salt baths using nonvolatile salts and not used in operations which result in air emissions;

(EE) Plasma- or laser-cutting operations using a water table;

(FF) Paper shredding and carpet and paper shearing, fabric brushing and sueding as well as associated conveying systems, baling equipment, and control equipment venting such equipment. This exemption does not include carpet and fabric recycling operations;

(GG) Hammermills used exclusively to process aluminum and/or tin cans, and control

equipment exclusively venting such equipment;

(HH) Drop hammers or hydraulic presses for forging or metal working; or

(II) Concrete application, and installation.

~~(a) Would not increase 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;~~

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

~~(c) 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 or air pollution control devices,~~ for which the owner or operator is not required to obtain a permit or permit modification under OAR chapter 340, division 216, and where the construction would ~~such a change meets the criteria in subsections (a) through (f):~~

(a) Not have the potential to emit any regulated pollutant from any new, modified, or replaced device or activity, or any combination of devices or activities, by more than or equal to the minor source SER;

~~(ba) Would n~~Not result in an increase of emissions from the source above ~~the any~~ PSEL; ~~by more than the de minimis level defined in OAR 340-200-0020 for sources required to have a permit;~~

~~(cb) Would n~~Not result in an increase of emissions from the source above the netting basis by more than or equal to the SER;

~~(c) 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 n~~Not be used to establish a federally enforceable limit on the potential to emit; and

~~(e) Would n~~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.~~

(3) Type 3 changes include construction ~~or modification of sources or air pollution control devices for which the owner or operator is required to obtain a permit or permit modification under OAR chapter 340, division 216, and~~ where: ~~such a change does not qualify as a Type 4 change under section (4) and:~~

(a) The construction would:

(A) Have the potential to emit any regulated pollutant from any new, modified, or replaced device or activity, or any combination of devices or activities by more than or equal to the minor source SER;

(B) Result in an increase in emissions above any PSEL 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;

(C) Be used to establish a federally enforceable limit on the potential to emit; or

(D) Require a TACT determination under OAR 340-226-0130 or a MACT determination under 340-244-0200; and

(b) Would not result in an increase in emissions of a regulated pollutant above the netting basis by more than or equal to the SER so does not qualify as a Type 4 change under section (4).

~~(a) Would increase 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~~that would increase the potential to emit emissions from the source above the PSEL, after applying unassigned emissions or emissions reduction credits available to the source, or netting basis of the source by more than or equal to the SER. These changes are subject to New Source Review under OAR chapter 340, division 224.

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 undertaking such construction~~ing or modifying a stationary source or air pollution control device~~. The notice must be in writing on a 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 340-210-02250;

(e) A description of the proposed construction~~ed, or modified source~~;

(f) A description of the production processes and a related flow chart for the proposed construction~~ed or modified source~~;

(g) A plot plan showing the location and height of the proposed construction~~ed or modified source~~. 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 from the proposed construction and any proposed change in emissions with supporting calculation;

(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) Land Use Compatibility Statement(s):

~~(A) Signed by the applicable local (city or county) planner jurisdictions(s), either approving or disapproving determining that construction or modification to the source is compatible with the applicable local jurisdiction's acknowledged comprehensive plan if required by the local planning agency. Applications and construction notices that receive a negative determination will not be approved by DEQ; or~~

~~(B) If the local planning jurisdiction declines to provide a LUCS determination in response to a request for a LUCS, 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~~

~~(p) Dates on which construction contracts are signed, equipment is ordered, and the owner or operator has committed, or will commit to initiating construction activities;~~

~~(q) Anticipated date of the commencement of construction (i.e., breaking ground); and~~

~~(r) Anticipated date of construction completion.~~

~~(2)(a) Additional information. If DEQ determines that additional information is needed for DEQ's consideration of any type of proposed construction, DEQ will provide the applicant with a written request to provide such information by a reasonable date certain.~~

~~(b) 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 may issue a proposed denial of the application.~~

~~(3) Any person proposing construction that requires a change in the primary two-digit SIC/NAICS code for a source or the addition of a new SIC/NAICS code must submit a Type 3 change.~~

~~(4) 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 and~~

[receive approval before commencing construction.](#)

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

(64) Where a permit issued in accordance with OAR [chapter 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~~ [immediately after notifying 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. The owner or operator may ask DEQ for written confirmation that the proposed construction qualifies as a Type 1 NC before beginning construction.](#)

(b) For Type 2 changes, the owner or operator may proceed with the construction or ~~modification~~ 60 calendar days after DEQ receives the [complete](#) 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:

[\(A\) Additional information is required to evaluate the change and the proposed construction application is incomplete; or](#)

[\(B\) †The proposed construction or modification is does not qualify as a Type 2 change.](#)

(c) For Type 3 changes, the owner or operator must obtain either a Construction ACDP, [a new or modified Simple ACDP](#), or a new or modified Standard ACDP in accordance with OAR [chapter 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 chapter 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 and operate their source in accordance with the DEQ approved plans, specifications and any corrections or revisions thereto under OAR 340-210-0230.

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

(4) The owner or operator that receives approval to construct must commence construction within 18 months of approval, or other date approved in writing by DEQ.

(a) Construction approval terminates and is invalid for the following reasons:

(A) Construction is not commenced within 18 months after DEQ issues such approval, by an alternative deadline established by DEQ under this section, or by the deadline approved by DEQ in an extension under subsection (b);

(B) Construction is discontinued for a period of 18 months or more; or

(C) Construction is not completed within 18 months of the anticipated date of construction completion included in the application.

(b) The owner or operator may submit a request to extend the construction commencement deadline or the construction completion date by submitting a written, detailed explanation of why the source could not commence or complete construction within the initial 18-month period. DEQ may grant for good cause one 18-month construction approval extension.

~~(5)~~ 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~~;

(b) Whether the construction was completed in accordance with approved plans, specifications and any corrections or revisions thereto under OAR 340-216-0040, such as but not limited to:

(A) Make and model of the constructed device or activity, or any combination of devices or activities;

(B) Location of the constructed device or activity, or any combination of devices or activities;

[\(C\) Exhaust parameters \(e.g., stack height, diameter, temperature, flowrate, volume or area source dimensions\);](#) and

(~~cb~~) The date the stationary source, device, activity, ~~process,~~ or air pollution control device was or will be put in operation.

(~~64~~) 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.

(~~75~~) 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 of~~ [ORS Chapter 183 and OAR chapter 340](#), 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 [chapter 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 a ~~standard~~ [Simple ACDP](#) ~~or a Standard ACDP~~ before operation of the [approved](#) changes.

[\(b\) For new sources, Type 4 changes require a Standard ACDP before operation of the approved changes.](#)

(cb) For sources currently operating under an ACDP, approval to operate Type 3 or 4 changes will require a new or modified [Simple ACDP or a new or modified sStandard ACDP](#) [in accordance with OAR chapter 340, division 216](#). All [current](#) ACDP terms and conditions remain in effect until the [new or modified](#) ACDP is ~~issued~~ [modified](#).

(de) 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**

**340-214-0110**

**Reporting: Request for Information**

All owners or operators of stationary sources must provide ~~in a reasonably timely manner~~ any and all information and analysis, including an air quality analysis of the source, that DEQ reasonably requires for the purpose of regulating stationary sources. DEQ will provide the source with a written request to provide such information by a reasonable date certain.

Such information may be required on a one-time, periodic, or continuous basis and may include, but is not limited to, information necessary to:

(1) Issue a permit and ascertain compliance or noncompliance with the permit terms and conditions;

(2) Ascertain applicability of any requirement;

(3) Ascertain compliance or noncompliance with any applicable requirement;

(4) Determine whether a source's emissions may cause or contribute to an exceedance or violation of an ambient air quality standard adopted under OAR chapter 340, division 202;  
and

(5) Incorporate monitoring, recordkeeping, reporting, and compliance certification requirements into a permit.

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.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 340-028-0300

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

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

**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~~ 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 [chapter 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.~~311410~~, 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

**340-214-0330**

**Excess Emissions and Emergency Provision: All Other Excess Emissions**

(1) [This rule applies](#) for all other excess emissions not addressed in OAR 340-214-310, 340-214-320, ~~or~~ [and](#) 340-214-360. ~~the following requirements apply:~~

(a) The owner or operator of a large source, as defined by OAR 340-214-0010, must immediately notify DEQ of the first onset per calendar day of any excess emissions event, unless otherwise specified by a permit condition.

(b) The owner or operator of a small source, as defined by OAR 340-214-0010, need not immediately notify DEQ of excess emissions events unless otherwise required by a permit condition, written notice by DEQ, or if the excess emission is of a nature that could endanger public health.

(c) Additional reporting and recordkeeping requirements are specified in OAR 340-214-0340.

(2)(a) During any period of excess emissions, ~~DEQ may require that an~~ the owner or operator of the source must immediately reduce or cease operation of the equipment or facility until the condition causing the excess emissions has been corrected or brought under control unless:

(A) Reducing or ceasing operation could result in physical damage to the equipment or facility;

(B) Reducing or ceasing operation could cause injury to employees; or

(C) The owner or operator minimizes emissions in accordance with an emission minimization plan approved in writing by DEQ prior to the occurrence of the excess emission event.

(b) During any period of excess emissions, DEQ may require that an owner or operator of the source immediately cease operation of the equipment or facility if an emission minimization plan approved by DEQ under paragraph (2)(a)(C) is not followed.

(c) Upon receipt of a proposed emission minimization plan, DEQ will consider the following factors in approving the minimization plan:

(A~~a~~) The potential risk to the public or environment;

(B~~b~~) Whether shutdown could result in physical damage to the equipment or facility, or cause injury to employees;

(C) The types of conditions that may cause the excess emissions and whether they are capable of being corrected or brought under control in a reasonably timely manner, including equipment availability and difficulty of repair or installation;

(D) Whether the emissions resulting from immediate repair would be greater than the emissions likely to result from delay of repair;

(E) Whether the emissions resulting from startup and shutdown would be greater than the emissions likely to result from delay of repair;

(F~~e~~) Whether ~~any~~ the potential existence of an Air Pollution Alert, Warning, Emergency, or yellow or red woodstove curtailment period ~~exists~~ may impact whether continued operations will be permitted; and

(Gd) Whether it would be relevant if the continued excess emissions were avoidable.

~~(3) If there is an on-going period of excess emissions, the owner or operator must cease operation of the equipment or facility no later than 48 hours after the beginning of the excess emission period, if the condition causing the emissions is not corrected within that time. The owner or operator does not have to cease operation if DEQ approves procedures to minimize excess emissions until the condition causing the excess emissions is corrected or brought under control. DEQ will consider the following before approving the procedures:~~

~~(a) Why the condition causing the excess emissions cannot be corrected or brought under control, including equipment availability and difficulty of repair or installation; and~~

~~(b) Information as required in OAR 340-214-0310(2)(b), (c), and (d) or 340-214-0320(1)(b), (c), and (d), as appropriate.~~

(34) DEQ will approve the emission minimization plan~~procedures~~ if it determines that ~~they are~~ the plan is consistent with good pollution control practices, will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. DEQ may include conditions in its approval.

(4) The owner or operator must record all excess emissions in the excess emissions log as required in OAR 340-214-0340(3). At any time during the period of excess emissions, DEQ may require the owner or operator to cease operation of the equipment or facility, in accordance with section (2). Approval of ~~these procedures~~the emission minimization plan does not shield the owner or operator from an enforcement action, but DEQ will consider whether the ~~procedures~~emission minimization plan was~~were~~ followed in determining whether an enforcement action is appropriate.

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.025, 468A.040 & 468A.310

**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 340-028-1430

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

DEQ 24-1994, f. & cert. ef. 10-28-94

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

DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0370

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

DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91

**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) Owners or operators of Ssources in any one of the categories in OAR 340-216-8010 must obtain a permit. Source categories are not listed in alphabetical order. 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 owner or operator of 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(7). ~~Source categories are not listed in alphabetical order.~~

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

(b) Owners or operators of Ssources 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) Owners or operators of Ssources 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)(~~c~~b) or DEQ has granted an exemption from the requirement to obtain an ACDP under subsection (3)(~~d~~f). No person may continue to operate an air contaminant source if the ACDP expires, or is terminated, denied, or revoked; except as provided in OAR 340-216-0082.

(a) The permittee must construct and operate 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 operationg-at in any area of the state except Lane County; or](#)

[\(B\) LRAPA for operation 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~~[The owner or operator of a](#) source required to obtain an ACDP or ACDP Attachment ~~under in order to comply with~~ a NESHAP under OAR [chapter 340](#), division 244 or ~~a~~ NSPS under OAR [chapter 340](#), 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 \(B\).](#)

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

(~~Bd~~) OAR 340-216-0060(1)(b)(A), 340-216-0062(2)(b)(A), 340-216-0064(~~34~~)(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~~, [unless the source may be placed onsite and operated without any other construction necessary and obtains an Oregon Title V Operating Permit prior to operation.](#)

(5) ~~No person may modify~~[The owner or operator of any](#) source that has been issued an ACDP [may not modify the source](#) without first complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(6) ~~No person may modify~~[The owner or operator of any](#) source required to have an ACDP [may not make modifications to such that](#) the source ~~becomes that would result in the source becoming~~ 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~~The owner or operator of a source required to have an ACDP may not 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) The owner or operator of a source that has been issued an ACDP may not violate any conditions included in the ACDP.

~~(9)~~ 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 [chapter 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. The owner or operator ~~Any of a~~ 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 at less than the SER for all regulated pollutants emitted at more than the de minimis emission level according to OAR chapter 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 105 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 apply to obtain for 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 for all regulated pollutants emitted at more than the de minimis emission level or Generic PSEL levels, whichever are applicable, as specified in according to OAR chapter 340, division 222; and

(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.~~

(7)(a) Notwithstanding the other provisions of this division that establish the eligibility of a source for different types of ACDPs, DEQ may determine, pursuant to the standards described in subsection (b), that the owner or operator of a source is ineligible for certain types of ACDP and must be issued a different type of ACDP;

(b) DEQ will make a determination about which type of ACDP that the owner or operator of source must obtain based upon the following considerations:

(A) The nature, extent, toxicity and impact on human health and the environment 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, potential threat to human health and the environment if the emission controls fail, and the source's capacity;

(D) The location of the source and its proximity to places where people live and work; and

(E) The compliance history of the source.

[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 [a complete application with](#) the following general information, as applicable, using [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 [all devices and activities, including any air pollution control devices](#) ~~air contaminant sources~~. The plot plan must also indicate the nearest residential ~~and~~ commercial property;

[\(F\) Make and model of each device, activity, and air pollution control device;](#)

[\(G\) Exhaust parameters \(e.g., stack height, diameter, temperature, flowrate, volume or area source dimensions\) of each emissions unit, device, and air pollution control device that emit to the atmosphere;](#)

~~(H)~~ (H) The type and quantity of fuels used;

(IG) 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;

(JH) 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;

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

(LJ) 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);

(MK)(i) ~~A~~ Land Use Compatibility Statement(s) signed by the applicable local, city or county, planning jurisdiction(s), either approving or disapproving determining that construction or modification of the source is compatible with applicable local jurisdiction's acknowledged comprehensive plan, if required by the local planning agency. Applications and construction notices that receive a negative determination LUCS will not be approved by DEQ;

(ii) If the local planning jurisdiction declines to provide a LUCS determination in response to a request for a LUCS, 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;

(N) 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;

(OL) Any information required by OAR chapter 340, divisions 222, 224, 225, 226, and 245, including but not limited to control technology and analysis; and air quality impact analysis, conducted in accordance with the procedures in OAR chapter 340, division 225, demonstrating that the source's emissions will not cause or contribute to an exceedance or violation of an ambient air quality standard adopted under OAR chapter 340, division 202; and information related to offsets and net air quality benefit, if applicable;

(P) Dates on which construction contracts are signed, equipment is ordered, and the owner or operator has committed, or will commit to initiating construction activities;

(Q) Anticipated date of the commencement of construction (i.e., breaking ground); and

(R) Anticipated date of construction completion; and

(SM) Any other information requested by DEQ.

(b) Owners or operators must submit complete A 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~~ in accordance with 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 New Source Review, to allow DEQ adequate time to process the application and issue a permit before it is needed.

(2) Renewal Permits. ~~(a) Except for Short Term Activity ACDPs, a~~ Any person required to renew an existing permit must submit a complete application with the information identified in section (1), unless otherwise allowed in writing by DEQ, using electronic 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) The renewal application must include:

(A) A complete list of all devices or activities, or any combination of devices or activities including any air pollution control devices and any categorically insignificant activities;

(B) 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;

(C) Any changes to the source since the last permit issuance and any new requirements applicable to those changes; and

(D) An air quality analysis, conducted in accordance with the procedures in OAR chapter 340, division 225, demonstrating that the source's emissions will not cause or contribute to an exceedance or violation of an ambient air quality standard adopted under OAR chapter 340, division 202, if requested by DEQ.

~~(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 General

[ACDP](#) attachments within 30 days prior to expiration of the General ACDPs or [General ACDP](#) attachments.

(3) Permit Modifications.

(a) For [Basic](#), 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.

(b) 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.

(c) [Any permit modification that could qualify as a Type 3 change under OAR 340-210-0225 must comply with that rule and OAR 340-224-0300.](#)

(d) [An air quality analysis, conducted in accordance with the procedures in OAR chapter 340, division 225, demonstrating that the source's emissions will not cause or contribute to an exceedance or violation of an ambient air quality standard adopted under OAR chapter 340, division 202, is required with a permit modification application if requested by DEQ.](#)

(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.~~

~~(67)~~ A copy of permit applications subject to Major NSR under OAR [chapter 340](#), division 224, including all supplemental and supporting information, must also be submitted directly to the EPA.

~~(78)~~ The name of the applicant must be the legal name of the facility's [owner](#), ~~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, [unless the applicant is an individual person that is not operating the facility or applying for the permit under an assumed business name.](#)

~~(89)~~ All applications must include the appropriate fees as specified in OAR 340-216-8020 and [OAR 340-216-8030](#).

~~(910)~~ 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.

~~(101)~~ ~~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, not to exceed a 60-day period; ~~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 may issue a proposed denial of the application under OAR 340-209-0080(6);

~~(d) DEQ will notify the applicant that such measures will be instituted along with the timetable and procedures to be followed. Except as provided in subsection (c), 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.

~~(112)~~ 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 (10). ~~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.~~

~~(123)~~ 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

**340-216-0054**

**Short Term Activity ACDPs**

(1) Application requirements. Any person requesting a Short Term Activity ACDP must apply in writing, fully describing the ~~unexpected or emergency~~ activity requiring an ACDP and the proposed activities, operations, and emissions. The application must include the fees specified in [OAR 340-216-8020 section \(2\)](#). [DEQ may issue a Short Term Activity ACDP for the following types of activities:](#)

[\(a\) Activities that do not require another type of ACDP under this division;](#)

[\(b\) Unexpected or emergency activities;](#)

[\(c\) Operation of a pilot or an exploratory emissions unit;](#)

[\(d\) Source test of a pilot or an exploratory emissions unit;](#)

[\(e\) Temporary installation of temporary storage as a result of exceptional events \(e.g., natural disasters or abundant harvests exceeding available storage capacity\); or](#)

[\(f\) Other similar types of temporary activities that emit air contaminants.](#)

~~(2) Fees. Applicants for a Short Term Activity ACDP must pay the fees in OAR 340-216-8020.~~

~~(23)~~ Permit content:

(a) A Short Term Activity ACDP must include conditions that ensure adequate protection of property and preservation of public health, welfare, and resources.

(b) A Short Term Activity ACDP may not include a PSEL for any air contaminants discharged as a result of the permitted activity.

(c) A Short Term Activity ACDP will automatically terminate 60 days from the date of issuance ~~and may not be renewed~~. [The permittee may request that the Short Term Activity ACDP be renewed one time, for an additional 60-day period by notifying DEQ in writing 14 days before the expiration of the Short Term Activity ACDP. Additional permit fees are not required for renewal of a Short Term Activity ACDP.](#)

~~(34)~~ Permit issuance public notice procedures. A Short Term Activity ACDP requires public notice as a Category I permit action under OAR [chapter 340](#), division 209.

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 468 & 468A

**History:**

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 340-014-0050

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

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

DEQ 42, f. 4-5-72, ef. 4-15-72

DEQ 42, f. 4-5-72, ef. 4-15-72

**340-216-0056**

**Basic ACDPs**

(1) Application requirements. Any person requesting a Basic ACDP must submit an application according to OAR 340-216-0040 and provide the information specified in OAR 340-216-0040(1).

[\(2\) DEQ may determine that a source is ineligible for a Basic ACDP based upon the considerations in OAR 340-216-0025\(7\).](#)

~~(32)~~ Fees. Applicants for a new Basic ACDP must pay the fees in OAR 340-216-8020.

~~(43)~~ Permit content:

(a) A Basic ACDP will contain only the most significant and relevant rules applicable to the source;

- (b) A Basic ACDP may not contain a PSEL;
- (c) A Basic ACDP will require that a simplified annual report be submitted to DEQ; and
- (d) A Basic ACDP may be issued for a period not to exceed ten years.

(54) Permit issuance public notice procedures. A Basic ACDP requires public notice as a Category I permit action according to OAR [chapter 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 DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11 DEQ 8-2007, f. & cert. ef. 11-8-07 DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

### **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.

[\(E\) DEQ may determine that a source is ineligible for a General ACDP based upon the considerations in OAR 340-216-0025\(7\).](#)

(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 [set at the capacity for the largest emitting source in the source category in the state](#) for all regulated pollutants [other than toxic air contaminants that are](#) emitted at more than the de minimis emission level according to OAR [chapter 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 [chapter 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 [chapter 340](#), division 209.

(d) DEQ will retain all General ACDPs on file and make them available for public review at DEQ's headquarters.

(2) Petition for General ACDP Categories.

Any person may file a petition with DEQ to add a category for a General ACDP. The petition must include at least the following information:

(a) Justification for why a new General ACDP category should be developed;

(b) The approximate number of businesses that would be eligible for the General ACDP; and

(c) Criteria for qualification of the General ACDP.

~~(3)~~ 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;~~

~~(S)~~ Gasoline dispensing facilities — stage I — Fee Class Five;

~~(T)~~ Gasoline dispensing facilities — stage II — Fee Class Four;

~~(U)~~ Wood preserving — Fee Class Four;

~~(V)~~ 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~~-person to a General ACDP is a Category I permit action and is subject to the Category I public notice requirements according to OAR chapter 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 an owner or operator ~~source~~ has been assigned to a General ACDP for a source, 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 owner or operator ~~source~~ must obtain a Simple or Standard ACDP for the source.

(E) An owner or operator ~~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 owner or operator ~~source~~ is currently assigned, must be reassigned to the General ACDP for the source category in the higher annual fee class.

(~~43~~) 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~~ permittee's assignment to a General ACDP if the permittee's source no longer meets the requirements of the permit. In such case, the ~~source~~-permittee 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~~-permittee fails to submit an application for a Simple or Standard ACDP, DEQ will rescind the ~~source's~~-permittee'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 [chapter 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 [5.4](#). ~~Late fees start upon issuance of the initial invoice.~~ In ~~the~~ [this](#) 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~~ PSELs [at less than the SER](#) for all regulated pollutants emitted at more than the de minimis emission level according to OAR [chapter 340](#), division 222;

[\(c\) For sources that require permit conditions to ensure the source's emissions will not cause or contribute to an exceedance or violation of an ambient air quality standard adopted under OAR chapter 340, division 202, DEQ may include any physical or operational limitations, including any combination of the use of control devices, restrictions on hours of operation,](#)

or restrictions on the type or amount of materials combusted, stored, or processed, as permit conditions to limit short term emissions; and

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

(~~e~~d) A permit duration not to exceed 10~~5~~ years.

(4) Permit issuance public notice procedures:

(a) Issuance of a new or renewed Simple ACDP requires public notice as a Category III permit according to OAR chapter 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 chapter 340, division 209; or

(B) Public notice as a Category III permit action for moderate and complex technical modifications according to OAR chapter 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 for all regulated pollutants emitted at more than the de minimis emission level ~~or Generic PSEL levels, whichever are applicable,~~ under OAR chapter 340, division 222;

(c) For all sources that require controls or limitations to ensure the source's emission will not cause or contribute to an exceedance or violation of an ambient air quality standard adopted under OAR chapter 340, division 202, DEQ may include any physical or operational limitation, including any combination of the use of control devices, restrictions on hours of operation, or restrictions on the type or amount of materials combusted, stored, or processed, as permit conditions to limit short term emissions;

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

~~(e)~~ (A) A permit duration not to exceed 5 years, for all permits except as allowed under paragraph (B); or

(B) For a Standard ACDP that is issued solely to implement the requirements of OAR chapter 340, division 224 for Major New Source Review for a Title V source, no expiration date. This permit is only required to be modified if any of the Major New Source Review permit conditions must be modified. The owner or operator does not have to pay annual fees for this permit but must pay the applicable specific activity fees for any permit modification(s).

(4) Permit issuance procedures.

(a) Issuance of a new or renewed Standard ACDP requires public notice under OAR [chapter 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 [chapter 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 [chapter 340](#), division 224;-

(b) Issuance of a modified Standard ACDP requires public notice under OAR [chapter 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 [chapter 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 [chapter 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 [chapter 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**

**Expiration, Termination or Revocation of an ACDP**

(1) Expiration.

(a) A source may not be operated after the expiration date of a permit, unless any of the following occur prior to the expiration date of the permit:

(A) A timely and complete application for renewal or reassignment has been submitted; or

(B) Another type of permit, ACDP or Oregon Title V Operating Permit, has been issued authorizing operation of the source; or

(C) A complete application and applicable fees for a different ACDP has been received.

(b) If a timely and complete renewal or reassignment 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. Except as provided in section (3), a source may not be operated after the termination of a permit. A permit ~~is automatically~~ terminates upon:

(a) Issuance of a renewal, reassigned ACDP or a new ACDP for the same activity or operation;

(b) Written request by the permittee to DEQ requesting termination. If DEQ determines that a permit is no longer needed, DEQ will confirm termination in writing to the permittee. ~~Written request of the permittee, if DEQ determines that a permit is no longer required;~~

(c) Failure to submit a timely and complete application for permit renewal or reassignment as required in OAR 340-216-0040. Termination is effective on the permit expiration date; or

(d) Failure to pay annual fees within 90 days of the invoice due date as issued by DEQ, unless prior arrangements for a payment plan have been approved in writing by DEQ.

(e) Failure to commence construction within 18 months of approval, or other date approved in writing by DEQ.

(A) Construction approval terminates and is invalid for the following reasons:

(i) Construction is not commenced within 18 months after DEQ issues such approval, by an alternative deadline established by DEQ under this section, or by the deadline approved by

DEQ in an extension under subsection (b);

(ii) Construction is discontinued for a period of 18 months or more; or

(iii) Construction is not completed within 18 months of the anticipated date of construction completion included in the application.

(B) The owner or operator may submit a request to extend the construction commencement deadline or the construction completion date by submitting a written, detailed explanation of why the source could not commence or complete construction within the initial 18-month period. DEQ may grant for good cause one 18-month construction approval extension.

~~(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 renewal application within three months of the permit expiration date.~~

(a) A permit subject to termination under subsection (2)(c) may only be extended or reinstated if, not later than 30 days after the permit expiration date, the permittee submits a complete renewal application and pays a late application fee equivalent to the new permit application fee that would apply if the source was a new source, in which case the existing permit will be reinstated effective as of the permit expiration date and will remain in effect until final action has been taken on the renewal application to issue or deny a permit;

(b) A permit terminated under subsection (2)(d) may only be extended or reinstated if, not later than 90 days after termination, the permittee pays all unpaid annual fees and applicable late fees in which case the existing permit will be reinstated effective on the date of termination; and

(c) A terminated permit may not be reinstated other than as provided in subsections (a) and (b). If neither subsection (a) or (b) apply, the former permittee of a terminated permit who wishes to resume operation must submit a complete application for a new permit, including paying applicable new source permit application fees and any unpaid annual fees and late fees that were due under the terminated permit. Until DEQ issues or reassigns a new permit, the source may not operate.

(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

[chapter 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 [chapter 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.~~ [following the permit issuance procedures in OAR 340-216-0056\(5\) for Basic ACDPs, OAR 340-216-0064\(4\) for Simple ACDPs, and OAR 340-216-0066\(4\) 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



## 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~~under OAR [chapter 340](#), division 232.
- 2 Aluminum, copper, and other nonferrous foundries subject to an area source NESHAP under OAR [chapter 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 B](#)oilers 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~~under OAR [chapter 340](#), division 232.<sup>2</sup>
- 17 Cement manufacturing.
- 18 Cereal preparations and associated grain elevators 10,000 or more tons/year throughput.<sup>1</sup>
- 19 Charcoal manufacturing.
- 20 Chlorine and alkali manufacturing.
- 21 Chrome plating and anodizing subject to a NESHAP under OAR [chapter 340](#), division

244.

- 22 Clay ceramics manufacturing subject to an area source NESHAP under OAR [chapter 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 [chapter 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 [chapter 340](#), division 244.
- 30 Flatwood coating ~~regulated by~~ [subject to RACT under OAR chapter 340](#), division 232.<sup>2</sup>
- 31 Flexographic or rotogravure printing subject to RACT under OAR [chapter 340](#), division 232.<sup>2</sup>
- 32 Flour, blended and/or prepared and associated grain elevators 10,000 or more tons/year throughput.<sup>1</sup>
- 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 month<sup>3</sup>.
- 36 Glass and glass container manufacturing subject to a NSPS under OAR [chapter 340](#), division 238 or a NESHAP under OAR [chapter 340](#), division 244.
- 37 Grain elevators used for intermediate storage 10,000 or more tons/year throughput.<sup>1</sup>
- 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 [chapter 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 [chapter 340](#), division 232.<sup>2</sup>
- 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 [chapter 340](#), division 232.
- 49 Metal fabrication and finishing operations subject to an area source NESHAP under OAR [chapter 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 [chapter 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 [chapter 340](#), division 244.
- 59 Paint stripping and miscellaneous surface coating operations subject to an area source NESHAP under OAR [chapter 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 [chapter 340](#), division 232.<sup>2</sup>
- 61 Particleboard manufacturing, including strandboard, flakeboard, and waferboard.
- 62 Perchloroethylene dry cleaning operations subject to an area source NESHAP under OAR [chapter 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 [chapter 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 [chapter 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.<sup>1</sup>
- 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 [chapter 340](#), division 232.<sup>2</sup>
- 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 emissions, if the source were to operate uncontrolled, of the capacity 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 the source were to operate uncontrolled](#)~~if located in any part of the state~~.<sup>4</sup>
- 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 III 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 [chapter 340](#), division 232, BACT or LAER under OAR [chapter 340](#), division 224, a NESHAP under OAR [chapter 340](#), division 244, a NSPS under OAR [chapter 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.

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<sup>1</sup> Applies only to Special Control Areas

<sup>2</sup> Portland AQMA, Medford-Ashland AQMA or Salem-Keizer in the SKATS only

<sup>3</sup> “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

<sup>4</sup> 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](#)

## 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



340-216-8020

2

**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 <sup>1</sup>	\$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

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.

**Part 2a. Annual Fees: (Due date 12/1<sup>1</sup> for 1/1 to 12/31 of the following year) (applicable through June 30, 2021)**

<del>Short Term Activity ACDP</del>		<del>\$0</del>
<del>Basic ACDP</del>	<del>(A) #1-7 OAR 340-216-8010 Table 1 Part A</del>	<del>\$497.00</del>
	<del>(B) #8 OAR 340-216-8010 Table 1 Part A</del>	<del>\$1,469.00</del>
<del>General ACDP</del>	<del>(A) Fee Class One</del>	<del>\$1,080.00</del>
	<del>(B) Fee Class Two</del>	<del>\$1,944.00</del>
	<del>(C) Fee Class Three</del>	<del>\$2,808.00</del>
	<del>(D) Fee Class Four</del>	<del>\$540.00</del>
	<del>(E) Fee Class Five</del>	<del>\$180.00</del>
	<del>(F) Fee Class Six</del>	<del>\$360.00</del>
<del>Simple ACDP</del>	<del>(A) Low Fee</del>	<del>\$3,917.00</del>
	<del>(B) High Fee</del>	<del>\$7,834.00</del>
<del>Standard ACDP</del>		<del>\$15,759.00</del>
<del>Greenhouse Gas Reporting, as required by OAR 340, Division 215</del>		<del>7.31% of the applicable ACDP annual fee in Part 2</del>



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2

**Contaminant Discharge Permits**

~~1. DEQ may extend the payment due date for dry cleaners or gasoline dispensing facilities until March 1st.~~

**Part 2b. Annual Fees: (Due date 12/1<sup>1</sup> for 1/1 to 12/31 of the following year) (applicable July 1, 2021 through June 30, 2022)**

<a href="#">Registration – Motor vehicle surface coating operations</a>		<a href="#">\$288.00</a>
<a href="#">Registration - Dry cleaners using perchloroethylene</a>		<a href="#">\$216.00</a>
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 <a href="#">chapter</a> 340, Division 215		7.31% of the applicable ACDP annual fee in Part 2

**Part 2c. Annual Fees: (Due date 12/1<sup>1</sup> for 1/1 to 12/31 of the following year) (applicable July 1, 2022)**

<a href="#">Registration – Motor vehicle surface coating operations</a>		<a href="#">\$288.00</a>
<a href="#">Registration - Dry cleaners using perchloroethylene</a>		<a href="#">\$216.00</a>
Short Term Activity ACDP		\$0
Basic ACDP	(A) #1-7 OAR 340-216-8010 Table 1 Part A	\$648.00



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2

**Contaminant Discharge Permits**

	(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 <a href="#">chapter 340</a> , Division 215		7.31% of the applicable ACDP annual fee in Part 2

**Part 3. Cleaner Air Oregon Annual Fees: (Due date 12/1<sup>1</sup> 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
	(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	\$806.00
	(B) High Fee	\$1,612.00
Standard ACDP		\$3,225.00



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2

**Contaminant Discharge Permits**

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 <sup>1</sup>		\$720.00
Permit Modification	(A) Non-Technical <sup>2</sup>	\$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
Public Hearing at Source's Request		\$3,600.00
State MACT Determination		\$9,000.00
Compliance Order Monitoring <sup>3,2</sup>		\$180.00/month

**Part 5. Late Fees:**

8-30 days late	5%
31-60 days late	10%
61 or more days late	20%

1. The Type 2 Notice of Intent to Construct does not apply to existing Basic ACDP or General ACDP sources.

~~2. For gasoline dispensing facilities, a portion of these fees will be used to cover the fees~~



340-216-8020

2

## Contaminant Discharge Permits

~~required for changes of ownership in OAR 340-150-0052(4) if DEQ receives both forms at the same time.~~

23. 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.

**NOTE:** See history of this table under OAR 340-216-0020.

**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 [OAR 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 source](#) 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 chapter 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~~ [according to](#) 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 [chapter 340](#), division 216; New Source Review program, OAR [chapter 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 (3) copies of all required forms and exhibits in hard copy and~~ one (1) copy in electronic format as specified by DEQ [and all 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 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<sub>x</sub>; 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;

(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; and

(N) If requested by DEQ, an air quality analysis, conducted in accordance with the procedures in OAR chapter 340, division 225, at renewal or with a permit modification demonstrating that the source's emissions will not cause or contribute to an exceedance or violation of an ambient air quality standard adopted under OAR chapter 340, division 202.

(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) A Land Use Compatibility Statement (LUCS), if applicable, [signed by the applicable local planning jurisdiction\(s\)](#) to assure that the type of land use and activities in conjunction with that use have been reviewed and approved [as compatible with the applicable local jurisdiction's acknowledged comprehensive plan](#), ~~by local government~~ before a permit is processed and issued. [If the local jurisdiction issues a negative determination, the application will not be approved by DEQ; or](#)

[\(B\) If the local planning jurisdiction declines to provide a LUCS determination in response to a request for a LUCS, 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.](#)

(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 that require controls or limitations to ensure the source's emissions will not cause or contribute to an exceedance or violation of an ambient air quality standard adopted under OAR chapter 340, division 202, DEQ may include permit conditions that limit the source's potential to emit, including use of control devices, restrictions on hours of operation or on the type or amount of material combusted, stored, or processed as permit conditions to limit short term potential to emit; and](#)

~~(c)~~ (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;

(de) 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 [chapter 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 (3) copies~~ 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 [chapter 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 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 6-2001, f. 6-18-01, cert. ef. 7-1-01

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 [under 40 C. F. R. Part 68](#), ~~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

**History:**

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DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2160

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 [chapter 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 [and OAR chapter 340, division 11](#).

**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 [chapter 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 [chapter 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 [chapter 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 this division.](#)

~~(1)~~ 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.

~~(2)~~(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.

(43) In addition to the enforcement authorities contained in sections (21) and (32) 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 [chapter 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**

**340-222-0020**

**Applicability and Jurisdiction**

(1) Plant Site Emission Limits (PSELs) will be included in all Air Contaminant Discharge Permits (ACDP) and Oregon Title V Operating Permits, except as provided in section (3), as a means of managing airshed capacity by regulating increases and decreases in air emissions. Except as provided in OAR 340-222-0035(5) and 340-222-0060, all ACDP and [Oregon Title V Operating Permit](#) sources are subject to PSELs for all regulated pollutants listed in the definition of SER in 340-200-0020. DEQ will incorporate PSELs into permits when issuing a new permit or renewing or modifying an existing permit.

(2) The emissions limits established by PSELs provide the basis for:

- (a) Assuring reasonable further progress toward attaining compliance with ambient air quality standards;
- (b) Assuring compliance with ambient air quality standards and PSD increments;
- (c) Administering offset and banking programs; and
- (d) Establishing the baseline for tracking the consumption of PSD increments.

(3) PSELs are not required for:

(a) Regulated pollutants that will be emitted at less than the de minimis emission level listed in OAR 340-200-0020 from the entire source;

(b) Short Term Activity and Basic ACDPs;

(c) Hazardous air pollutants as listed in OAR 340-244-0040 Table 1; high-risk pollutants listed in 40 CFR 63.74; or accidental release substances listed in 40 CFR 68.130; or air toxics listed in OAR [chapter 340](#), division 246; except that PSELs are required for pollutants identified in this subsection that are also listed in the definition of SER, 340-200-0020; [or](#)

[\(d\) General ACDPs or General Oregon Title V Operating Permits where federally enforceable limits on potential to emit, such as a physical or operational limit, are used rather than a PSEL.](#)

(4) PSELs may be ~~generic PSELs, source-specific PSELs set at the generic PSEL levels, or source-specific PSELs set at source specific levels~~ [or may be set at the capacity of the largest emitting source in the source category for a General ACDP or a General Oregon Title V Operating Permit.](#)

~~(a) A source with a generic PSEL cannot maintain a netting basis for that regulated pollutant.~~

~~(b) A source with a source-specific PSEL that is set at the generic PSEL level may maintain a netting basis for that regulated pollutant provided the source is operating under a Standard~~

~~ACDP or Title V Operating permit.~~

(5) 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 that EQC adopted under OAR 340-200-0040.

[ED. NOTE: Tables referenced are available from the agency.]

**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 11-2008, f. & cert. ef. 8-29-08

DEQ 4-2008(Temp), f. 3-4-08, cert. ef. 3-6-08 thru 9-1-08

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

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1010

DEQ 14-1998, f. & cert. ef. 9-14-98

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

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 340-020-0301

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

DEQ 25-1981, f. & cert. ef. 9-8-81

**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 [chapter 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 State NSR applicability under OAR chapter 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

## **340-222-0040**

### **Generic Annual PSEL**

~~(1) Sources with capacity less than the SER will receive a generic PSEL unless they have a netting basis and request a source specific PSEL under OAR 340-222-0041.~~

~~(2) A generic PSEL may be used for any regulated pollutant that will be emitted at less than the SER.~~

~~(3) The netting basis for a source with a generic PSEL is zero for that regulated pollutant.~~

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

~~DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1020~~

~~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 340-020-0310~~  
~~DEQ 4-1993, f. & cert. ef. 3-10-93~~  
~~DEQ 25-1981, f. & ef. 9-8-81~~

### **340-222-0041**

#### **~~Source Specific~~ Annual PSEL**

(1) For sources subject to a General ACDP or a General Oregon Title V Operating Permit with potential to emit less than the SER that request a source specific PSEL, the source specific a PSEL will may be set equal to the generic PSEL level based on the capacity of the largest emitting source in that source category for all sources on that permit type in the state. PSELs will be set for all regulated pollutants emitted at more than the de minimis emission level.

(2) For sources subject to a Simple ACDP, a PSEL will be set equal to the source's capacity or potential to emit.

(3) For sources subject to a Standard ACDP or an Oregon Title V Operating Permit, a PSEL  
~~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 (43) or (54).

(43) The initial ~~source specific~~ PSEL for PM2.5 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 PM2.5 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 OAR 340-222-0041(4).

(54) 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 and comply with OAR 340-224-0300, if applicable; 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 [chapter 340](#), division 224 have been satisfied, except that:

[\(A\)](#) ~~a~~An increase in the PSEL for GHGs is subject to the requirements of NSR specified in [OAR 340-224-0010\(1\)\(c\)](#) only if the criteria in [OAR 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 an air quality analysis is required for PM10 or PM2.5 increases, 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

**340-222-0042**

**Short Term PSEL**

(1) For sources located in areas with an established short term SER that is measured over an averaging period less than a full year, PSELs are required on a short term basis for those regulated pollutants that have a short term SER. The short term averaging period is daily, unless emissions cannot be monitored on a daily basis. The averaging period for short term PSELs can never be greater than monthly.

(a) For new and existing sources with potential to emit less than the short term SER, the short term PSEL will be set equal to the ~~level of the~~ short term ~~generic PSEL~~[capacity or the short term potential to emit](#).

(b) For existing sources with potential to emit greater than or equal to the short term SER, a short term PSEL will be set equal to the source's short term potential to emit or to the current permit's short term PSEL, whichever is less.

(c) For new sources with potential to emit greater than or equal to the short term SER, the initial short term PSEL will be set at the level requested by the applicant provided the applicant meets the requirements of (2)(b).

(2) If a permittee requests an increase in a short term PSEL that will exceed the short term netting basis by an amount equal to or greater than the short term SER, the permittee must satisfy the requirements of subsections (a) or (b). In order to satisfy the requirements of subsection (a) or (b), the short term PSEL increase must first be converted to an annual increase by multiplying the short term increase by 8,760 hours, 365 days, or 12 months, depending on the term of the short term PSEL.

(a) Obtain offsets in accordance with the offset provisions for the designated area as specified in OAR 340-224-0510 through 340-224-0530, as applicable; or

(b) Obtain an allocation from an available growth allowance in accordance with the applicable maintenance plan.

(3) Once the short term PSEL is increased pursuant to section (2), the increased level becomes the basis for evaluating future increases in the short term PSEL.

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 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

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

### **340-222-0046**

#### **Netting Basis**

(1) A netting basis will only be established for those regulated pollutants that could subject a source to NSR under OAR [chapter 340](#), division 224.

(a) The initial PM<sub>2.5</sub> netting basis for a source that was permitted prior to May 1, 2011 will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

(b) The initial greenhouse gas netting basis for a source will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

(2) A source's netting basis is established as specified in subsection (a), (b), or (c) and will be adjusted according to section (3):

(a) For all regulated pollutants except for PM<sub>2.5</sub>, a source's initial netting basis is equal to the baseline emission rate.

(b) For PM<sub>2.5</sub>, a source's initial netting basis is equal to the overall PM<sub>2.5</sub> fraction of the PM<sub>10</sub> PSEL in effect on May 1, 2011 multiplied by the PM<sub>10</sub> netting basis in effect on May 1, 2011. DEQ may increase the initial PM<sub>2.5</sub> netting basis by not more than 5 tons to ensure that the PM<sub>2.5</sub> PSEL does not exceed the PM<sub>2.5</sub> netting basis by more than the PM<sub>2.5</sub> SER.

(A) Any source with a permit in effect on May 1, 2011 is eligible for a PM<sub>2.5</sub> netting basis 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 PM<sub>10</sub> netting basis that was in effect on May 1, 2011, due to more accurate or reliable information, the corrected PM<sub>10</sub> netting basis will be used to correct the initial PM<sub>2.5</sub> netting basis.

(i) Correction of a PM<sub>10</sub> netting basis will not by itself trigger OAR 340-222-0041(4) for PM<sub>2.5</sub>.

(ii) Correction of a PM<sub>10</sub> netting basis could result in further requirements for PM<sub>10</sub> in accordance with all applicable regulations.

(c) A source's netting basis is zero for:

(A) Any regulated pollutant emitted from a source that first obtained permits to construct and operate after the applicable baseline period for that regulated pollutant, and has not undergone NSR for that regulated pollutant, except as provided in subsection (2)(b) for PM<sub>2.5</sub>;

(B) Any regulated pollutant that has a generic PSEL in a [previous](#) permit; or

(C) Any source permitted as portable.

(3) A source's netting basis will be adjusted as follows:

(a) The netting basis will be reduced by any emission reductions required under a rule, order, or permit condition issued by the EQC or DEQ and required by the SIP or used to avoid any state (e.g., NSR) or federal requirements (e.g., NSPS, NESHAP), as of the effective date of the rule, order or permit condition;

(A) Netting basis reductions are effective on the effective date of the rule, order or permit condition that requires the reductions;

(B) Netting basis reductions may only apply to sources that are permitted, on the effective date of the applicable rule, order or permit condition, to operate the affected devices or

emissions units that are subject to the rule, order, or permit condition requiring emission reductions;

(C) Netting basis reductions will include reductions for unassigned emissions for devices or emissions units that are affected by the rule, order or permit condition, if the shutdown or over control that created the unassigned emissions occurred within five years prior to the adoption of the rule, order or permit condition that required an emission reduction unless the unassigned emissions have been used for internal netting actions. This provision applies to emission reductions that have been placed in unassigned emissions or that are eligible to be placed in unassigned emissions but the permit that would place them in unassigned emissions has not been issued.

(D) Netting basis reductions will not affect emission reduction credits established under division 268.

(E) Netting basis reductions for the affected devices or emissions units will be determined consistent with the approach used to determine the netting basis prior to the regulatory action reducing the emissions. The netting basis reduction is the difference between the emissions calculated using the previous emission rate and the emission rate established by rule, order, or permit using appropriate conversion factors when necessary.

(F) The netting basis reductions will not include emission reductions achieved under OAR 340-226-0110, 340-226-0120, or OAR [chapter 340](#), division 244;

(b) The netting basis will be reduced by any unassigned emissions that are reduced under OAR 340-222-0055(3)(a);

(c) The netting basis will be reduced by the amount of emission reduction credits transferred off site in accordance with OAR [chapter 340](#), division 268;

(d) The netting basis will be reduced when actual emissions are reduced according to OAR 340-222-0051(3);

(e) The netting basis will be increased by any of the following:

(A) For sources that obtained a permit on or after April 16, 2015, any emission increases approved through Major NSR or Type A State NSR action under OAR [chapter 340](#), division 224;

(B) For sources that obtained a permit prior to April 16, 2015, any emission increases approved through the NSR regulations in OAR [chapter 340](#), division 224 in effect at the time; or

(C) For sources where the netting basis was increased in accordance with the DEQ PSD rules that were in effect prior to July 1, 2001, the netting basis may include emissions from emission units that were not subject to both an air quality analysis and control technology requirements if the netting basis had been increased following the rules in effect at the time.

(f) The netting basis will be increased by any emissions from activities previously classified as categorically insignificant prior to April 16, 2015, provided the activities existed during the baseline period or at the time of the last NSR permitting action that changed the netting basis under subsection (e).

(4) In order to maintain the netting basis, permittees must maintain either a Standard ACDP or an Oregon Title V Operating Permit. A request to be assigned any other type of ACDP sets the netting basis at zero upon issuance of the other type of permit and remains at zero unless an increase is approved under subsection (3)(e).

(5) If a source relocates to a different site that DEQ determines is within or affects the same airshed, and the time between operation at the old and new sites is less than six months, the source may retain the netting basis from the old site.

(6) A source's netting basis for a regulated pollutant with a revised definition will be corrected if the source is emitting the regulated pollutant at the time the definition is revised, and the regulated pollutant is included in the source's netting basis.

(7) Where EPA requires an attainment demonstration based on dispersion modeling, the netting basis must not be more than the level used in the dispersion modeling to demonstrate attainment with the ambient air quality standard (i.e., the attainment demonstration is an emission reduction required by rule).

NOTE: This rule was moved verbatim from OAR 340-200-0020(76) and amended on 04-16-15. Previous rule history for OAR 340-200-0020: [DEQ 15-1978, f. & ef. 10-13-78; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033.04; DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 14-1989, f. & cert. ef. 6-26-89; DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91; DEQ 2-1992, f. & cert. ef. 1-30-92; DEQ 7-1992, f. & cert. ef. 3-30-92; 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 340-020-0145, 340-020-0225, 340-020-0305, 340-020-0355, 340-020-0460 & 340-020-0520; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. & cert. ef. 10-14-94; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0205, 340-028-0110; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 5-2010, f. & cert. ef. 5-21-10; 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 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 11-2013, f. & cert. ef.

11-7-13

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

### **340-222-0060**

#### **Plant Site Emission Limits for Sources of Hazardous Air Pollutants**

(1) DEQ may establish PSELs for hazardous air pollutants (HAPs) if an owner or operator requests that DEQ:

(a) Establish a PSEL for combined HAPs emitted for purposes of determining emission fees as prescribed in OAR [chapter 340](#), division 220; or

(b) Create an enforceable PTE limit.

(2) PSELs will be set only for individual or combined HAPs and will not list HAPs by name. The PSEL will be set on a rolling 12 month basis and will be ~~either:~~

~~(a) The generic PSEL if the permittee proposes a limit less than that level; or~~

~~(b) The level the permittee establishes necessary for the source if greater than the generic PSEL and to also comply with OAR [chapter 340](#), division 245.~~

(3) The alternative emissions controls (bubble) provisions of OAR 340-226-0400 do not apply to emissions of HAPs.

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

**Statutes/Other Implemented:** ORS 468A

**History:**

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

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 340-028-1050

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

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

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

## **Division 224 NEW SOURCE REVIEW**

### **340-224-0010**

**Applicability, General Prohibitions, General Requirements and Jurisdiction**

(1) Except as provided in subsection (c), the owner or operator of a source undertaking one of the following actions must comply with the applicable Major New Source Review requirements of OAR 340-224-0010 through 340-224-0070 and 340-224-0500 through 340-224-0540 for such actions prior to construction or operation:

(a) In an attainment, unclassified or sustainment area:

(A) Construction of a new federal major source;

(B) Major modification at an existing federal major source; or

(C) Major modification at an existing source that will become a federal major source because emissions of a regulated pollutant are increased to the federal major source level or more.

(b) In a nonattainment, reattainment or maintenance area:

(A) Construction of a new source that will emit 100 tons per year or more of the nonattainment, reattainment or maintenance pollutant;

(B) A major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that emits 100 tons per year or more of the nonattainment, reattainment or maintenance pollutant; or

(C) A major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that will increase emissions of the nonattainment, reattainment or maintenance pollutant to 100 tons per year or more.

(c) The owner or operator of a source is subject to Prevention of Significant Deterioration for GHGs under OAR 340-224-0070 if the owner or operator is first subject to OAR 340-224-0070 for a pollutant other than GHGs, and the source meets the criteria in paragraph (A) or (B);

(A) The source is a new source which will emit GHGs at a rate equal to or greater than the SER; or

(B) The source is an existing source which is undertaking a major modification for GHGs.

(2) Except as provided in subsection (c), the owner or operator of a source that is undertaking an action that is not subject to Major NSR under section (1) and is one of the actions identified in subsections (a) or (b) must comply with the applicable State New Source Review requirements of OAR 340-224-0010 through 340-224-0038, 340-224-0245 through 340-224-0270 and 340-224-0500 through 340-224-0540 for such action prior to construction or operation.

(a) In a nonattainment, reattainment or maintenance area:

(A) Construction of a new source that will have emissions of the nonattainment, reattainment or maintenance pollutant equal to or greater than the SER; or

(B) Major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that will have emissions of the nonattainment, reattainment or maintenance pollutant equal to or greater than the SER over the netting basis.

(b) In any designated area, for actions other than those identified in subsection (a):

(A) Construction of a new source that will have emissions of a regulated pollutant equal to or greater than the SER; or

(B) Increasing emissions of a regulated pollutant to an amount that is equal to or greater than the SER over the netting basis.

(c) GHGs are not subject to State NSR.

(d) Type A and Type B State NSR: State NSR actions are categorized as follows:

(A) Actions under subsection (a), and actions for which the source must comply with OAR 340-224-0245(2), are categorized as Type A State NSR actions; and

(B) Actions under subsection (b) are categorized as Type B State NSR unless the source must comply with OAR 340-224-0245(2).

[\(3\) The owner or operator of a source undertaking one of the actions in OAR 340-224-0300\(1\) must comply with the applicable Minor New Source Review requirements of OAR 340-224-0010, 340-224-0030 and 340-224-0300 for such actions prior to construction or operation.](#)

~~(4)~~ (3) The owner or operator of a source subject to section (1) or (2) must apply this division based on the type of designated area where the source is located for each regulated pollutant, taking the following into consideration:

(a) The source may be subject to this division for multiple pollutants;

(b) Some pollutants, including but not limited to NO<sub>x</sub>, may be subject to multiple requirements in this division both as pollutants and as precursors to other pollutants;

(c) Every location in the state carries an area designation for each criteria pollutant and the entire state is treated as an unclassified area for regulated pollutants that are not criteria pollutants; and

(d) Designated areas may overlap.

~~(5)~~ (4) Where this division requires the owner or operator of a source to conduct analysis under or comply with a rule in OAR 340 division 225, the owner or operator must complete such work in compliance with OAR 340-225-0030 and 340-225-0040.

~~(6)~~ (5) Owners and operators of all sources may be subject to other DEQ rules, including, but not limited to, Notice of Construction and Approval of Plans (OAR 340-210-0205 through

340-210-0250), ACDPs (OAR 340 division 216), Title V permits (OAR 340 division 218), Highest and Best Practicable Treatment and Control (OAR 340-226-0100 through 340-226-0140), Emission Standards for Hazardous Air Contaminants (OAR 340 division 244), and Standards of Performance for New Stationary Sources (OAR 340 division 238), as applicable.

(76) An owner or operator of a source that meets the applicability criteria of sections (1) or (2) may not begin actual construction, continue construction or operate the source without complying with the requirements of this division and obtaining an air contaminant discharge permit (ACDP) issued by DEQ authorizing such construction or operation.

(87) 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.

**Statutory/Other Authority:** ORS 468.020, 468A.025, 468A.040, 468A.050, 468A.055, 468A.135 & 468A.155

**Statutes/Other Implemented:** ORS 468A

**History:**

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

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

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

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1900

DEQ 26-1996, f. & cert. ef. 11-26-96

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

DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0220

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

DEQ 25-1981, f. & ef. 9-8-81

**340-224-0030**

**New Source Review Procedural Requirements**

(1) Information Required. The owner or operator of a source subject to Major NSR, ~~or~~ State NSR, or Minor NSR must submit an application and all information DEQ needs to perform any analysis or make any determination required under this division and OAR chapter 340, division 225. The information must be in writing on forms supplied or approved by DEQ and include the information required to apply for a permit or permit modification under:

(a) OAR chapter 340, division 216 for Major NSR, ~~or~~ Type A State NSR, or Minor NSR action; or

(b) OAR chapter 340, division 216 or 218, whichever is applicable, for Type B State NSR or

[Minor NSR](#) actions.

(2) Application Processing:

(a) For Type B State NSR [or Minor NSR](#), DEQ will review applications and issue permits using the procedures in OAR [chapter 340](#), division 216 or 218, whichever is applicable.

(b) For Major NSR and Type A State NSR:

(A) Notwithstanding the requirements of OAR 340-216-0040(10+), within 30 days after receiving an ACDP permit application to construct, or any additional information or amendment to such application, DEQ will advise the applicant whether the application is complete or if there is any deficiency in the application or in the information submitted. For purposes of this section, an application is complete as of the date on which DEQ received all required information;

(B) Upon determining that an application is complete, DEQ will undertake the public participation procedures in OAR [chapter 340](#), division 209 for a Category IV permit action; and

(C) DEQ will make a final determination on the application within twelve months after receiving a complete application.

(3) An owner or operator that obtained approval of a project under this division must obtain approval for a revision to the project according to the permit application requirements in this division and OAR [chapter 340](#), division 216 or 218, whichever is applicable, prior to initiating the revision. If construction has commenced, the owner or operator must temporarily halt construction until a revised permit is issued. The following are considered revisions to the project that would require approval:

(a) A change that would increase permitted emissions;

(b) A change that would require a re-evaluation of the approved control technology; or

(c) A change that would increase air quality impacts.

(4) For ~~m~~[M](#)ajor NSR, ~~and Type A~~ State NSR, [and Minor NSR](#) permit actions, an ACDP that approves construction must require construction to commence within 18 months of issuance. Construction approval terminates and is invalid if construction is not commenced within 18 months after DEQ issues such approval, or by the deadline approved by DEQ in an extension under section (5). Construction approval also terminates and is invalid if construction is discontinued for a period of 18 months or more or if construction is not completed within 18 months of the scheduled time. An ACDP may approve a phased construction project with separate construction approval dates for each subsequent phase and, for purposes of applying this section, the construction approval date for the second and subsequent phases will be treated as the construction approval issuance date.

(5) For ~~m~~[M](#)ajor NSR, ~~and Type A~~ State NSR, [and Minor NSR](#) permit actions, DEQ may

grant for good cause [one or](#) two 18-month construction approval extensions as follows:

(a) Except as provided in subsection (i), for the first extension, the owner or operator must submit an application to modify the permit that includes the following:

(A) A detailed explanation of why the source could not commence construction within the initial 18-month period; and

(B) Payment of the simple technical permit modification fee in OAR 340-216-8020 Part 3.

(b) Except as provided in subsection (i), for the second extension, the owner or operator must submit an application to modify the permit that includes the following for the original regulated pollutants subject to Major NSR or Type A State NSR:

(A) A detailed explanation of why the source could not commence construction within the second 18-month period;

(B) A review of the original LAER or BACT analysis for potentially lower limits and a review of any new control technologies that may have become commercially available since the original LAER or BACT analysis;

(C) A review of the air quality analysis to address any of the following:

(i) All ambient air quality standards and PSD increments that were subject to review under the original application;

(ii) Any new competing sources or changes in ambient air quality since the original application was submitted;

(iii) Any new ambient air quality standards or PSD increments for the regulated pollutants that were subject to review under the original application; and

(iv) Any changes to EPA approved models that would affect modeling results since the original application was submitted, and

(D) Payment of the moderate technical permit modification fee plus the modeling review fee in OAR 340-216-8020 Part 4.

(c) Except as provided in subsection (i), the permit will be terminated 54 months after it was initially issued if construction does not commence during that 54 month period. If the owner or operator wants approval to construct beyond the termination of the permit, the owner or operator must submit an application for a new Major NSR, ~~or Type A~~ State NSR permit, [or Minor NSR](#).

(d) If construction is commenced prior to the date that construction approval terminates, the permit can be renewed or the owner or operator may apply for a Title V permit as required in OAR 340-218-0190;

(e) To request a construction approval extension under subsection (a) or (b), the owner or operator must submit an application to modify the permit at least 30 days but not more than 90 days prior to the end of the current construction approval period.

(f) Construction may not commence during the period from the end of the preceding construction approval to the time DEQ approves the next extension.

(g) DEQ will make a proposed permit modification available using the following public participation procedures in OAR [chapter 340](#), division 209:

(A) Category II for an extension that does not require an air quality analysis; or

(B) Category III for an extension that requires an air quality analysis.

(h) DEQ will grant a permit modification extending the construction approval for 18 months from the end of the first or second 18-month construction approval period, whichever is applicable, if:

(A) Based on the information required to be submitted under subsection (a) or (b), DEQ determines that the proposed source will continue to meet NSR requirements; and

(B) For any extension, the area impacted by the source has not been redesignated to sustainment or nonattainment prior to the granting of the extension.

(i) If the area where the source is located is redesignated to sustainment or nonattainment before any extension is approved, the owner or operator must demonstrate compliance with the redesignated area requirements if the source is subject to Major or Type A State NSR for the redesignated pollutant, and must obtain the appropriate permit or permit revision before construction may commence. The new permit or permit revision under this subsection will be considered to start a new initial 18-month construction approval period.

(6) Approval to construct does not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state or federal law;

(7) Sources that are subject to OAR [chapter 340](#), division 218, Oregon Title V Permits, are subject to the following:

(a) Except as prohibited in subsection (b), approval to construct a source under an ACDP issued under OAR [chapter 340](#), division 216 authorizes construction and operation of the source, until the later of:

(A) One year from the date of initial startup of operation of the source subject to Major NSR, ~~or Type A State NSR~~, or [Minor NSR](#); or

(B) If a timely and complete application for an Oregon Title V Operating Permit is submitted, the date of final action by DEQ on the Oregon Title V Operating Permit application.

(b) Where an existing Oregon Title V Operating Permit prohibits construction or a change in operation, the owner or operator must obtain a Title V permit revision before commencing the construction, continuing the construction or making the change in operation.

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.035, 468A.040, 468A.050, 468A.055 & 468A.070

**Statutes/Other Implemented:** ORS 468A

**History:**

[DEQ 9-2021, minor correction filed 07/01/2021, effective 07/01/2021](#)

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

DEQ 1-2004, f. & cert. ef. 4-14-04

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

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1910

DEQ 26-1996, f. & cert. ef. 11-26-96

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

DEQ 24-1994, f. & cert. ef. 10-28-94

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

DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0230

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

DEQ 13-1988, f. & cert. ef. 6-17-88

DEQ 18-1984, f. & ef. 10-16-84

DEQ 25-1981, f. & ef. 9-8-81

## **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~~

### 340-224-0300

#### Minor New Source Review

(1) Applicability. The owner or operator that applies for any of the following is subject to this rule except as allowed under subsection (c):

(a) Any application for a Type 3 change under OAR 340-210-0230 for which the proposed construction of an individual device or activity will have the uncontrolled potential to emit at or above a minor source SER; or

(b) Any application for a permit or permit modification under OAR chapter 340, division 216 where any individual device or activity will have the uncontrolled potential to emit at or above a minor source SER; and

(c) An individual device or activity that emits CO, VOC or fugitive particulate matter is exempt from this rule.

(2) The owner or operator must submit:

(a) An application for presumptive MSERT under section (3) or a case-by-case MSERT analysis under section (4); and

(b) An air quality analysis, conducted in accordance with the procedures in OAR chapter 340, division 225, demonstrating that the emissions, including reductions due to air pollution control devices, from the individual device or activity will not cause or contribute to an exceedance or violation of an ambient air quality standard adopted under OAR chapter 340, division 202. If the owner or operator has previously completed an air quality analysis under OAR chapter 340, division 216, 218, or 224 to ensure the source's emissions will not cause or contribute to an exceedance or violation of an ambient air quality standard adopted, or under OAR chapter 340, division 245, no additional modeling review fees are required. If the owner or operator has not previously completed an air quality analysis, the owner or operator must pay the modeling review fee in OAR 340-216-8020.

(3) Presumptive Minor Source Emission Reduction Technology. An owner or operator is not required to submit a case-by-case MSERT analysis under section (4) if they choose to install and operate any of the following for the regulated pollutant:

(a) Collection of all equipment exhaust vented to the baghouse, fabric filter, cartridge filter, wet scrubber, or electrostatic precipitator for particulate matter control;

(b) Selective catalytic reduction for NO<sub>x</sub> control where the control efficiency is 80% or greater;

(c) Low NO<sub>x</sub> burners for NO<sub>x</sub> control from combustion sources where the removal efficiency is 74% or greater;

(d) Diesel particulate filter for diesel particulate matter control where the control efficiency is 95% or greater;

(e) Tier 4 engines that comply with 40 CFR 1039.101 for NOx and particulate matter control;  
or

(g) Combustion of ultra-low sulfur diesel with a sulfur content below 15 parts per million, renewable diesel or natural gas for SO2 control.

(4)(a) Case-by-case MSERT. An owner or operator who does not choose to install presumptive MSERT under section (3) is required to submit a proposed MSERT analysis consistent with the standards described in subsection (b), along with the proposed MSERT, to DEQ for review and approval.

(b) Minor Source Emission Reduction Technology is the best available degree of reduction that is feasible and may be an emissions limitation, an emission control measure, a design standard, equipment standard, work practice standard or other operational standard, or a combination thereof, considering:

(A) What has been achieved in practice for:

(i) Sources in the same class as the source to which the air contaminant emissions limitation or control measure will apply; or

(ii) Processes or emissions similar to the processes or emissions of the source;

(B) The health and environmental impacts of emissions from the facility;

(C) Economic impacts and cost-effectiveness, including the costs of changing proposed or existing processes or equipment or adding equipment or controls to proposed or existing processes and equipment; and

(D) Pollution prevention.

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(3)

### **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 NOx 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 NOx 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<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> in the designated area during high ozone conditions as the ratio described in section (3). The modeled reductions of ambient VOC or NO<sub>x</sub> 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<sub>x</sub> 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 [chapter 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; ~~and~~.
- (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, DEQ may require the owner or operator of a source to conduct speciation of PM and perform an analysis for PM10 and PM2.5.](#)

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

**340-225-0070**

**Requirements for Demonstrating Compliance with Air Quality Related Values Protection**

(1) Sources that are not federal major sources are exempt from the requirements of this rule.

(2) When directed by OAR [chapter 340](#), division 224, the requirements of this rule apply to each emissions unit that increases the actual emissions of a regulated pollutant above the portion of the netting basis attributable to that emissions unit.

(3) DEQ must provide notice of permit applications involving AQRV analysis to EPA and Federal Land Managers as follows:

(a) If a proposed source [or modification](#) could impact air quality related values, including visibility, deposition, and ozone impacts within a Class I area, DEQ will provide written notice to the EPA and to the appropriate Federal Land Manager within 30 days of receiving such permit application. The notice will include a copy of all information relevant to the permit application, including analysis of anticipated impacts on Class I area air quality related values. DEQ will also provide at least 30 days' notice to EPA and the appropriate

Federal Land Manager of any scheduled public hearings and preliminary and final actions taken on the application;

(b) If DEQ receives advance notice of a permit application for a source that may affect Class I area visibility, DEQ will notify all affected Federal Land Managers within 30 days of receiving the advance notice;

(c) During its review of source impacts on Class I area air quality related values, pursuant to this rule, DEQ will consider any analysis performed by the Federal Land Manager that is received by DEQ within 30 days of the date that DEQ sent the notice required by subsection (a). If DEQ disagrees with the Federal Land Manager's demonstration, DEQ will include a discussion of the disagreement in the Notice of Public Hearing;

(d) As a part of the notification required in OAR 340-209-0060, DEQ will provide the Federal Land Manager an opportunity to demonstrate that the emissions from the proposed source [or modification](#) would have an adverse impact on air quality related values, of any federal mandatory Class I area. This adverse impact determination may be made even if there is no demonstration that a Class I PSD increment has been exceeded. If DEQ agrees with the demonstration, it will not issue the permit.

(4) Visibility impact analysis requirements:

(a) If division 224 requires a visibility impact analysis, the owner or operator must demonstrate that the potential to emit any regulated pollutant at a SER in conjunction with all other applicable emission increases or decreases, including secondary emissions, permitted since January 1, 1984 and other increases or decreases in emissions, will not cause or contribute to significant impairment of visibility on any Class I area.

(b) The owner or operator must conduct a visibility analysis on the Columbia River Gorge National Scenic Area if it is affected by the source;

(c) The owner or operator must submit all information necessary to perform any analysis or demonstration required by these rules.

(d) Determination of significant impairment: The results of the modeling must be sent to the affected Federal Land Managers and DEQ. The land managers may, within 30 days following receipt of the source's visibility impact analysis, determine whether or not significant impairment of visibility in a Class I area would result. DEQ will consider the comments of the Federal Land Manager in its consideration of whether significant impairment of visibility in a Class I area will result. If DEQ determines that significant impairment of visibility in a Class I area would result, it will not issue a permit for the proposed source [or modification](#).

(5) In consultation with the Federal Land Managers under FLAG, DEQ may require a plume blight analysis or regional haze analysis, or both.

(6) Criteria for visibility impacts:

(a) The owner or operator of a source, where required by division 224, is encouraged to demonstrate that its impacts on visibility satisfy the guidance criteria as referenced in the FLAG.

(b) If visibility impacts are a concern, DEQ will consider comments from the Federal Land Manager when deciding whether significant impairment will result. Emission offsets may also be considered. If DEQ determines that significant impairment of visibility in a Class I area would result, it will not issue a permit for the proposed source [or modification](#).

(7) Deposition modeling is required for receptors in PSD Class I areas and the Columbia River Gorge National Scenic Area where visibility modeling is required. This may include, but is not limited to an analysis of nitrogen deposition and sulfur deposition.

(8) Visibility monitoring:

(a) If division 224 requires visibility monitoring data, the owner or operator must use existing data to establish existing visibility conditions within Class I areas as summarized in the FLAG Report.

(b) After construction has been completed the owner or operator must conduct such visibility monitoring if DEQ requires visibility monitoring as a permit condition to establish the effect of the regulated pollutant on visibility conditions within the impacted Class I area.

(9) Additional impact analysis: The owner or operator subject to OAR 340-224-0060(2) or 340-224-0070(3) must provide an analysis of the impact to visibility that would occur as a result of the proposed source [or modification](#) and general commercial, residential, industrial, and other growth associated with the source.

(10) If the Federal Land Manager recommends and DEQ agrees, DEQ may require the owner or operator to analyze the potential impacts on other Air Quality Related Values and how to protect them. Procedures from the FLAG report must be used in this recommendation. Emission offsets may also be used. If the Federal Land Manager finds that significant impairment of visibility in a Class I area would result from the proposed activities and DEQ agrees, DEQ will not issue a permit for the proposed source [or modification](#).

(11) 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 340-200-0040.]

[NOTE: [View a PDF of FLAG Phase I report](#) by clicking on "Tables" link below.]

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

**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 134-2018, minor correction filed 04/11/2018, effective 04/11/2018  
DEQ 7-2015, f. & cert. ef. 4-16-15  
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-224-0110  
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2000  
DEQ 26-1996, f. & cert. ef. 11-26-96  
DEQ 19-1993, f. & cert. ef. 11-4-93  
DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0276  
DEQ 4-1993, f. & cert. ef. 3-10-93  
DEQ 14-1985, f. & ef. 10-16-85  
DEQ 18-1984, f. & ef. 10-16-84

## Division 226 GENERAL EMISSION STANDARDS

### 340-226-0100

#### Highest and Best Practicable Treatment and Control: Policy and Application

(1) As specified in OAR 340-226-0110 through 340-226-0140 and sections (2) ~~through and (35)~~, DEQ will include appropriate conditions in permits to ensure that the highest and best practicable treatment and control of air contaminant emissions ~~must is~~ in every case ~~be~~ provided so as to maintain overall air quality at the highest possible levels, and to maintain contaminant concentrations, visibility reduction, odors, soiling and other deleterious factors at the lowest possible levels. ~~In the case of sources installed, constructed, or modified after June 1, 1970, particularly those located in areas with existing high air quality, The permit conditions must ensure that~~ the degree of treatment and control provided must be such that degradation of existing air quality is minimized to the greatest extent possible.

~~(2) A source is in compliance with section (1) if the source is in compliance with all other applicable emission standards and requirements contained in OAR 340 divisions 200 through 268.~~

~~(3) The EQC may adopt additional rules as necessary to ensure that the highest and best practicable treatment and control is provided as specified in section (1). Such rules may include, but are not limited to, requirements:~~

~~(a) Applicable to a source category, regulated pollutant or geographic area of the state;~~

~~(b) Necessary to protect public health and welfare for air contaminants that are not otherwise regulated by the EQC; or~~

~~(c) Necessary to address the cumulative impact of sources on air quality.~~

(24) The EQC encourages the owner or operator of a source to further reduce emissions from the source beyond applicable control requirements where feasible.

(35) Nothing in OAR 340-226-0100 through 340-226-0140 revokes or modifies any existing permit term or condition unless or until DEQ revokes or modifies the term or condition by a permit revision.

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

**Statutes/Other Implemented:** ORS 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 340-028-0600

DEQ 19-1993, f. 11-4-93 & cert. ef. 1-1-94

DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0001

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

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

**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 [chapter 340](#), divisions 224, 230, [234, 236 or 238](#), or under OAR [340-224-0300](#), [OAR 340-232-0010](#) through [340-232-0234](#), ~~OAR 340 divisions 234, 236, or 238~~, [OAR 340-240-0110](#) through [340-240-0180](#), or [OAR 340-240-0320](#) through [340-240-0430](#);

(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 [chapter](#) 340, division 224, a Type A State NSR action under OAR [chapter](#) 340, division 224, an applicable Standard of Performance for New Stationary Sources in OAR [chapter](#) 340, division 238, [OAR 340-224-0300](#), [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 [chapter](#) 340, divisions 230, 234, 236, or 238 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 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

**340-226-0140**

**Highest and Best Practicable Treatment and Control: Additional Control Requirements for Stationary Sources of Air Contaminants**

In addition to other applicable requirements, DEQ may establish control requirements by permit if necessary as specified in sections (1) through (5):

(1) Requirements will be established to prevent violation of an ambient air quality standard caused or projected to be caused substantially by emissions from the source as determined by modeling, monitoring, or a combination thereof. Any air quality analysis must be conducted in accordance with the procedures in OAR chapter 340, division 225. For existing sources, DEQ ~~will conduct monitoring~~ may conduct monitoring or modeling or may require a source to conduct monitoring or modeling to confirm-determine whether the source's emissions will cause or contribute to an exceedance or a violation of an ambient air quality standard.

(2) Requirements will be established to prevent significant impairment of visibility in Class I areas caused or projected to be caused substantially by a source as determined by modeling, monitoring, or a combination thereof. For existing sources, DEQ will conduct monitoring to confirm visibility impairment.

(3) A requirement applicable to a major source will be established if it has been adopted by EPA but has not otherwise been adopted by the EQC.

(4) An additional control requirement will be established if requested by the owner or operator of a source.

(5) Requirements will be established if necessary to protect public health or welfare for the following air contaminants and sources not otherwise regulated under OAR chapter 340, divisions 200 through 268:

(a) Chemical weapons; and

(b) Combustion and degradation by-products of chemical weapons.

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

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

**History:**

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

DEQ 15-2001, f. & cert. ef. 12-26-01

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01  
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0640  
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](#):

[\(a\) Fugitive emissions sources](#);

[\(b\) Fuel burning equipment](#);

[\(c\) Refuse burning equipment](#); or to

[\(d\) Solid 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 if~~ all representative compliance source test results collected prior to April 16, 2015, demonstrate [that](#) emissions [are](#) 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 [that](#) emissions [are](#) 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 and~~ (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 if~~ all representative compliance source test results prior to April 16, 2015 demonstrate [that](#) emissions [are](#) 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, 2015 [demonstrate that emissions](#) 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~~ if 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 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 on and after Jan. 1, 2020; and~~

(C) In addition to the limits in paragraphs (A) ~~or and~~ (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~~ if all representative compliance source test results prior to April 16, 2015 demonstrate that emissions are 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, 2015 ~~59~~ demonstrate that emissions 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)(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% CO<sub>2</sub>.

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

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

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

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](#)

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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

### **340-232-0040**

#### **General Non-Categorical Requirements**

(1) All existing sources operating prior to November 15, 1990, located inside the areas cited in OAR 340-232-0020(1)(a) or (1)(c), containing emissions units or devices for which no categorical RACT requirements exist and which ~~can emit have potential emissions before add-on controls of~~ over 100 tons per year of VOC from aggregated, non-regulated emission units, ~~based on the design capacity or maximum production or throughput capacity of the source operating 8,760 hours per year without the use of control devices,~~ must have RACT requirements developed on a case-by-case basis by DEQ. Sources that have complied with NSR requirements per OAR ~~chapter~~ 340, division 224 and are subject to Best Available Control Technology (BACT) or Lowest Achievable Emission Rate (LAER) requirements are presumed to have met RACT requirements.

~~(2) A source may request RACT not be applied or removed by demonstrating to DEQ that the aggregated, non-regulated emission units are unable to emit more than 100 tons per year of VOC, based on the design capacity or maximum production or throughput capacity of the source operating 8,760 hours per year without the use of control devices. Its potential emissions before add-on controls are less than 100 tons per year. Once a source becomes subject to RACT requirements under this section, it will continue to be subject to RACT, unless VOC emissions fall less than 100 tons per year and the source requests that RACT be removed, by demonstrating to DEQ that their potential VOC emissions before add-on controls are below 100 tons per year.~~

~~(3)~~ Within 3 months of written notification by DEQ of the applicability of this rule, or, for good cause shown, up to an additional three months as approved by DEQ, the source must submit to DEQ a complete analysis of RACT for each category of emissions unit at the source, taking into account technical and economic feasibility of available control technology, and the emission reductions each technology would provide. This analysis does not need to include any emissions units subject to a specific categorical RACT requirement under this division. These RACT requirements approved by DEQ will be incorporated in the source's Air Contaminant Discharge Permit, and will be effective upon approval by EPA as a source specific SIP revision. The source must comply with the applicable RACT requirements beginning one year from the date of notification by DEQ of EPA approval.

~~(4)~~ Failure by a source to submit a RACT analysis required by section (2) does not excuse the source from the obligation to comply with a RACT determination established 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 468.020 & 468A.025

**Statutes/Other Implemented:** ORS 468A.025

**History:**

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DEQ 20-1998, f. & cert. ef. 10-12-98

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DEQ 7-1997(Temp), f. & cert. ef. 4-28-97

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:**

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

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

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0130

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;

(C) Sources with VOC actual emissions before add on controls from activities identified in section (5) are less than 15 pounds ~~actual VOC~~/per day); or

(D) 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 air 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 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0170

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 [air](#) 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:**

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

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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

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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 either or both 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 either or both 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 either or both 20 ppm ~~as a daily arithmetic average~~ and 0.05 Kg/metric ton (0.10 pound/ton) of production as ~~a~~ daily arithmetic averages. 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 chapter 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 (SO<sub>2</sub>). 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, may not equal or exceed 20 percent opacity as a six minute average.

(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	

**Division 238**  
**NEW SOURCE PERFORMANCE STANDARDS**

**340-238-0030**

**Applicability**

This division applies to stationary sources subject to 40 CFR Part 60 as adopted under OAR ~~340-238-0050~~ and 340-238-0060.

**Statutory/Other Authority:** ORS 468A **Statutes/Other Implemented:** ORS 468 & 468A

**History:** DEQ 14-1999, f. & cert. ef. 10-14-99

**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

**340-238-0080**

**More Restrictive Regulations**

If at any time there is a conflict between this division or regional authority rules and the Federal Regulation (40 CFR, Part 60), both shall apply.

**Statutory/Other Authority:** ORS 468 & 468A

**Statutes/Other Implemented:** ORS 468A.025

**History:**

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0805  
DEQ 22-1995, f. & cert. ef. 10-6-95  
DEQ 17-1993, f. & cert. ef. 11-4-93  
DEQ 15-1985, f. & cert. ef. 10-21-85, Renumbered from 340-025-0705  
DEQ 97, f. 9-2-75, cert. ef. 9-25-75, Renumbered from 340-025-0545

**Division 244**

**OREGON FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM**

**340-244-0040**

**General Provisions for Stationary Sources: List of Hazardous Air Pollutants**

For purposes of this division the EQC adopts by reference the pollutants, including groups of substances and mixtures, listed in section 112(b), as Hazardous Air Pollutants (Table 1).

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

**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 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 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0130  
DEQ 20-1997, f. & cert. ef. 9-25-97  
DEQ 2-1996, f. & cert. ef. 1-2-96  
DEQ 13-1993, f. & cert. ef. 9-24-93



**OAR 340-244-0040**  
**Table 1**  
**LIST OF HAZARDOUS AIR**  
**POLLUTANTS**

CAS Number	Chemical Name
75-07-0	Acetaldehyde
60-35-5	Acetamide
75-05-8	Acetonitrile
98-86-2	Acetophenone
53-96-3	2-Acetylaminofluorene
107-02-8	Acrolein
79-06-1	Acrylamide
79-10-7	Acrylic acid
107-13-1	Acrylonitrile
107-05-1	Allyl chloride
92-67-1	4-Aminobiphenyl
62-53-3	Aniline
90-04-0	o-Anisidine
1332-21-4	Asbestos
71-43-2	Benzene (including benzene from gasoline)
92-87-5	Benzidine
98-07-7	Benzotrichloride
100-44-7	Benzyl chloride
92-52-4	Biphenyl
117-81-7	Bis(2-ethylhexyl) phthalate (DEHP)
542-88-1	Bis(chloromethyl)ether
75-25-2	Bromoform
<a href="#">106-94-5</a>	<a href="#">1-bromopropane (1-BP)</a>
106-99-0	1,3-Butadiene
156-62-7	Calcium cyanamide
133-06-2	Captan
63-25-2	Carbaryl



**OAR 340-244-0040**  
**Table 1**  
**LIST OF HAZARDOUS AIR**  
**POLLUTANTS**

<b>CAS Number</b>	<b>Chemical Name</b>
75-15-0	Carbon disulfide
56-23-5	Carbon tetrachloride
463-58-1	Carbonyl sulfide
120-80-9	Catechol
133-90-4	Chloramben
57-74-9	Chlordane
7782-50-5	Chlorine
79-11-8	Chloroacetic acid
532-27-4	2-Chloroacetophenone
108-90-7	Chlorobenzene
510-15-6	Chlorobenzilate
67-66-3	Chloroform
107-30-2	Chloromethyl methyl ether
126-99-8	Chloroprene
1319-77-3	Cresols/Cresylic acid (isomers and mixture)
95-48-7	o-Cresol
108-39-4	m-Cresol
106-44-5	p-Cresol
98-82-8	Cumene
94-75-7	2,4-D, salts and esters
3547-04-4	DDE
334-88-3	Diazomethane
132-64-9	Dibenzofurans
96-12-8	1,2-Dibromo-3-chloropropane
84-74-2	Dibutylphthalate
106-46-7	1,4-Dichlorobenzene(p)
91-94-1	3,3-Dichlorobenzidene
111-44-4	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542-75-6	1,3-Dichloropropene



**OAR 340-244-0040**  
**Table 1**  
**LIST OF HAZARDOUS AIR**  
**POLLUTANTS**

CAS Number	Chemical Name
62-73-7	Dichlorvos
111-42-2	Diethanolamine
121-69-7	N,N-Diethyl aniline (N,N-Dimethylaniline)
64-67-5	Diethyl sulfate
119-90-4	3,3-Dimethoxybenzidine
60-11-7	Dimethyl aminoazobenzene
119-93-7	3,3'-Dimethyl benzidine
79-44-7	Dimethyl carbamoyl chloride
68-12-2	Dimethyl formamide
57-14-7	1,1-Dimethyl hydrazine
131-11-3	Dimethyl phthalate
77-78-1	Dimethyl sulfate
534-52-1	4,6-Dinitro-o-cresol, and salts
51-28-5	2,4-Dinitrophenol
121-14-2	2,4-Dinitrotoluene
123-91-1	1,4-Dioxane (1,4-Diethyleneoxide)
122-66-7	1,2-Diphenylhydrazine
106-89-8	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106-88-7	1,2-Epoxybutane
140-88-5	Ethyl acrylate
100-41-4	Ethyl benzene
51-79-6	Ethyl carbamate (Urethane)
75-00-3	Ethyl chloride (Chloroethane)
106-93-4	Ethylene dibromide (Dibromoethane)
107-06-2	Ethylene dichloride (1,2-Dichloroethane)
107-21-1	Ethylene glycol
151-56-4	Ethylene imine (Aziridine)
75-21-8	Ethylene oxide
96-45-7	Ethylene thiourea



**OAR 340-244-0040**  
**Table 1**  
**LIST OF HAZARDOUS AIR**  
**POLLUTANTS**

CAS Number	Chemical Name
75-34-3	Ethylidene dichloride (1,1-Dichloroethane)
50-00-0	Formaldehyde
76-44-8	Heptachlor
118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
77-47-4	Hexachlorocyclopentadiene
67-72-1	Hexachloroethane
822-06-0	Hexamethylene-1,6-diisocyanate
680-31-9	Hexamethylphosphoramide
110-54-3	Hexane
302-01-2	Hydrazine
7647-01-0	Hydrochloric acid
7664-39-3	Hydrogen fluoride (Hydrofluoric acid)
123-31-9	Hydroquinone
78-59-1	Isophorone
58-89-9	Lindane (all isomers)
108-31-6	Maleic anhydride
67-56-1	Methanol
72-43-5	Methoxychlor
74-83-9	Methyl bromide (Bromomethane)
74-87-3	Methyl chloride (Chloromethane)
71-55-6	Methyl chloroform (1,1,1-Trichloroethane)
60-34-4	Methyl hydrazine
74-88-4	Methyl iodide (Iodomethane)
108-10-1	Methyl isobutyl ketone (Hexone)
624-83-9	Methyl isocyanate
80-62-6	Methyl methacrylate
1634-04-4	Methyl tert butyl ether
101-14-4	4,4-Methylene bis(2-chloroaniline)
75-09-2	Methylene chloride



**OAR 340-244-0040**  
**Table 1**  
**LIST OF HAZARDOUS AIR**  
**POLLUTANTS**

CAS Number	Chemical Name
	(Dichloromethane)
101-68-8	Methylene diphenyl diisocyanate (MDI)
101-77-9	4,4-Methylenedianiline
91-20-3	Naphthalene
98-95-3	Nitrobenzene
92-93-3	4-Nitrobiphenyl
100-02-7	4-Nitrophenol
79-46-9	2-Nitropropane
684-93-5	N-Nitroso-N-methylurea
62-75-9	N-Nitrosodimethylamine
59-89-2	N-Nitrosomorpholine
56-38-2	Parathion
82-68-8	Pentachloronitrobenzene (Quintobenzene)
87-86-5	Pentachlorophenol
108-95-2	Phenol
106-50-3	p-Phenylenediamine
75-44-5	Phosgene
7803-51-2	Phosphine
7723-14-0	Phosphorus
85-44-9	Phthalic anhydride
1336-36-3	Polychlorinated biphenyls (Aroclors)
1120-71-4	1,3-Propane sultone
57-57-8	beta-Propiolactone
123-38-6	Propionaldehyde
114-26-1	Propoxur (Baygon)
78-87-5	Propylene dichloride (1,2-Dichloropropane)
75-56-9	Propylene oxide
75-55-8	1,2-Propylenimine (2-Methyl aziridine)



**OAR 340-244-0040**  
**Table 1**  
**LIST OF HAZARDOUS AIR**  
**POLLUTANTS**

CAS Number	Chemical Name
91-22-5	Quinoline
106-51-4	Quinone
100-42-5	Styrene
96-09-3	Styrene oxide
1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethylene (Perchloroethylene)
7550-45-0	Titanium tetrachloride
108-88-3	Toluene
95-80-7	2,4-Toluene diamine
584-84-9	2,4-Toluene diisocyanate
95-53-4	o-Toluidine
8001-35-2	Toxaphene (chlorinated camphene)
120-82-1	1,2,4-Trichlorobenzene
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethylene
95-95-4	2,4,5-Trichlorophenol
88-06-2	2,4,6-Trichlorophenol
121-44-8	Triethylamine
1582-09-8	Trifluralin
540-84-1	2,2,4-Trimethylpentane
108-05-4	Vinyl acetate
593-60-2	Vinyl bromide
75-01-4	Vinyl chloride
75-35-4	Vinylidene chloride (1,1-Dichloroethylene)
1330-20-7	Xylenes (isomers and mixture)
95-47-6	o-Xylenes
108-38-3	m-Xylenes
106-42-3	p-Xylenes
0	Antimony Compounds



**OAR 340-244-0040**  
**Table 1**  
**LIST OF HAZARDOUS AIR**  
**POLLUTANTS**

<b>CAS Number</b>	<b>Chemical Name</b>
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds <sup>1</sup>
0	Glycol ethers <sup>2</sup>
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers <sup>3</sup>
0	Nickel Compounds
0	Polycyclic Organic Matter <sup>4</sup>
0	Radionuclides (including radon) <sup>5</sup>
0	Selenium Compounds

NOTE: For all listings above that contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

\*1  $X'CN$  where  $X = H'$  or any other group where a formal dissociation may occur. For example KCN or  $Ca(CN)_2$

\*2 Glycol ethers include mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol  $R-(OCH_2CH_2)_n-OR'$ .

Where:

$n = 1, 2, \text{ or } 3;$

$R = \text{alkyl } C7 \text{ or less; or}$

$R = \text{phenyl or alkyl substituted}$

$\text{phenyl; } R' = H, \text{ or alkyl } C7 \text{ or}$

$\text{less; or}$

$OR'$  consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate. Does not include ethylene glycol monobutyl ether (EGBE, 2-Butoxyethanol)(CAS No. 111-76-2).

\*3 Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.

\*4 Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to  $100^\circ C$ .

\*5 A type of atom which spontaneously undergoes radioactive decay.

**Division 245  
CLEANER AIR OREGON**

**340-245-0060**

**Toxics Emissions Units**

(1) TEU Designation. An owner or operator must designate TEUs in the same manner as the owner or operator designated emissions units listed in a source's operating or construction permit, if they are designated, unless the owner or operator requests a different designation in writing and DEQ approves that request in writing. The request for a new or a different TEU designation must be compatible with the following:

- (a) TEUs may not be designated in such a way as to avoid the requirements of this division;
- (b) An individual emissions-producing activity that exhausts through multiple stacks or openings must be designated as an individual TEU;
- (c) Where multiple emissions-producing activities exhaust through a common opening, exhaust stack or emissions control device, all of these emissions producing activities may be considered a single TEU or may be considered separate TEUs;
- (d) The list of TEUs should not be limited to what is listed in a source's operating or construction permit but should include all processes and activities that emit toxic air contaminants; and
- (e) DEQ may require the owner or operator to designate TEUs differently than as listed in the source's operating or construction permit, if DEQ determines such listing is appropriate to meet the purposes of this division.

(2) Aggregated TEUs.

- (a) An owner or operator must designate the same TEUs as aggregated TEUs for all of the different types of risk: excess cancer risk, chronic noncancer risk and acute noncancer risk.
- (b) An owner or operator may choose to assign risk from aggregated TEUs based on either:
  - (A) The applicable Aggregate TEU Level in OAR 340-245-8010 Table 1; or
  - (B) The modeled risk from the approved risk assessment.
- (c) An owner or operator must request approval to change any aggregated TEU designation after the source's aggregated TEUs have been designated in a risk assessment approved by DEQ.
- (d) An owner or operator may request approval to construct a new aggregated TEU or modify an existing aggregated TEU, following the procedures in section (4) if the total risk from the aggregated TEUs, including the new or modified TEU, remains less than or equal to the applicable Aggregate TEU Level in OAR 340-245-8010 Table 1.

(3) Exempt TEUs. A TEU is an exempt TEU if it meets the criteria in subsection (a) or (b):

(a) The owner or operator of the TEU has demonstrated that the TEU is not likely to materially contribute risk ~~emit toxic air contaminants~~ and DEQ approves such demonstration. The demonstration may include any information the owner or operator considers relevant, including but not limited to:

(A) The chemical make-up of the materials handled or processed in the TEU as provided by Environmental, Safety, or Product Data Sheets, or equivalent documents; and

(B) Whether or not the handling or processing of materials in the TEU is likely to alter the chemical make-up of the materials and the chemical make-up or likely chemical make-up of the materials emitted by the TEU.

(b) The TEU is one of the following regulated pollutant emitting activities, principally supporting the source or the major industrial group:

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

(B) Distillate oil, kerosene, gasoline, natural gas or propane burning equipment, provided the aggregate expected actual emissions of the equipment identified does 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 an exempt TEU with the remainder not designated as an exempt TEU. The following equipment may never be included as part of the exempt TEU:

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

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

(C) 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;

(D) Office activities;

(E) Food service activities;

(F) Janitorial activities;

(G) Personal care activities;

(H) Groundskeeping activities including, but not limited to, building painting and road and parking lot maintenance;

- (I) On-site laundry activities;
- (J) On-site recreation facilities;
- (K) Instrument calibration;
- (L) Automotive storage garages;
- (M) 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;
- (N) 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;
- (O) Temporary construction activities;
- (P) Warehouse activities;
- (Q) Accidental fires and fire suppression;
- (R) Air vents from air compressors;
- (S) Air purification systems;
- (T) Continuous emissions monitoring vent lines;
- (U) Demineralized water tanks;
- (V) Pre-treatment of municipal water, including use of deionized water purification systems;
- (W) Electrical charging stations;
- (X) Fire brigade training;
- (Y) Instrument air dryers and distribution;
- (Z) Fully enclosed process raw water filtration systems;
- (AA) Electric motors;
- (BB) Pressurized tanks containing gaseous compounds that do not contain toxic air contaminants;
- (CC) Vacuum sheet stacker vents;
- (DD) 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;

(EE) Log ponds;

(FF) Stormwater settling basins;

(GG) Paved roads and paved parking lots within an urban growth boundary;

(HH) 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;

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

(JJ) Non-diesel, compression ignition 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;

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

(LL) Non-contact steam condensate flash tanks;

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

(NN) Boiler blowdown tanks; and

(OO) Ash piles maintained in a wetted condition and associated handling systems and activities.

(4) New or modified TEU requirements.

(a) The owner or operator of a source that has not been notified in writing by DEQ that they are required to submit a risk assessment and that proposes to construct a new or modified TEU must comply with OAR 340-210-0205 through 340-210-0250 before beginning construction of the new or modified TEU;

(b) The owner or operator of a source that has been notified in writing by DEQ that they are required to submit a risk assessment but has not yet been issued a Toxic Air Contaminant Permit Addendum or an operating permit in compliance with this division and that proposes to construct a new or modified TEU must do the following before beginning construction of the new or modified TEU:

(A) Comply with OAR 340-210-0205 through 340-210-0250; and

(B) Revise and update any materials submitted to date under OAR 340-245-0050 to include the new or modified TEU by a date certain.

(c) The owner or operator of a source that previously has been issued a Toxic Air Contaminant Permit Addendum or an operating permit in compliance with this division and that proposes to construct a new or modified TEU must follow the applicable procedures in paragraphs (c)(A) through (C) and must pay to DEQ all applicable specific activity fees under OAR 340-216-8020 Table 2 Part 4 and OAR 340-216-8030 Table 3.

(A) New or modified exempt TEUs. If the proposed new or modified exempt TEU is subject to National Emission Standards for Hazardous Air Pollutants or New Source Performance Standards requirements, then the owner or operator must request approval of a new or modified exempt TEU under this rule and under OAR 340-210-0205 through 340-210-0250;

(B) New or modified aggregated TEUs.

(i) The owner or operator must request approval of a new or modified TEU to be an aggregated TEU by demonstrating that the risk from the aggregated TEUs, including the new or modified TEU, will be less than or equal to the Aggregate TEU Level. The owner or operator may use any risk assessment procedure, Level 1 through Level 4, under OAR 340-245-0050(8) through (11).

(ii) If the current aggregated TEUs are permitted at the modeled risk levels as specified in OAR 340-245-0060(2)(b)(B), the owner or operator may add the risk from the new or modified aggregated TEU to prior results from the latest risk assessment for the source rather than updating the entire risk assessment for the source.

(iii) The owner or operator must request approval of a new or modified aggregated TEU by submitting an application to modify its Toxic Air Contaminant Permit Addendum or operating permit as required under OAR 340-245-0100(8).

(iv) The owner or operator of a proposed new or modified aggregate TEU may not begin construction until DEQ has issued a Toxic Air Contaminant Permit Addendum or an operating permit that approves the TEU;

(C) New or modified significant TEUs.

(i) The owner or operator must request approval of a new or modified significant TEU by submitting an application to modify its Toxic Air Contaminant Permit Addendum or operating permit that includes the following:

(I) Information necessary to assess the risk from the new or modified significant TEU using any risk assessment procedure, Level 1 through Level 4, under OAR 340-245-0050(8) through (11). The owner or operator may add the risk from the new or modified TEU to prior results from the latest risk assessment for the source rather than updating the entire risk assessment for the source; and

(II) Information necessary to verify that the new or modified significant TEU meets

TLAER, if the source risk is greater than the TLAER Level for a new or reconstructed source, or meets TBACT, if the source risk is greater than the TBACT Level for an existing source using procedures under OAR 340-245-0220;

(ii) The owner or operator of a proposed new or modified significant TEU may not begin construction of the new or modified significant TEU until DEQ has issued a Toxic Air Contaminant Permit Addendum or an operating permit that approves the TEU;

(iii) If a source that was previously determined to be an exempt source under OAR 340-245-0050(6) or a de minimis source under OAR 340-245-0050(7) will no longer be an exempt or a de minimis source after the new or modified significant TEU is constructed, the owner or operator must follow the procedures in this section and apply for a Toxic Air Contaminant Permit Addendum under OAR 340-245-0100. Such an owner or operator may not begin construction of the new or modified significant TEU until DEQ has issued a Toxic Air Contaminant Permit Addendum or an operating permit that approves the TEU; and

(iv) In conjunction with seeking authorization for the construction of a new or modified significant TEU, if the owner or operator makes simultaneous changes to existing TEUs other than the new or modified significant TEU for the purpose of reducing source risk, then the owner or operator may not begin operation of the new or modified significant TEU until DEQ has issued a Toxic Air Contaminant Permit Addendum or operating permit that approves all such changes to the other TEUs;

(d) DEQ will not approve an application for a Toxic Air Contaminant Permit Addendum required under this rule for a new or modified TEU if:

(A) The TEU does not comply with this rule; or

(B) The source does not comply with OAR 340-245-0050, if required.

**Statutory/Other Authority:** ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, 468A.135 & 468A.337

**Statutes/Other Implemented:** 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, 468A.010, 468A.015, 468A.035, 468A.337 & 468A.335

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# Draft Rules – Edits Incorporated

## Division 200

### GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

#### 340-200-0020

#### General Air Quality Definitions

As used in OAR chapter 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 chapter 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 CO<sub>2</sub>e 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, exclusive of uncombined water.
- (9) "Air Contaminant Discharge Permit" or "ACDP" means written authorization issued, renewed, amended, or revised by DEQ, under OAR chapter 340, division 216.
- (10) "Air pollution control device" or "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.
- (a) 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 (e.g., carbon beds, condensers); scrubbers (e.g., wet collection and gas absorption devices); selective catalytic or non-catalytic reduction systems; flue gas recirculation systems; spray dryers; spray towers; mist eliminators at acid plants and sulfur recovery plants; injection systems (e.g., 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).
- (b)(A) 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.
- (B) 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.
- (11) "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.

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

(13) "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 chapter 340, division 216, including any term or condition of any preconstruction permits issued under OAR chapter 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.

(14) "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 chapter 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.

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

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

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

(18) "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.

(19) "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.

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

(21) "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.

(22) "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.

(23) "Carbon dioxide equivalent" or "CO<sub>2</sub>e" means an amount of a greenhouse gas or gases expressed as the equivalent amount of carbon dioxide, and is 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.

(24) "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.

(25) "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.

(26) "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.

(27) "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.

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

(29) "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.

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

(31) "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.

(32) "Construction":

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

(b) As used in OAR chapter 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.

(33) "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.

(34) "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.

(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 (CO<sub>2</sub>e) = 2,756 tons per year.

(b) CO = 1 ton per year.

(c) NO<sub>x</sub> = 1 ton per year.

(d) SO<sub>2</sub> = 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 chapter 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 chapter 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<sub>2.5</sub>" has the meaning provided in the definition of PM<sub>2.5</sub>.
- (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(s) limitation," "emission(s) limit," "emission(s) standard or "emission(s) limitation or standard" means:
- (a) Except as provided in subsection (b), a requirement established by a state, local government, or EPA rule; a permit condition or order, 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(s) limit, emission(s) limitation, emission(s) standard, standard of performance or means of emission(s) 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 SO<sub>2</sub> per hour, pounds of SO<sub>2</sub> per million British thermal units of fuel input, kilograms of VOC per liter of applied coating solids, or parts per million by volume of SO<sub>2</sub>, or as the relationship of uncontrolled to controlled emissions, e.g., percentage capture and destruction efficiency of VOC or percentage reduction of SO<sub>2</sub>. 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 chapter 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 chapter 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 chapter 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 chapter 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 dryer(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 chapter 340, division 218 means an Oregon Title V Operating Permit established under OAR 340-218-0090.

(72)(a) "Greenhouse gases" or "GHGs" means the aggregate group of carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), 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.

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

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

(75) "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.

(76) "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.

(77) "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.

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

(79) "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.

(80) "Insignificant activity" means an activity or emission that DEQ has designated as

categorically insignificant, or that meets the criteria of aggregate insignificant emissions.

(81) "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.

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

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

(84) "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."

(85) "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.

(86) "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.

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

(88) "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.

(89) "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.

(90) "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 chapter 340, division 210, Stationary Source Notification Requirements; Compliance Assurance Monitoring, OAR 340-212-0200 through 340-212-0280; OAR 340-216-0066, Standard ACDPs; OAR chapter 340, division 218, Oregon Title V Operating Permits; OAR chapter 340, division 220, Oregon Title V Operating Permit Fees; and OAR chapter 340, division 236, Emission Standards for Specific Industries; 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 CO<sub>2</sub>e, including fugitive emissions.

(91) "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.

(92) "Minor Source Emission Reduction Technology" or "MSERT" means an emissions limitation, emission control measure, design standard, equipment standard, work practice standard or other operational standard, or a combination thereof, established on a case-by-case basis for nitrogen oxides, volatile organic compounds, particulate matter, PM<sub>10</sub>, PM<sub>2.5</sub>, and sulfur dioxide from a particular emissions unit under OAR 340-224-0300.

(93) "Minor source significant emission rate" or "minor source SER" means an emission rate equal to the following rates specified for these regulated pollutants:

(a) **OPTION 1**

(A) NO<sub>x</sub> = 5 tons per year;

(B) PM<sub>10</sub> = 2 tons per year;

(C) Direct PM<sub>2.5</sub> = 2 tons per year;

(D) SO<sub>2</sub> = 5 tons per year.

(b) **OPTION 2**

(A) NO<sub>x</sub> = 10 tons per year;

(B) PM<sub>10</sub> = 3 tons per year;

(C) Direct PM<sub>2.5</sub> = 3 tons per year;

(D) SO<sub>2</sub> = 510tons per year.

(94) "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.

(95) "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.

(96) "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.

- (97) "Netting basis" means an emission rate determined as specified in OAR 340-222-0046.
- (98) "Nitrogen oxides" or "NOx" means all oxides of nitrogen except nitrous oxide.
- (99) "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.
- (100) "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.
- (101) "Normal source operation" means operation that does not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.
- (102) "Odor" means that property of an air contaminant that affects the sense of smell.
- (103) "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.
- (104) "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.
- (105) "Oregon Title V operating permit" or "Title V permit" means written authorization issued, renewed, amended, or revised under OAR chapter 340, division 218.
- (106) "Oregon Title V operating permit program" or "Title V program" means the Oregon program described in OAR chapter 340, division 218 and approved by the Administrator under 40 C.F.R. part 70.
- (107) "Oregon Title V operating permit program source" or "Title V source" means any source subject to the permitting requirements, OAR chapter 340, division 218.
- (108) "Ozone precursor" means nitrogen oxides and volatile organic compounds.
- (109) "Ozone season" means the contiguous 3 month period during which ozone exceedances typically occur, i.e., June, July, and August.
- (110) "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.
- (111) "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 chapter 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.

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

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

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

(115) "Permitted emissions" as used in OAR chapter 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.

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

(117) "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.

(118) "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 chapter 340, division 220.

(119) "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.

(120) "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.

(121) "PM2.5":

(a) When used in the context of direct PM<sub>2.5</sub> 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 PM<sub>2.5</sub> precursor emissions, means sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>) 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.

(122) "PM<sub>2.5</sub> fraction" means the fraction of PM<sub>2.5</sub> in relation to PM<sub>10</sub> for each emissions unit that is included in the netting basis and PSEL.

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

(124) "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.

(125) "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.

(126) "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.

(127) "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.

(128) "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.

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

(130) "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.

(131) "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.

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

(133) "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.

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

(135) "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 chapter 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 chapter 340, division 222, Plant Site Emission Limits and division 224, New Source Review, regulated pollutant does not include any pollutant listed in OAR chapter 340, divisions 246 or 247.

(d) As used in OAR chapter 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).

(136) "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.

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

(138) "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.

(139) "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 of a source.

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

(141) "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.

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

(143) "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.

(144) "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.

(145) "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.

(146) "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.

(147) "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.

(148) "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.

(149) "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.

(150) "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<sub>x</sub> in ozone nonattainment areas.

(151) "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<sub>x</sub> sources in ozone nonattainment areas.

(152) "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.

(153) "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.

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

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

(156) "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."

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

(158) "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.

(159) "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.

(160) "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.

(161) "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.

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

- (a) Greenhouse gases (CO<sub>2</sub>e) = 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<sub>x</sub>) = 40 tons per year.
- (d) Particulate matter = 25 tons per year.
- (e) PM<sub>10</sub> = 15 tons per year.
- (f) Direct PM<sub>2.5</sub> = 10 tons per year.
- (g) PM<sub>2.5</sub> precursors (SO<sub>2</sub> or NO<sub>x</sub>) = 40 tons per year.
- (h) Sulfur dioxide (SO<sub>2</sub>) = 40 tons per year.
- (i) Ozone precursors (VOC or NO<sub>x</sub>) = 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 fluoride compounds (as measured by EPA method 13A or 13B), excluding hydrogen fluoride = 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.

(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  $\mu\text{g}/\text{m}^3$  (24 hour average) is emitting at a SER. This subsection does not apply to greenhouse gas emissions.

(163) "Significant impact" means an additional ambient air quality concentration equal to or greater than the significant impact level. For sources of VOC or NO<sub>x</sub>, a source has a significant impact if it is located within the ozone impact distance defined in OAR chapter 340, division 224.

(164) "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 chapter 340, division 202, but do not apply for protecting air quality related values, including visibility.

(a) For Class I areas:

(A) PM<sub>2.5</sub>:

(i) Annual = 0.06  $\mu\text{g}/\text{m}^3$ .

(ii) 24-hour = 0.07  $\mu\text{g}/\text{m}^3$ .

(B) PM<sub>10</sub>:

(i) 24-hour = 0.30  $\mu\text{g}/\text{m}^3$ .

(C) Sulfur dioxide:

(i) Annual = 0.10  $\mu\text{g}/\text{m}^3$ .

(ii) 24-hour = 0.20  $\mu\text{g}/\text{m}^3$ .

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

(D) Nitrogen dioxide: annual = 0.10  $\mu\text{g}/\text{m}^3$ .

(b) For Class II areas:

(A) PM<sub>2.5</sub>:

(i) Annual = 0.3 µg/m<sup>3</sup>.

(ii) 24-hour = 1.2 µg/m<sup>3</sup>.

(B) PM<sub>10</sub>:

(i) 24-hour = 1.0 µg/m<sup>3</sup>.

(C) Sulfur dioxide:

(i) Annual = 1.0 µg/m<sup>3</sup>.

(ii) 24-hour = 5.0 µg/m<sup>3</sup>.

(iii) 3-hour = 25.0 µg/m<sup>3</sup>.

(iv) 1-hour = 8.0 µg/m<sup>3</sup>.

(D) Nitrogen dioxide:

(i) Annual = 1.0 µg/m<sup>3</sup>.

(ii) 1-hour = 8.0 µg/m<sup>3</sup>.

(E) Carbon monoxide:

(i) 8-hour = 0.5 mg/m<sup>3</sup>.

(ii) 1-hour = 2.0 mg/m<sup>3</sup>.

(c) For Class III areas:

(A) PM<sub>2.5</sub>:

(i) Annual = 0.3 µg/m<sup>3</sup>.

(ii) 24-hour = 1.2 µg/m<sup>3</sup>.

(B) PM<sub>10</sub>:

(i) 24-hour = 1.0 µg/m<sup>3</sup>.

(C) Sulfur dioxide:

(i) Annual = 1.0 µg/m<sup>3</sup>.

(ii) 24-hour = 5.0 µg/m<sup>3</sup>.

(iii) 3-hour = 25.0 µg/m<sup>3</sup>.

(D) Nitrogen dioxide: annual = 1.0 µg/m<sup>3</sup>

(E) Carbon monoxide:

(i) 8-hour = 0.5 mg/m<sup>3</sup>.

(ii) 1-hour = 2.0 mg/m<sup>3</sup>.

(165) "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.

(166) "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.

(167) "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.

(168) "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 chapter 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 air pollution control device.

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

(170) "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).

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

(172) "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.

(173) "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.

(174) "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 chapter 340, division 216.

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

(176) "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.

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

(178) "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.

(179) "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.

(180) "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 (H<sub>2</sub>S).

(181) "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.

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

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

(184) "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.

(185) "Unassigned emissions" means the amount of emissions that are in excess of the PSEL

but less than the netting basis.

(186) "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.

(187) "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 chapter 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.

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

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

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

(191) "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.

(192) "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 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 CF2CF2 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 CF2CF2 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 Solstice™ 1233zd(E));

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

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

(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 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.

(193) "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.

(194) "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.

(195) "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<sub>2</sub>e" 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) "MSERT" means minor source emission reduction technology.
- (69) "MTBE" means methyl tertiary butyl ether.
- (70) "MWC" means municipal waste combustor.
- (71) "NAAQS" means National Ambient Air Quality Standards.
- (72) "NAICS" means North American Industrial Classification System.
- (73) "NEPA" means National Environmental Policy Act.
- (74) "NESHAP" means National Emissions Standard for Hazardous Air Pollutants.
- (75) "NIOSH" means National Institute of Occupational Safety & Health.
- (76) "NOx" means nitrogen oxides.
- (77) "NSPS" means New Source Performance Standards.
- (78) "NSR" means New Source Review.
- (79) "NSSC" means neutral sulfite semi-chemical.
- (80) "O3" means ozone.
- (81) "OAR" means Oregon Administrative Rules.
- (82) "ODOT" means Oregon Department of Transportation.
- (83) "ORS" means Oregon Revised Statutes.
- (84) "OSAC" means orifice spark advance control.
- (85) "OSHA" means Occupational Safety & Health Administration.
- (86) "PCDCE" means pollution control device collection efficiency.
- (87) "PEMS" means predictive emission monitoring system.
- (88) "PM" means particulate matter.
- (89) "PM10" means particulate matter less than 10 microns.
- (90) "PM2.5" means particulate matter less than 2.5 microns.
- (91) "POTW" means Publicly Owned Treatment Works.

- (92) "POV" means privately owned vehicle.
- (93) "ppm" means parts per million.
- (94) "PSD" means Prevention of Significant Deterioration.
- (95) "PSEL" means Plant Site Emission Limit.
- (96) "QIP" means quality improvement plan.
- (97) "RACT" means Reasonably Available Control Technology.
- (98) "ROI" means range of influence.
- (99) "RVCOG" means Rogue Valley Council of Governments.
- (100) "RWOC" means running weighted oxygen content.
- (101) "scf" means standard cubic feet.
- (102) "SCS" means speed control switch.
- (103) "SD" means standard deviation.
- (104) "SER" means significant emission rate.
- (105) "SERP" means source emission reduction plan.
- (106) "SIC" means Standard Industrial Classification from the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987).
- (107) "SIP" means State Implementation Plan.
- (108) "SKATS" means Salem-Keizer Area Transportation Study.
- (109) "SLAMS" means State or Local Air Monitoring Stations.
- (110) "SO<sub>2</sub>" means sulfur dioxide.
- (111) "SOCMI" means synthetic organic chemical manufacturing industry.
- (112) "SOS" means Secretary of State.
- (113) "SPMs" means Special Purpose Monitors.
- (114) "TAC" means thermostatic air cleaner.
- (115) "TACT" means Typically Achievable Control Technology.
- (116) "TCM" means transportation control measures.

- (117) "TCS" means throttle control solenoid.
- (118) "TIP" means Transportation Improvement Program.
- (119) "tpy" means tons per year.
- (120) "TRS" means total reduced sulfur.
- (121) "TSP" means total suspended particulate matter.
- (122) "UGA" means urban growth area.
- (123) "UGB" means urban growth boundary.
- (124) "USC" means United States Code.
- (125) "US DOT" means United States Department of Transportation.
- (126) "UST" means underground storage tanks.
- (127) "UTM" means universal transverse mercator.
- (128) "VIN" means vehicle identification number.
- (129) "VMT" means vehicle miles traveled.
- (130) "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, 2022 edition.

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

(3) The DEQ Continuous Monitoring Manual refers to the April 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 chapter 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 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<sub>2.5</sub>.

(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 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 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, or 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 (SO<sub>2</sub>) — 1.0 ppm, 24-hour average.
- (2) For particulate matter:
  - (a) PM<sub>10</sub> — 600 micrograms per cubic meter, 24-hour average.
  - (b) PM<sub>2.5</sub> — 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 (O<sub>3</sub>) — 0.6 ppm, 2-hour average.
- (5) For nitrogen dioxide (NO<sub>2</sub>):
  - (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 chapter 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)(a) For all emission units, no person may emit or allow to be emitted any visible emissions that equal or exceed an average of 20 percent opacity, except as allowed under subsection (b) or (c).

(b) For wood-fired boilers installed, constructed or modified on or after June 1, 1970 but before April 16, 2015 and not modified after that date, 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;

(c) For wood-fired boilers installed, constructed or modified prior to June 1, 1970 and not modified after that date:

(A) 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

(B) 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 OAR 340-228-0210(2)(d) and:

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

- (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.

[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, except for activities for which specific industrial standards have been adopted (under OAR chapter 340, divisions 230, 234, 236, 238, and 244).

(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 1, 1970, 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 on the 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 issued 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 unless the applicant requests a hearing to contest the permit within 20 days of the date of the notification of issuance of the permit.

(6) Denial of a permit application: If DEQ proposes to deny a permit application, DEQ will promptly notify the applicant in writing of the proposed final action as provided in OAR 340-011-0525. The notification will include the reasons for the denial. The denial of a permit application is effective 60 days from the date of notification of the proposed denial unless within that time, the applicant requests a hearing as provided in section (7).

(7) A request for a hearing to challenge a DEQ decision under section (5) or (6) 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 chapter 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 chapter 340, division 216, or Oregon Title V Operating Permits, OAR chapter 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 (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 otherwise required by 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 of its registration 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 annual registration fees in OAR 340-216-8020 Table 2 by March 1 of each year.

(d) Failure to pay fees. Registration is automatically terminated upon failure to pay annual fees by March 1 of each year, 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 (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 chapter 340, division 216 (Air Contaminant Discharge Permits) or OAR chapter 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 and Requirements**

(1) Except as provided in section (2), OAR 340-210-0205 through 340-210-0250 apply to the following:

(a) New Sources. No person, not otherwise required to obtain a permit under OAR chapter 340, division 216 or 218, may undertake construction or operation of a new source that will cause an increase in any regulated pollutant emissions without first notifying DEQ in writing. Proposed new sources that are required to submit permit applications under OAR chapter 340, division 216 or 218 are not required to submit a Notice of Construction application under this rule; and

(b) Existing sources, including sources that have permits under OAR chapter 340, division 216 or 218, undertaking any of the following:

(A) No person may undertake construction at 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.

(B) No person may replace a device or activity at an existing source without first notifying DEQ in writing.

(C) No person may undertake construction or modification at an existing source of any air pollution control device without first notifying DEQ in writing.

(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 chapter 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 340-210-0205 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

**340-210-0225**

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

For the purpose of OAR 340-210-0205 through 340-210-0250, notices of construction are divided into the following Types:

- (1) Type 1 changes include construction for which the owner or operator is not required to obtain a permit or permit modification under OAR chapter 340, division 216, and where the changes meet the criteria in either subsection (a) or (b):

- (a) The construction would:

- (A) Result in an increase of potential to emit of any regulated air pollutants, in the aggregate, of less than or equal to 10 pounds per day;
  - (B) Result in an increase of potential to emit to the inlet(s) of air pollution control devices of any regulated air pollutants, in the aggregate, of less than or equal to 10 pounds per day;
  - (C) Not result in an increase of emissions from the source above any PSEL; and
  - (D) Not result in an increase of emissions from the source above the netting basis by more than or equal to the SER; or
- (b) The construction is one of the following that does not increase production or throughput in other unchanged portions of the facility, thereby increasing the overall efficiency of the operation:
- (A) Stationary internal combustion engines having a rated capacity <60 horsepower output;
  - (B) Hand-held sanding equipment;
  - (C) Portable vacuum blasting equipment using steel shot and vented to a fabric filter;
  - (D) Shot peening operations, provided that no surface material is removed;
  - (E) Replacement of process control equipment;
  - (F) Vacuum pumps;
  - (G) Extrusion equipment used exclusively for extruding rubber or plastics where no organic plasticizer is present, or for pelletizing polystyrene foam scrap;
  - (H) Equipment used for extrusion, compression molding, and injection molding of plastics, provided that the VOC content of all mold release products or lubricants is <1% by weight;
  - (I) Injection or blow-molding equipment for rubber or plastics, provided that no blowing agent other than compressed air, water, or carbon dioxide is used;
  - (J) Presses or molds used for curing, post-curing, or forming composite products and plastic products, provided that the blowing agent contains no VOC or chlorinated compounds;
  - (K) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives;
  - (L) Dredging wet spoils handling and placement;
  - (M) Graphic label and/or box labeling operations where the inks are applied by hand stamping or hand rolling;
  - (N) Ultraviolet disinfection processes;

- (O) The cleaning and/or deburring of metal products where all tumblers are used without abrasive blasting;
- (P) Ozone generators and ozonation equipment;
- (Q) Emissions from the storage and application of road salt (calcium chloride or sodium chloride);
- (R) Process emissions from sources which are located at private, public, or vocational education institutions, where the emissions are primarily the result of teaching and training exercises, and the institution is not engaged in the manufacture of products for commercial sale;
- (S) Degreasing units which exclusively use caustics (e.g., potassium hydroxide and sodium hydroxide);
- (T) Equipment used for hydraulic or hydrostatic testing;
- (U) Storage tanks, reservoirs, pumping and handling equipment, and control equipment used to exclusively vent such equipment of any size, limited to soaps, lubricants, hydraulic fluid, vegetable oil, grease, animal fat, aqueous salt solutions or other materials and processes using appropriate lids and covers where there is no generation of objectionable odor or airborne particulate matter;
- (V) Operation, loading and unloading storage of butane, propane, or liquefied petroleum gas with a vessel capacity less than 40,000 gallons;
- (W) Tanks, vessels and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids;
- (X) Ultraviolet curing processes, to the extent that toxic air contaminants as defined in OAR chapter 340, division 247 are not emitted;
- (Y) Contaminant detectors, sampling devices and recorders;
- (Z) Environmental chambers and humidity chambers using only gases that are not toxic air contaminants listed in OAR chapter 340, division 247;
- (AA) Lithographic printing equipment which uses laser printing;
- (BB) Equipment used exclusively for conveying and storage of plastic pellets;
- (CC) Gas cabinets using only gasses that are not regulated air pollutants;
- (DD) Salt baths using nonvolatile salts and not used in operations which result in air emissions;
- (EE) Plasma- or laser-cutting operations using a water table;

(FF) Paper shredding and carpet and paper shearing, fabric brushing and sueding as well as associated conveying systems, baling equipment, and control equipment venting such equipment. This exemption does not include carpet and fabric recycling operations;

(GG) Hammermills used exclusively to process aluminum and/or tin cans, and control equipment exclusively venting such equipment;

(HH) Drop hammers or hydraulic presses for forging or metal working; or

(II) Concrete application, and installation.

(2) Type 2 changes include construction for which the owner or operator is not required to obtain a permit or permit modification under OAR chapter 340, division 216, and where the construction would:

(a) Not have the potential to emit any regulated pollutant from any new, modified, or replaced device or activity, or any combination of devices or activities, by more than or equal to the minor source SER;

(b) Not result in an increase of emissions from the source above any PSEL;

(c) Not result in an increase of emissions from the source above the netting basis by more than or equal to the SER;

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

(e) Not require a TACT determination under OAR 340-226-0130 or a MACT determination under OAR 340-244-0200.

(3) Type 3 changes include construction for which the owner or operator is required to obtain a permit or permit modification under OAR chapter 340, division 216, and where:

(a) The construction would:

(A) Have the potential to emit any regulated pollutant from any new, modified, or replaced device or activity, or any combination of devices or activities by more than or equal to the minor source SER;

(B) Result in an increase in emissions above any PSEL 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;

(C) Be used to establish a federally enforceable limit on the potential to emit; or

(D) Require a TACT determination under OAR 340-226-0130 or a MACT determination under 340-244-0200; and

(b) Would not result in an increase in emissions of a regulated pollutant above the netting

basis by more than or equal to the SER so does not qualify as a Type 4 change under section (4).

(4) Type 4 changes include construction that would increase the potential to emit from the source above the netting basis by more than or equal to the SER. These changes are subject to New Source Review under OAR chapter 340, division 224.

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 undertaking such construction. The notice must be in writing on a 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 as defined in OAR 340-210-0225;

(e) A description of the proposed construction;

(f) A description of the production processes and a related flow chart for the proposed construction;

(g) A plot plan showing the location and height of the proposed construction. The plot plan must also indicate the nearest residential or commercial property;

(h) Type and quantity of fuels used;

- (i) The amount, nature and duration of regulated pollutant emissions from the proposed construction and any proposed change in emissions with supporting calculation;
  - (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 construction;
  - (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;
  - (o) Land Use Compatibility Statement(s):
    - (A) Signed by the applicable local planning jurisdictions(s), determining that construction is compatible with the applicable local jurisdiction's acknowledged comprehensive plan. Applications and construction notices that receive a negative determination will not be approved by DEQ; or
    - (B) If the local planning jurisdiction declines to provide a LUCS determination in response to a request for a LUCS, 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
  - (p) Dates on which construction contracts are signed, equipment is ordered, and the owner or operator has committed, or will commit to initiating construction activities;
  - (q) Anticipated date of the commencement of construction (i.e., breaking ground); and
  - (r) Anticipated date of construction completion.
- (2)(a) Additional information. If DEQ determines that additional information is needed for DEQ's consideration of any type of proposed construction, DEQ will provide the applicant with a written request to provide such information by a reasonable date certain.
- (b) 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 may issue a proposed denial of the application.

(3) Any person proposing construction that requires a change in the primary two-digit SIC/NAICS code for a source or the addition of a new SIC/NAICS code must submit a Type 3 change.

(4) 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 and receive approval before commencing construction.

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

(6) Where a permit issued in accordance with OAR chapter 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 immediately after notifying DEQ. The owner or operator may ask DEQ for written confirmation that the proposed construction qualifies as a Type 1 NC before beginning construction.

(b) For Type 2 changes, the owner or operator may proceed with the construction 60 calendar days after DEQ receives the complete 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) Additional information is required to evaluate the change and the proposed construction application is incomplete; or

(B) The proposed construction does not qualify as a Type 2 change.

(c) For Type 3 changes, the owner or operator must obtain either a Construction ACDP, a

new or modified Simple ACDP, or a new or modified Standard ACDP in accordance with OAR chapter 340, division 216 before proceeding with the construction.

(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 chapter 340, division 216 before proceeding with the construction.

(2) All owners or operators must construct and operate their source in accordance with the DEQ approved plans, specifications and any corrections or revisions thereto under OAR 340-210-0230.

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

(4) The owner or operator that receives approval to construct must commence construction within 18 months of approval, or other date approved in writing by DEQ.

(a) Construction approval terminates and is invalid for the following reasons:

(A) Construction is not commenced within 18 months after DEQ issues such approval, by an alternative deadline established by DEQ under this section, or by the deadline approved by DEQ in an extension under subsection (b);

(B) Construction is discontinued for a period of 18 months or more; or

(C) Construction is not completed within 18 months of the anticipated date of construction completion included in the application.

(b) The owner or operator may submit a request to extend the construction commencement deadline or the construction completion date by submitting a written, detailed explanation of why the source could not commence or complete construction within the initial 18-month period. DEQ may grant for good cause one 18-month construction approval extension.

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

(a) The date of completion of construction;

(b) Whether the construction was completed in accordance with approved plans, specifications and any corrections or revisions thereto under OAR 340-216-0040, such as but not limited to:

(A) Make and model of the constructed device or activity, or any combination of devices or activities;

(B) Location of the constructed device or activity, or any combination of devices or

activities;

(C) Exhaust parameters (e.g., stack height, diameter, temperature, flowrate, volume or area source dimensions); and

(c) The date the stationary source, device, activity, or air pollution control device was or will be put in operation.

(6) Order Prohibiting Construction. 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. The order prohibiting construction will be forwarded to the owner or operator by certified mail.

(7) Hearing. A person against whom an order prohibiting construction 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 of ORS Chapter 183 and OAR chapter 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, 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 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 chapter 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 sources currently operating under an ACDP, Type 1 and 2 changes may be operated without further approval unless the ACDP specifically prohibits the operation.

(c) 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 changes require a Simple ACDP or a Standard ACDP before operation of the approved changes.

(b) For new sources, Type 4 changes require a Standard ACDP before operation of the approved changes.

(c) For sources currently operating under an ACDP, approval to operate Type 3 or 4 changes will require a new or modified Simple ACDP or a new or modified Standard ACDP in accordance with OAR chapter 340, division 216. All current ACDP terms and conditions remain in effect until the new or modified ACDP is issued.

(d) 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**

**340-214-0110**

**Reporting: Request for Information**

All owners or operators of stationary sources must provide any and all information and

analysis, including an air quality analysis of the source, that DEQ reasonably requires for the purpose of regulating stationary sources. DEQ will provide the source with a written request to provide such information by a reasonable date certain. Such information may be required on a one-time, periodic, or continuous basis and may include, but is not limited to, information necessary to:

- (1) Issue a permit and ascertain compliance or noncompliance with the permit terms and conditions;
- (2) Ascertain applicability of any requirement;
- (3) Ascertain compliance or noncompliance with any applicable requirement;
- (4) Determine whether a source's emissions may cause or contribute to an exceedance or violation of an ambient air quality standard adopted under OAR chapter 340, division 202; and
- (5) Incorporate monitoring, recordkeeping, reporting, and compliance certification requirements into a permit.

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.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 340-028-0300

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

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

**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 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 chapter 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.

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 192.311 to 192.478, 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, 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

**340-214-0330**

**Excess Emissions and Emergency Provision: All Other Excess Emissions**

(1) This rule applies for all other excess emissions not addressed in OAR 340-214-310, 340-214-320, and 340-214-360.

- (a) The owner or operator of a large source, as defined by OAR 340-214-0010, must immediately notify DEQ of the first onset per calendar day of any excess emissions event, unless otherwise specified by a permit condition.
- (b) The owner or operator of a small source, as defined by OAR 340-214-0010, need not immediately notify DEQ of excess emissions events unless otherwise required by a permit condition, written notice by DEQ, or if the excess emission is of a nature that could endanger public health.
- (c) Additional reporting and recordkeeping requirements are specified in OAR 340-214-0340.

(2)(a) During any period of excess emissions, the owner or operator of the source must immediately reduce or cease operation of the equipment or facility until the condition causing the excess emissions has been corrected or brought under control unless:

(A) Reducing or ceasing operation could result in physical damage to the equipment or facility;

(B) Reducing or ceasing operation could cause injury to employees; or

(C) The owner or operator minimizes emissions in accordance with an emission minimization plan approved in writing by DEQ prior to the occurrence of the excess emission event.

(b) During any period of excess emissions, DEQ may require that an owner or operator of the source immediately cease operation of the equipment or facility if an emission minimization plan approved by DEQ under paragraph (2)(a)(C) is not followed.

(c) Upon receipt of a proposed emission minimization plan, DEQ will consider the following factors in approving the minimization plan:

(A) The potential risk to the public or environment;

(B) Whether shutdown could result in physical damage to the equipment or facility, or cause injury to employees;

(C) The types of conditions that may cause the excess emissions and whether they are capable of being corrected or brought under control in a reasonably timely manner, including equipment availability and difficulty of repair or installation;

(D) Whether the emissions resulting from immediate repair would be greater than the emissions likely to result from delay of repair;

(E) Whether the emissions resulting from startup and shutdown would be greater than the emissions likely to result from delay of repair;

(F) Whether the potential existence of an Air Pollution Alert, Warning, Emergency, or yellow or red woodstove curtailment period may impact whether continued operations will be permitted; and

(G) Whether it would be relevant if the continued excess emissions were avoidable.

(3) DEQ will approve the emission minimization plan if it determines that the plan is consistent with good pollution control practices, will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. DEQ may include conditions in its approval.

(4) The owner or operator must record all excess emissions in the excess emissions log as required in OAR 340-214-0340(3). At any time during the period of excess emissions, DEQ

may require the owner or operator to cease operation of the equipment or facility, in accordance with section (2). Approval of the emission minimization plan does not shield the owner or operator from an enforcement action, but DEQ will consider whether the emission minimization plan was followed in determining whether an enforcement action is appropriate.

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.025, 468A.040 & 468A.310

**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 340-028-1430

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

DEQ 24-1994, f. & cert. ef. 10-28-94

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

DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0370

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

DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91

## **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) Owners or operators of sources in any one of the categories in OAR 340-216-8010 must obtain a permit. Source categories are not listed in alphabetical order. 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 owner or operator of 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(7).

(a) Owners or operators of commercial and industrial sources listed in OAR 340-216-8010 Part A must obtain a Basic ACDP under 340-216-0056 unless the person chooses to obtain a General, Simple or Standard ACDP for the source. For purposes of Part A, production and

emission parameters are based on the source's latest consecutive 12 month period, or future projected operation, whichever is higher. Emission cutoffs are based on actual emissions of a source.

(b) Owners or operators of 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) Owners or operators of 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 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)(c) or DEQ has granted an exemption from the requirement to obtain an ACDP under subsection (3)(d). No person may continue to operate an air contaminant source if the ACDP expires, or is terminated, denied, or revoked; except as provided in OAR 340-216-0082.

(a) The permittee must construct and operate 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.

(b) For portable sources, a permit may be issued or assigned by:

(A) DEQ for operation in any area of the state except Lane County; or

(B) LRAPA for operation in Lane County.

(c) The owner or operator of a source required to obtain an ACDP or ACDP Attachment in order to comply with a NESHAP under OAR chapter 340, division 244 or a NSPS under OAR chapter 340, 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).

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

(B) OAR 340-216-0060(1)(b)(A), 340-216-0062(2)(b)(A), 340-216-0064(3)(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.

(d) 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, unless the source may be placed onsite and operated without any other construction necessary and obtains an Oregon Title V Operating Permit prior to operation.

(5) The owner or operator of a source that has been issued an ACDP may not modify the source without first complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(6) The owner or operator of a source required to have an ACDP may not make modifications to the source that would result in the source becoming subject to the Oregon Title V Operating Permit program without complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(7) The owner or operator of a source required to have an ACDP may not increase emissions above the PSEL without first applying for and obtaining a modified ACDP.

(8) The owner or operator of a source that has been issued an ACDP may not violate any conditions included in the ACDP.

(9) 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 chapter 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. The owner or operator of a source required to obtain a Simple ACDP may choose to obtain a Standard ACDP.
  - (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) PSELS at less than the SER for all regulated pollutants emitted at more than the de minimis emission level according to OAR chapter 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 10 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 apply for 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) PSELs for all regulated pollutants emitted at more than the de minimis emission level according to OAR chapter 340, division 222; and

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

(7)(a) Notwithstanding the other provisions of this division that establish the eligibility of a source for different types of ACDPs, DEQ may determine, pursuant to the standards described in subsection (b), that the owner or operator of a source is ineligible for certain types of ACDP and must be issued a different type of ACDP;

(b) DEQ will make a determination about which type of ACDP that the owner or operator of source must obtain based upon the following considerations:

(A) The nature, extent, toxicity and impact on human health and the environment 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, potential threat to human health and the environment if the emission controls fail, and the source's capacity;

(D) The location of the source and its proximity to places where people live and work; and

(E) The compliance history of the source.

[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 a complete application with the following general information, as applicable, using 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 all devices and activities, including any air pollution control devices . The plot plan must also indicate the nearest residential and commercial property;

(F) Make and model of each device, activity, and air pollution control device;

(G) Exhaust parameters (e.g., stack height, diameter, temperature, flowrate, volume or area

source dimensions) of each emissions unit, device, and air pollution control device that emit to the atmosphere;

(H) The type and quantity of fuels used;

(I) 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;

(J) 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;

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

(L) 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);

(M)(i) Land Use Compatibility Statement(s) signed by the applicable local planning jurisdiction(s), determining that construction of the source is compatible with applicable local jurisdiction's acknowledged comprehensive plan. Applications and construction notices that receive a negative determination LUCS will not be approved by DEQ;

(ii) If the local planning jurisdiction declines to provide a LUCS determination in response to a request for a LUCS, 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;

(N) 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;

(O) Any information required by OAR chapter 340, divisions 222, 224, 225, 226, and 245, including but not limited to control technology and analysis and air quality analysis, conducted in accordance with the procedures in OAR chapter 340, division 225, demonstrating that the source's emissions will not cause or contribute to an exceedance or violation of an ambient air quality standard adopted under OAR chapter 340, division 202; and information related to offsets and net air quality benefit, if applicable;

(P) Dates on which construction contracts are signed, equipment is ordered, and the owner or operator has committed, or will commit to initiating construction activities;

(Q) Anticipated date of the commencement of construction (i.e., breaking ground); and

(R) Anticipated date of construction completion; and

(S) Any other information requested by DEQ.

(b) Owners or operators must submit complete applications for new permits in accordance with 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 New Source Review, to allow DEQ adequate time to process the application and issue a permit before it is needed.

(2) Renewal Permits. (a) Any person required to renew an existing permit must submit a complete application with the information identified in section (1), unless otherwise allowed in writing by DEQ, using electronic forms provided by DEQ.

(a) The renewal application must include:

(A) A complete list of all devices or activities, or any combination of devices or activities including any air pollution control devices and any categorically insignificant activities;

(B) 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;

(C) Any changes to the source since the last permit issuance and any new requirements applicable to those changes; and

(D) An air quality analysis, conducted in accordance with the procedures in OAR chapter 340, division 225, demonstrating that the source's emissions will not cause or contribute to an exceedance or violation of an ambient air quality standard adopted under OAR chapter 340, division 202, if requested by DEQ.

(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 General ACDP attachments within 30 days prior to expiration of the General ACDPs or General ACDP attachments.

(3) Permit Modifications.

(a) For Basic, 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.

(b) 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.

- (c) Any permit modification that could qualify as a Type 3 change under OAR 340-210-0225 must comply with that rule and OAR 340-224-0300.
- (d) An air quality analysis, conducted in accordance with the procedures in OAR chapter 340, division 225, demonstrating that the source's emissions will not cause or contribute to an exceedance or violation of an ambient air quality standard adopted under OAR chapter 340, division 202, is required with a permit modification application if requested by DEQ.
- (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) A copy of permit applications subject to Major NSR under OAR chapter 340, division 224, including all supplemental and supporting information, must also be submitted directly to the EPA.
- (7) The name of the applicant must be the legal name of the facility's owner, 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, unless the applicant is an individual person that is not operating the facility or applying for the permit under an assumed business name.
- (8) All applications must include the appropriate fees as specified in OAR 340-216-8020 and OAR 340-216-8030.
- (9) 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.
- (10) 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, not to exceed a 60-day period;
- (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 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 may issue a proposed denial of the application under OAR 340-209-0080(6);

(d) Except as provided in subsection (c), the application will not be considered complete for processing until the requested information is received; and

(e) When the information in the application is deemed adequate for processing, DEQ will so notify the applicant.

(11) 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 (10).

(12) 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

### **340-216-0054**

#### **Short Term Activity ACDPs**

(1) Application requirements. Any person requesting a Short Term Activity ACDP must apply in writing, fully describing the activity requiring an ACDP and the proposed activities, operations, and emissions. The application must include the fees specified in OAR 340-216-8020. DEQ may issue a Short Term Activity ACDP for the following types of activities:

- (a) Activities that do not require another type of ACDP under this division;
- (b) Unexpected or emergency activities;
- (c) Operation of a pilot or an exploratory emissions unit;
- (d) Source test of a pilot or an exploratory emissions unit;
- (e) Temporary installation of temporary storage as a result of exceptional events (e.g., natural disasters or abundant harvests exceeding available storage capacity); or
- (f) Other similar types of temporary activities that emit air contaminants.

(2) Permit content:

(a) A Short Term Activity ACDP must include conditions that ensure adequate protection of property and preservation of public health, welfare, and resources.

(b) A Short Term Activity ACDP may not include a PSEL for any air contaminants discharged as a result of the permitted activity.

(c) A Short Term Activity ACDP will automatically terminate 60 days from the date of issuance. The permittee may request that the Short Term Activity ACDP be renewed one time, for an additional 60-day period by notifying DEQ in writing 14 days before the expiration of the Short Term Activity ACDP. Additional permit fees are not required for renewal of a Short Term Activity ACDP.

(3) Permit issuance public notice procedures. A Short Term Activity ACDP requires public notice as a Category I permit action under OAR chapter 340, division 209.

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 468 & 468A

#### **History:**

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 340-014-0050

DEQ 22-1996, f. & cert. ef. 10-22-96  
DEQ 4-1993, f. & cert. ef. 3-10-93  
DEQ 42, f. 4-5-72, ef. 4-15-72  
DEQ 42, f. 4-5-72, ef. 4-15-72

### **340-216-0056**

#### **Basic ACDPs**

(1) Application requirements. Any person requesting a Basic ACDP must submit an application according to OAR 340-216-0040 and provide the information specified in OAR 340-216-0040(1).

(2) DEQ may determine that a source is ineligible for a Basic ACDP based upon the considerations in OAR 340-216-0025(7).

(3) Fees. Applicants for a new Basic ACDP must pay the fees in OAR 340-216-8020.

(4) Permit content:

(a) A Basic ACDP will contain only the most significant and relevant rules applicable to the source;

(b) A Basic ACDP may not contain a PSEL;

(c) A Basic ACDP will require that a simplified annual report be submitted to DEQ; and

(d) A Basic ACDP may be issued for a period not to exceed ten years.

(5) Permit issuance public notice procedures. A Basic ACDP requires public notice as a Category I permit action according to OAR chapter 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 DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11 DEQ 8-2007, f. & cert. ef. 11-8-07 DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

### **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.

(E) DEQ may determine that a source is ineligible for a General ACDP based upon the considerations in OAR 340-216-0025(7).

(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) PSELS set at the capacity for the largest emitting source in the source category in the state for all regulated pollutants other than toxic air contaminants that are emitted at more than the de minimis emission level according to OAR chapter 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 chapter 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 chapter 340, division 209.

(d) DEQ will retain all General ACDPs on file and make them available for public review at DEQ's headquarters.

(2) Petition for General ACDP Categories.

Any person may file a petition with DEQ to add a category for a General ACDP. The petition must include at least the following information:

(a) Justification for why a new General ACDP category should be developed;

(b) The approximate number of businesses that would be eligible for the General ACDP; and

(c) Criteria for qualification of the General ACDP.

(3) 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) Gasoline dispensing facilities — stage I — Fee Class Five;

(T) Gasoline dispensing facilities — stage II — Fee Class Four;

(U) Wood preserving — Fee Class Four;

(V) 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 person to a General ACDP is a Category I permit action and is subject to the Category I public notice requirements according to OAR chapter 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 an owner or operator has been assigned to a General ACDP for a source, 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 owner or operator must obtain a Simple or Standard ACDP for the

source.

(E) An owner or operator 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 owner or operator is currently assigned, must be reassigned to the General ACDP for the source category in the higher annual fee class.

(4) 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 modified General ACDP for that category and assign all existing General ACDP permit holders to the modified General ACDP.

(5) Rescission. DEQ may rescind a permittee's assignment to a General ACDP if the permittee's source no longer meets the requirements of the permit. In such case, the permittee 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 permittee fails to submit an application for a Simple or Standard ACDP, DEQ will rescind the permittee'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

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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 chapter 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 5. In the 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) PSELS at less than the SER for all regulated pollutants emitted at more than the de minimis emission level according to OAR chapter 340, division 222;

(c) For sources that require permit conditions to ensure the source's emissions will not cause or contribute to an exceedance or violation of an ambient air quality standard adopted under OAR chapter 340, division 202, DEQ may include any physical or operational limitations, including any combination of the use of control devices, restrictions on hours of operation, or restrictions on the type or amount of materials combusted, stored, or processed, as permit conditions to limit short term emissions; and

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

(e) A permit duration not to exceed 10 years.

(4) Permit issuance public notice procedures:

(a) Issuance of a new or renewed Simple ACDP requires public notice as a Category III permit according to OAR chapter 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 chapter 340, division 209; or

(B) Public notice as a Category III permit action for moderate and complex technical modifications according to OAR chapter 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) PSEs for all regulated pollutants emitted at more than the de minimis emission level under OAR chapter 340, division 222;

(c) For all sources that require controls or limitations to ensure the source's emission will not cause or contribute to an exceedance or violation of an ambient air quality standard adopted under OAR chapter 340, division 202, DEQ may include any physical or operational limitation, including any combination of the use of control devices, restrictions on hours of operation, or restrictions on the type or amount of materials combusted, stored, or processed, as permit conditions to limit short term emissions;

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

(e)(A) A permit duration not to exceed 5 years, for all permits except as allowed under paragraph (B); or

(B) For a Standard ACDP that is issued solely to implement the requirements of OAR chapter 340, division 224 for Major New Source Review for a Title V source, no expiration date. This permit is only required to be modified if any of the Major New Source Review permit conditions must be modified. The owner or operator does not have to pay annual fees for this permit but must pay the applicable specific activity fees for any permit modification(s).

(4) Permit issuance procedures.

(a) Issuance of a new or renewed Standard ACDP requires public notice under OAR chapter 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 chapter 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 chapter 340, division 224;

(b) Issuance of a modified Standard ACDP requires public notice under OAR chapter 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 chapter 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 chapter 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 chapter 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**

**Expiration, Termination or Revocation of an ACDP**

(1) Expiration.

(a) A source may not be operated after the expiration date of a permit, unless any of the following occur prior to the expiration date of the permit:

(A) A timely and complete application for renewal or reassignment has been submitted; or

(B) Another type of permit, ACDP or Oregon Title V Operating Permit, has been issued authorizing operation of the source; or

(C) A complete application and applicable fees for a different ACDP has been received.

(b) If a timely and complete renewal or reassignment 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) Termination. Except as provided in section (3), a source may not be operated after the termination of a permit. A permit terminates upon:

(a) Issuance of a renewal, reassigned ACDP or a new ACDP for the same activity or operation;

(b) Written request by the permittee to DEQ requesting termination. If DEQ determines that a permit is no longer needed, DEQ will confirm termination in writing to the permittee;

(c) Failure to submit a timely and complete application for permit renewal or reassignment as required in OAR 340-216-0040. Termination is effective on the permit expiration date; or

(d) Failure to pay annual fees within 90 days of the invoice due date as issued by DEQ, unless prior arrangements for a payment plan have been approved in writing by DEQ.

(e) Failure to commence construction within 18 months of approval, or other date approved in writing by DEQ.

(A) Construction approval terminates and is invalid for the following reasons:

(i) Construction is not commenced within 18 months after DEQ issues such approval, by an alternative deadline established by DEQ under this section, or by the deadline approved by DEQ in an extension under subsection (b);

(ii) Construction is discontinued for a period of 18 months or more; or

(iii) Construction is not completed within 18 months of the anticipated date of construction completion included in the application.

(B) The owner or operator may submit a request to extend the construction commencement deadline or the construction completion date by submitting a written, detailed explanation of why the source could not commence or complete construction within the initial 18-month period. DEQ may grant for good cause one 18-month construction approval extension.

(3) Reinstatement of Terminated Permit.

(a) A permit subject to termination under subsection (2)(c) may only be extended or reinstated if, not later than 30 days after the permit expiration date, the permittee submits a complete renewal application and pays a late application fee equivalent to the new permit application fee that would apply if the source was a new source, in which case the existing permit will be reinstated effective as of the permit expiration date and will remain in effect until final action has been taken on the renewal application to issue or deny a permit;

(b) A permit terminated under subsection (2)(d) may only be extended or reinstated if, not later than 90 days after termination, the permittee pays all unpaid annual fees and applicable late fees in which case the existing permit will be reinstated effective on the date of termination; and

(c) A terminated permit may not be reinstated other than as provided in subsections (a) and (b). If neither subsection (a) or (b) apply, the former permittee of a terminated permit who wishes to resume operation must submit a complete application for a new permit, including paying applicable new source permit application fees and any unpaid annual fees and late fees that were due under the terminated permit. Until DEQ issues or reassigns a new permit, the source may not operate.

(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 chapter 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 chapter 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 following the permit issuance procedures in OAR 340-216-0056(5) for Basic ACDPs, OAR 340-216-0064(4) for Simple ACDPs, and OAR 340-216-

0066(4) 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 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



## 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

- 9      Autobody repair or painting shops painting more than 25 automobiles in a year and that are located inside the Portland AQMA.
  
- 10     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.
  
- 11     Crematory incinerators with less than 20 tons/year material input.
  
- 12     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.
  
- 13     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.
  
- 14     Rock, concrete or asphalt crushing, both stationary and portable, more than 5,000 tons/year but less than 25,000 tons/year crushed.
  
- 15     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.
  
- 16     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

- 90 Aerospace or aerospace parts manufacturing subject to RACT under OAR chapter 340, division 232.
- 91 Aluminum, copper, and other nonferrous foundries subject to an area source NESHAP under OAR chapter 340, division 244.
- 92 Aluminum production – primary.
- 93 Ammonia manufacturing.
- 94 Animal rendering and animal reduction facilities.
- 95 Asphalt blowing plants.
- 96 Asphalt felts or coating manufacturing.
- 97 Asphaltic concrete paving plants, both stationary and portable.
- 98 Bakeries, commercial over 10 tons of VOC emissions per year.
- 99 Battery separator manufacturing.
- 100 Lead-acid battery manufacturing and re-manufacturing.
- 101 Beet sugar manufacturing.
- 102 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.
- 103 Building paper and buildingboard mills.
- 104 Calcium carbide manufacturing.
- 105 Can or drum coating subject to RACT under OAR chapter 340, division 232.<sup>2</sup>
- 106 Cement manufacturing.
- 107 Cereal preparations and associated grain elevators 10,000 or more tons/year throughput.<sup>1</sup>
- 108 Charcoal manufacturing.
- 109 Chlorine and alkali manufacturing.
- 110 Chrome plating and anodizing subject to a NESHAP under OAR chapter 340, division 244.

- 111 Clay ceramics manufacturing subject to an area source NESHAP under OAR chapter 340, division 244.
- 112 Coffee roasting, roasting 30 or more green tons per year.
- 113 Concrete manufacturing including redi-mix and CTB, both stationary and portable, 25,000 or more cubic yards per year output.
- 114 Crematory incinerators 20 or more tons/year material input.
- 115 Degreasing operations, halogenated solvent cleanings subject to a NESHAP under OAR chapter 340, division 244.
- 116 Electrical power generation from combustion, excluding units used exclusively as emergency generators and units less than 500 kW.
- 117 Commercial ethylene oxide sterilization, excluding facilities using less than 1 ton of ethylene oxide within all consecutive 12-month periods after December 6, 1996.
- 118 Ferroalloy production facilities subject to an area source NESHAP under OAR chapter 340, division 244.
- 119 Flatwood coating subject to RACT under OAR chapter 340, division 232.<sup>2</sup>
- 120 Flexographic or rotogravure printing subject to RACT under OAR chapter 340, division 232.<sup>2</sup>
- 121 Flour, blended and/or prepared and associated grain elevators 10,000 or more tons/year throughput.<sup>1</sup>
- 122 Galvanizing and pipe coating, except galvanizing operations that use less than 100 tons of zinc/year.
- 123 Bulk gasoline plants, bulk gasoline terminals, and pipeline facilities.
- 124 Gasoline dispensing facilities, excluding gasoline dispensing facilities with monthly throughput of less than 10,000 gallons of gasoline per month<sup>3</sup>.
- 125 Glass and glass container manufacturing subject to a NSPS under OAR chapter 340, division 238 or a NESHAP under OAR chapter 340, division 244.
- 126 Grain elevators used for intermediate storage 10,000 or more tons/year throughput.<sup>1</sup>
- 127 Reserved.
- 128 Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/year metal charged, not elsewhere identified.
- 129 Gypsum products manufacturing.

- 130 Hardboard manufacturing, including fiberboard.
- 131 Hospital sterilization operations subject to an area source NESHAP under OAR chapter 340, division 244.
- 132 Incinerators with two or more tons per day capacity.
- 133 Lime manufacturing.
- 134 Liquid storage tanks subject to RACT under OAR chapter 340, division 232.<sup>2</sup>
- 135 Magnetic tape manufacturing.
- 136 Manufactured home, mobile home and recreational vehicle manufacturing.
- 137 Marine vessel petroleum loading and unloading subject to RACT under OAR chapter 340, division 232.
- 138 Metal fabrication and finishing operations subject to an area source NESHAP under OAR chapter 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.
- 139 Millwork manufacturing, including kitchen cabinets and structural wood members, 25,000 or more board feet/maximum 8 hour input.
- 140 Molded plastic container manufacturing, using extrusion, molding, lamination, and foam processing and molded fiberglass container manufacturing, excluding injection molding.
- 141 Motor coach, travel trailer, and camper manufacturing.
- 142 Motor vehicle and mobile equipment surface coating operations subject to an area source NESHAP under OAR chapter 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).

- 143 Natural gas and oil production and processing and associated fuel burning equipment.
- 144 Nitric acid manufacturing.
- 145 Nonferrous metal foundries 100 or more tons/year of metal charged.
- 146 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.
- 147 Paint and allied products manufacturing subject to an area source NESHAP under OAR chapter 340, division 244.
- 148 Paint stripping and miscellaneous surface coating operations subject to an area source NESHAP under OAR chapter 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.
- 149 Paper or other substrate coating subject to RACT under OAR chapter 340, division 232.<sup>2</sup>
- 150 Particleboard manufacturing, including strandboard, flakeboard, and waferboard.
- 151 Perchloroethylene dry cleaning operations subject to an area source NESHAP under OAR chapter 340, division 244, excluding perchloroethylene dry cleaning operations registered pursuant to OAR 340-210-0100(2).
- 152 Pesticide manufacturing 5,000 or more tons/year annual production.
- 153 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.
- 154 Plating and polishing operations subject to an area source NESHAP under OAR chapter 340, division 244.
- 155 Plywood manufacturing and/or veneer drying.
- 156 Prepared feeds manufacturing for animals and fowl and associated grain elevators 10,000 or more tons per year throughput.
- 157 Primary smelting and/or refining of ferrous and non-ferrous metals.
- 158 Pulp, paper and paperboard mills.
- 159 Rock, concrete or asphalt crushing, both stationary and portable, 25,000 or more tons/year crushed.
- 160 Sawmills and/or planing mills 25,000 or more board feet/maximum 8 hour finished product.

- 161 Secondary nonferrous metals processing subject to an Area Source NESHAP under OAR chapter 340, division 244.
- 162 Secondary smelting and/or refining of ferrous and nonferrous metals.
- 163 Seed cleaning and associated grain elevators 5,000 or more tons/year throughput.<sup>1</sup>
- 164 Sewage treatment facilities employing internal combustion engines for digester gasses.
- 165 Soil remediation facilities, both stationary and portable.
- 166 Steel works, rolling and finishing mills.
- 167 Surface coating in manufacturing subject to RACT under OAR chapter 340, division 232.<sup>2</sup>
- 168 Surface coating operations with actual emissions of VOCs, if the source were to operate uncontrolled, of 10 or more tons/year.
- 169 Synthetic resin manufacturing.
- 170 Tire manufacturing.
- 171 Wood furniture and fixtures 25,000 or more board feet/maximum 8 hour input.
- 172 Wood preserving (excluding waterborne).
- 173 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.
- 174 All other sources, both stationary and portable, not listed herein which would have the capacity of 5 or more tons per year of direct PM<sub>2.5</sub> or PM<sub>10</sub> if located in a PM<sub>2.5</sub> or PM<sub>10</sub> nonattainment or maintenance area, or 10 or more tons per year of any single criteria pollutant, if the source were to operate uncontrolled.<sup>4</sup>
- 175 Chemical manufacturing facilities subject to 40 C.F.R. part 63 subpart VVVVVV.
- 176 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.
- 177 All sources subject to RACT under OAR chapter 340, division 232, BACT or LAER under OAR chapter 340, division 224, a NESHAP under OAR chapter 340, division 244, a NSPS under OAR chapter 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).
- 178 Pathological waste incinerators.

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<sup>1</sup> Applies only to Special Control Areas

<sup>2</sup> Portland AQMA, Medford-Ashland AQMA or Salem-Keizer in the SKATS only

<sup>3</sup> "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

<sup>4</sup> 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

- 8 Incinerators for PCBs, other hazardous wastes, or both.
- 9 All sources that DEQ determines have emissions that constitute a nuisance.
- 10 All sources electing to maintain the source's netting basis.
- 11 All sources that request a PSEL equal to or greater than the SER for a regulated pollutant.
- 12 All sources having the potential to emit 100 tons or more of any regulated pollutant, except GHG, in a year.
- 13 All sources having the potential to emit 10 tons or more of a single hazardous air pollutant in a year.
- 14 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:

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

### **340-216-8020**

#### **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: For the history of these tables prior to 2014 see the history 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



**340-216-8020**

**2**

**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 <sup>1</sup>	\$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

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.

**Part 2a. Annual Fees: (Due date 12/1<sup>1</sup> 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 chapter 340, Division 215	7.31% of the applicable ACDP	



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2

**Contaminant Discharge Permits**

	annual fee in Part 2
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**Part 2b. Annual Fees: (Due date 12/1<sup>1</sup> for 1/1 to 12/31 of the following year) (applicable July 1, 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	\$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 chapter 340, Division 215	7.31% of the applicable ACDP annual fee in Part 2	

**Part 3. Cleaner Air Oregon Annual Fees: (Due date 12/1<sup>1</sup> 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



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2

**Contaminant Discharge Permits**

General ACDP	(A) Fee Class One	\$302.00
	(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	\$806.00
	(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.		
<b>Part 4. Specific Activity Fees:</b>		
Notice of Intent to Construct Type 2 <sup>1</sup>		\$720.00
Permit Modification	(A) Non-Technical	\$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



**340-216-8020**

**2**

**Contaminant Discharge Permits**

Public Hearing at Source's Request	\$3,600.00
State MACT Determination	\$9,000.00
Compliance Order Monitoring <sup>2</sup>	\$180.00/month

**Part 5. Late Fees:**

8-30 days late	5%
31-60 days late	10%
61 or more days late	20%

1. The Type 2 Notice of Intent to Construct does not apply to existing Basic ACDP or General ACDP sources.

2. 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.

**NOTE:** See history of this table under OAR 340-216-0020.

**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 OAR 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, unless the source is a non-major source subject to a standard under section 111 or section 112 of the FCAA that specifically requires the source to obtain a Title V permit.

(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 chapter 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 according to 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 chapter 340, division 216; New Source Review program, OAR chapter 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). The application must include one (1) copy in electronic format as specified by DEQ and all applicable fees. Information required under section (3) must be sufficient to evaluate the subject source 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 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 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. 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 PSELs 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<sub>x</sub>; 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;
- (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; and
- (N) If requested by DEQ, an air quality analysis, conducted in accordance with the procedures in OAR chapter 340, division 225, at renewal or with a permit modification demonstrating that the source's emissions will not cause or contribute to an exceedance or violation of an ambient air quality standard adopted under OAR chapter 340, division 202.
- (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) A Land Use Compatibility Statement (LUCS), if applicable, signed by the applicable local planning jurisdiction(s) to assure that the type of land use and activities in conjunction with that use have been reviewed and approved as compatible with the applicable local jurisdiction's acknowledged comprehensive plan, before a permit is processed and issued. If the local jurisdiction issues a negative determination, the application will not be approved by DEQ; or

(B) If the local planning jurisdiction declines to provide a LUCS determination in response to a request for a LUCS, 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.

(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 that require controls or limitations to ensure the source's emissions will not cause or contribute to an exceedance or violation of an ambient air quality standard adopted under OAR chapter 340, division 202, DEQ may include permit conditions that limit the source's potential to emit, including use of control devices, restrictions on hours of operation or on the type or amount of material combusted, stored, or processed as permit conditions to limit short term potential to emit; and

(c) 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;

(d) 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 chapter 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 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 chapter 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 PSELS. 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 131-2018, minor correction filed 04/11/2018, effective 04/11/2018](#)

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

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

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 under 40 C. F. R. Part 68.

(7) 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

**History:**

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

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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 chapter 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 and OAR chapter 340, division 11.

**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

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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 include:

(a) Increases in PSEs except those increases subject to OAR 340-210-0205 through 340-210-0250; or OAR chapter 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 chapter 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 chapter 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 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 chapter 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 received more than seven and less than 30 days late; and

(b) Four hundred dollars for payments 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**

**340-222-0020**

**Applicability and Jurisdiction**

(1) Plant Site Emission Limits (PSELs) will be included in all Air Contaminant Discharge Permits (ACDP) and Oregon Title V Operating Permits, except as provided in section (3), as a means of managing airshed capacity by regulating increases and decreases in air emissions. Except as provided in OAR 340-222-0035(5) and 340-222-0060, all ACDP and Oregon Title V Operating Permit sources are subject to PSELs for all regulated pollutants listed in the definition of SER in 340-200-0020. DEQ will incorporate PSELs into permits when issuing a new permit or renewing or modifying an existing permit.

(2) The emissions limits established by PSELs provide the basis for:

- (a) Assuring reasonable further progress toward attaining compliance with ambient air quality standards;
- (b) Assuring compliance with ambient air quality standards and PSD increments;
- (c) Administering offset and banking programs; and
- (d) Establishing the baseline for tracking the consumption of PSD increments.

(3) PSELs are not required for:

- (a) Regulated pollutants that will be emitted at less than the de minimis emission level listed in OAR 340-200-0020 from the entire source;
- (b) Short Term Activity and Basic ACDPs;
- (c) Hazardous air pollutants as listed in OAR 340-244-0040 Table 1; high-risk pollutants listed in 40 CFR 63.74; or accidental release substances listed in 40 CFR 68.130; or air toxics listed in OAR chapter 340, division 246; except that PSELs are required for pollutants identified in this subsection that are also listed in the definition of SER, 340-200-0020; or
- (d) General ACDPs or General Oregon Title V Operating Permits where federally enforceable limits on potential to emit, such as a physical or operational limit, are used rather than a PSEL.

(4) PSELs may be set at source specific levels or may be set at the capacity of the largest emitting source in the source category for a General ACDP or a General Oregon Title V Operating Permit.

(5) 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 that EQC adopted under OAR 340-200-0040.

[ED. NOTE: Tables referenced are available from the agency.]

**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 11-2008, f. & cert. ef. 8-29-08

DEQ 4-2008(Temp), f. 3-4-08, cert. ef. 3-6-08 thru 9-1-08

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

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1010

DEQ 14-1998, f. & cert. ef. 9-14-98

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

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 340-020-0301

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

DEQ 25-1981, f. & cert. ef. 9-8-81

**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 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 chapter 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 State NSR applicability under OAR chapter 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**

**Annual PSEL**

(1) For sources subject to a General ACDP or a General Oregon Title V Operating Permit, a PSEL may be set based on the capacity of the largest emitting source in that source category for all sources on that permit type in the state. PSELs will be set for all regulated pollutants emitted at more than the de minimis emission level.

(2) For sources subject to a Simple ACDP, a PSEL will be set equal to the source's capacity or potential to emit.

(3) For sources subject to a Standard ACDP or an Oregon Title V Operating Permit, a 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 (4) or (5).

(4) The initial PSEL for PM<sub>2.5</sub> 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<sub>2.5</sub> fraction of the PM<sub>10</sub> PSEL in effect on May 1, 2011.

(a) Any source with a permit in effect on May 1, 2011 is eligible for an initial PM<sub>2.5</sub> 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 PM<sub>10</sub> PSEL that was in effect on May 1, 2011 due to more accurate or reliable information, the corrected PM<sub>10</sub> PSEL will be used to correct the initial PM<sub>2.5</sub> PSEL.

(A) Correction of a PM<sub>10</sub> PSEL will not by itself trigger OAR 340-222-0041(4) for PM<sub>2.5</sub>.

(B) Correction of a PM<sub>10</sub> PSEL could result in further requirements for PM<sub>10</sub> in accordance with all applicable regulations.

(c) If after establishing the initial PSEL for PM<sub>2.5</sub> in accordance with this rule and establishing the initial PM<sub>2.5</sub> 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 OAR 340-222-0041(4).

(5) 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 and comply with OAR 340-224-0300, if applicable; 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 chapter 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 OAR 340-224-0010(1)(c) only if the criteria in OAR 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 an air quality analysis is required for PM10 or PM2.5 increases, if applicable.

(5) If the netting basis is adjusted in accordance with OAR 340-222-0051(3), then the 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

**340-222-0042**

**Short Term PSEL**

(1) For sources located in areas with an established short term SER that is measured over an

averaging period less than a full year, PSELS are required on a short term basis for those regulated pollutants that have a short term SER. The short term averaging period is daily, unless emissions cannot be monitored on a daily basis. The averaging period for short term PSELS can never be greater than monthly.

(a) For new and existing sources with potential to emit less than the short term SER, the short term PSEL will be set equal to the short term capacity or the short term potential to emit.

(b) For existing sources with potential to emit greater than or equal to the short term SER, a short term PSEL will be set equal to the source's short term potential to emit or to the current permit's short term PSEL, whichever is less.

(c) For new sources with potential to emit greater than or equal to the short term SER, the initial short term PSEL will be set at the level requested by the applicant provided the applicant meets the requirements of (2)(b).

(2) If a permittee requests an increase in a short term PSEL that will exceed the short term netting basis by an amount equal to or greater than the short term SER, the permittee must satisfy the requirements of subsections (a) or (b). In order to satisfy the requirements of subsection (a) or (b), the short term PSEL increase must first be converted to an annual increase by multiplying the short term increase by 8,760 hours, 365 days, or 12 months, depending on the term of the short term PSEL.

(a) Obtain offsets in accordance with the offset provisions for the designated area as specified in OAR 340-224-0510 through 340-224-0530, as applicable; or

(b) Obtain an allocation from an available growth allowance in accordance with the applicable maintenance plan.

(3) Once the short term PSEL is increased pursuant to section (2), the increased level becomes the basis for evaluating future increases in the short term PSEL.

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 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

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

**340-222-0046**

**Netting Basis**

(1) A netting basis will only be established for those regulated pollutants that could subject a source to NSR under OAR chapter 340, division 224.

(a) The initial PM<sub>2.5</sub> netting basis for a source that was permitted prior to May 1, 2011 will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

(b) The initial greenhouse gas netting basis for a source will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

(2) A source's netting basis is established as specified in subsection (a), (b), or (c) and will be adjusted according to section (3):

(a) For all regulated pollutants except for PM<sub>2.5</sub>, a source's initial netting basis is equal to the baseline emission rate.

(b) For PM<sub>2.5</sub>, a source's initial netting basis is equal to the overall PM<sub>2.5</sub> fraction of the PM<sub>10</sub> PSEL in effect on May 1, 2011 multiplied by the PM<sub>10</sub> netting basis in effect on May 1, 2011. DEQ may increase the initial PM<sub>2.5</sub> netting basis by not more than 5 tons to ensure that the PM<sub>2.5</sub> PSEL does not exceed the PM<sub>2.5</sub> netting basis by more than the PM<sub>2.5</sub> SER.

(A) Any source with a permit in effect on May 1, 2011 is eligible for a PM<sub>2.5</sub> netting basis 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 PM<sub>10</sub> netting basis that was in effect on May 1, 2011, due to more accurate or reliable information, the corrected PM<sub>10</sub> netting basis will be used to correct the initial PM<sub>2.5</sub> netting basis.

(i) Correction of a PM<sub>10</sub> netting basis will not by itself trigger OAR 340-222-0041(4) for PM<sub>2.5</sub>.

(ii) Correction of a PM<sub>10</sub> netting basis could result in further requirements for PM<sub>10</sub> in accordance with all applicable regulations.

(c) A source's netting basis is zero for:

(A) Any regulated pollutant emitted from a source that first obtained permits to construct and operate after the applicable baseline period for that regulated pollutant, and has not undergone NSR for that regulated pollutant, except as provided in subsection (2)(b) for PM<sub>2.5</sub>;

(B) Any regulated pollutant that had a generic PSEL in a previous permit; or

(C) Any source permitted as portable.

(3) A source's netting basis will be adjusted as follows:

(a) The netting basis will be reduced by any emission reductions required under a rule, order, or permit condition issued by the EQC or DEQ and required by the SIP or used to avoid any

state (e.g., NSR) or federal requirements (e.g., NSPS, NESHAP), as of the effective date of the rule, order or permit condition;

(A) Netting basis reductions are effective on the effective date of the rule, order or permit condition that requires the reductions;

(B) Netting basis reductions may only apply to sources that are permitted, on the effective date of the applicable rule, order or permit condition, to operate the affected devices or emissions units that are subject to the rule, order, or permit condition requiring emission reductions;

(C) Netting basis reductions will include reductions for unassigned emissions for devices or emissions units that are affected by the rule, order or permit condition, if the shutdown or over control that created the unassigned emissions occurred within five years prior to the adoption of the rule, order or permit condition that required an emission reduction unless the unassigned emissions have been used for internal netting actions. This provision applies to emission reductions that have been placed in unassigned emissions or that are eligible to be placed in unassigned emissions but the permit that would place them in unassigned emissions has not been issued.

(D) Netting basis reductions will not affect emission reduction credits established under division 268.

(E) Netting basis reductions for the affected devices or emissions units will be determined consistent with the approach used to determine the netting basis prior to the regulatory action reducing the emissions. The netting basis reduction is the difference between the emissions calculated using the previous emission rate and the emission rate established by rule, order, or permit using appropriate conversion factors when necessary.

(F) The netting basis reductions will not include emission reductions achieved under OAR 340-226-0110, 340-226-0120, or OAR chapter 340, division 244;

(b) The netting basis will be reduced by any unassigned emissions that are reduced under OAR 340-222-0055(3)(a);

(c) The netting basis will be reduced by the amount of emission reduction credits transferred off site in accordance with OAR chapter 340, division 268;

(d) The netting basis will be reduced when actual emissions are reduced according to OAR 340-222-0051(3);

(e) The netting basis will be increased by any of the following:

(A) For sources that obtained a permit on or after April 16, 2015, any emission increases approved through Major NSR or Type A State NSR action under OAR chapter 340, division 224;

(B) For sources that obtained a permit prior to April 16, 2015, any emission increases

approved through the NSR regulations in OAR chapter 340, division 224 in effect at the time; or

(C) For sources where the netting basis was increased in accordance with the DEQ PSD rules that were in effect prior to July 1, 2001, the netting basis may include emissions from emission units that were not subject to both an air quality analysis and control technology requirements if the netting basis had been increased following the rules in effect at the time.

(f) The netting basis will be increased by any emissions from activities previously classified as categorically insignificant prior to April 16, 2015, provided the activities existed during the baseline period or at the time of the last NSR permitting action that changed the netting basis under subsection (e).

(4) In order to maintain the netting basis, permittees must maintain either a Standard ACDP or an Oregon Title V Operating Permit. A request to be assigned any other type of ACDP sets the netting basis at zero upon issuance of the other type of permit and remains at zero unless an increase is approved under subsection (3)(e).

(5) If a source relocates to a different site that DEQ determines is within or affects the same airshed, and the time between operation at the old and new sites is less than six months, the source may retain the netting basis from the old site.

(6) A source's netting basis for a regulated pollutant with a revised definition will be corrected if the source is emitting the regulated pollutant at the time the definition is revised, and the regulated pollutant is included in the source's netting basis.

(7) Where EPA requires an attainment demonstration based on dispersion modeling, the netting basis must not be more than the level used in the dispersion modeling to demonstrate attainment with the ambient air quality standard (i.e., the attainment demonstration is an emission reduction required by rule).

NOTE: This rule was moved verbatim from OAR 340-200-0020(76) and amended on 04-16-15. Previous rule history for OAR 340-200-0020: [DEQ 15-1978, f. & ef. 10-13-78; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033.04; DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 14-1989, f. & cert. ef. 6-26-89; DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91; DEQ 2-1992, f. & cert. ef. 1-30-92; DEQ 7-1992, f. & cert. ef. 3-30-92; 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 340-020-0145, 340-020-0225, 340-020-0305, 340-020-0355, 340-020-0460 & 340-020-0520; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. & cert. ef. 10-14-94; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 6-1999, f. &

cert. ef. 5-21-99]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0205, 340-028-0110; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 5-2010, f. & cert. ef. 5-21-10; 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 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 11-2013, f. & cert. ef. 11-7-13

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

**340-222-0060**

**Plant Site Emission Limits for Sources of Hazardous Air Pollutants**

(1) DEQ may establish PSELs for hazardous air pollutants (HAPs) if an owner or operator requests that DEQ:

(a) Establish a PSEL for combined HAPs emitted for purposes of determining emission fees as prescribed in OAR chapter 340, division 220; or

(b) Create an enforceable PTE limit.

(2) PSELs will be set only for individual or combined HAPs and will not list HAPs by name. The PSEL will be set on a rolling 12 month basis and will be the level the permittee establishes necessary for the source and to also comply with OAR chapter 340, division 245.

(3) The alternative emissions controls (bubble) provisions of OAR 340-226-0400 do not apply to emissions of HAPs.

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

**Statutes/Other Implemented:** ORS 468A

**History:**

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

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 340-028-1050

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

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

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

**Division 224**  
**NEW SOURCE REVIEW**

**340-224-0010**

**Applicability, General Prohibitions, General Requirements and Jurisdiction**

(1) Except as provided in subsection (c), the owner or operator of a source undertaking one of the following actions must comply with the applicable Major New Source Review requirements of OAR 340-224-0010 through 340-224-0070 and 340-224-0500 through 340-224-0540 for such actions prior to construction or operation:

(a) In an attainment, unclassified or sustainment area:

(A) Construction of a new federal major source;

(B) Major modification at an existing federal major source; or

(C) Major modification at an existing source that will become a federal major source because emissions of a regulated pollutant are increased to the federal major source level or more.

(b) In a nonattainment, reattainment or maintenance area:

(A) Construction of a new source that will emit 100 tons per year or more of the nonattainment, reattainment or maintenance pollutant;

(B) A major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that emits 100 tons per year or more of the nonattainment, reattainment or maintenance pollutant; or

(C) A major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that will increase emissions of the nonattainment, reattainment or maintenance pollutant to 100 tons per year or more.

(c) The owner or operator of a source is subject to Prevention of Significant Deterioration for GHGs under OAR 340-224-0070 if the owner or operator is first subject to OAR 340-224-0070 for a pollutant other than GHGs, and the source meets the criteria in paragraph (A) or (B);

(A) The source is a new source which will emit GHGs at a rate equal to or greater than the SER; or

(B) The source is an existing source which is undertaking a major modification for GHGs.

(2) Except as provided in subsection (c), the owner or operator of a source that is undertaking an action that is not subject to Major NSR under section (1) and is one of the actions identified in subsections (a) or (b) must comply with the applicable State New Source Review requirements of OAR 340-224-0010 through 340-224-0038, 340-224-0245 through 340-224-0270 and 340-224-0500 through 340-224-0540 for such action prior to construction or operation.

- (a) In a nonattainment, reattainment or maintenance area:
  - (A) Construction of a new source that will have emissions of the nonattainment, reattainment or maintenance pollutant equal to or greater than the SER; or
  - (B) Major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that will have emissions of the nonattainment, reattainment or maintenance pollutant equal to or greater than the SER over the netting basis.
- (b) In any designated area, for actions other than those identified in subsection (a):
  - (A) Construction of a new source that will have emissions of a regulated pollutant equal to or greater than the SER; or
  - (B) Increasing emissions of a regulated pollutant to an amount that is equal to or greater than the SER over the netting basis.
- (c) GHGs are not subject to State NSR.
- (d) Type A and Type B State NSR: State NSR actions are categorized as follows:
  - (A) Actions under subsection (a), and actions for which the source must comply with OAR 340-224-0245(2), are categorized as Type A State NSR actions; and
  - (B) Actions under subsection (b) are categorized as Type B State NSR unless the source must comply with OAR 340-224-0245(2).
- (3) The owner or operator of a source undertaking one of the actions in OAR 340-224-0300(1) must comply with the applicable Minor New Source Review requirements of OAR 340-224-0010, 340-224-0030 and 340-224-0300 for such actions prior to construction or operation.
- (4) The owner or operator of a source subject to section (1) or (2) must apply this division based on the type of designated area where the source is located for each regulated pollutant, taking the following into consideration:
  - (a) The source may be subject to this division for multiple pollutants;
  - (b) Some pollutants, including but not limited to NO<sub>x</sub>, may be subject to multiple requirements in this division both as pollutants and as precursors to other pollutants;
  - (c) Every location in the state carries an area designation for each criteria pollutant and the entire state is treated as an unclassified area for regulated pollutants that are not criteria pollutants; and
  - (d) Designated areas may overlap.
- (5) Where this division requires the owner or operator of a source to conduct analysis under or comply with a rule in OAR 340 division 225, the owner or operator must complete such

work in compliance with OAR 340-225-0030 and 340-225-0040.

(6) Owners and operators of all sources may be subject to other DEQ rules, including, but not limited to, Notice of Construction and Approval of Plans (OAR 340-210-0205 through 340-210-0250), ACDPs (OAR 340 division 216), Title V permits (OAR 340 division 218), Highest and Best Practicable Treatment and Control (OAR 340-226-0100 through 340-226-0140), Emission Standards for Hazardous Air Contaminants (OAR 340 division 244), and Standards of Performance for New Stationary Sources (OAR 340 division 238), as applicable.

(7) An owner or operator of a source that meets the applicability criteria of sections (1) or (2) may not begin actual construction, continue construction or operate the source without complying with the requirements of this division and obtaining an air contaminant discharge permit (ACDP) issued by DEQ authorizing such construction or operation.

(8) 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.

**Statutory/Other Authority:** ORS 468.020, 468A.025, 468A.040, 468A.050, 468A.055, 468A.135 & 468A.155

**Statutes/Other Implemented:** ORS 468A

**History:**

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

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

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

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1900

DEQ 26-1996, f. & cert. ef. 11-26-96

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

DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0220

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

DEQ 25-1981, f. & ef. 9-8-81

**340-224-0030**

**New Source Review Procedural Requirements**

(1) Information Required. The owner or operator of a source subject to Major NSR, State NSR, or Minor NSR must submit an application and all information DEQ needs to perform any analysis or make any determination required under this division and OAR chapter 340, division 225. The information must be in writing on forms supplied or approved by DEQ and include the information required to apply for a permit or permit modification under:

(a) OAR chapter 340, division 216 for Major NSR, Type A State NSR, or Minor NSR action;  
or

(b) OAR chapter 340, division 216 or 218, whichever is applicable, for Type B State NSR or Minor NSR actions.

(2) Application Processing:

(a) For Type B State NSR or Minor NSR, DEQ will review applications and issue permits using the procedures in OAR chapter 340, division 216 or 218, whichever is applicable.

(b) For Major NSR and Type A State NSR:

(A) Notwithstanding the requirements of OAR 340-216-0040(10), within 30 days after receiving an ACDP permit application to construct, or any additional information or amendment to such application, DEQ will advise the applicant whether the application is complete or if there is any deficiency in the application or in the information submitted. For purposes of this section, an application is complete as of the date on which DEQ received all required information;

(B) Upon determining that an application is complete, DEQ will undertake the public participation procedures in OAR chapter 340, division 209 for a Category IV permit action; and

(C) DEQ will make a final determination on the application within twelve months after receiving a complete application.

(3) An owner or operator that obtained approval of a project under this division must obtain approval for a revision to the project according to the permit application requirements in this division and OAR chapter 340, division 216 or 218, whichever is applicable, prior to initiating the revision. If construction has commenced, the owner or operator must temporarily halt construction until a revised permit is issued. The following are considered revisions to the project that would require approval:

(a) A change that would increase permitted emissions;

(b) A change that would require a re-evaluation of the approved control technology; or

(c) A change that would increase air quality impacts.

(4) For Major NSR, State NSR, and Minor NSR permit actions, an ACDP that approves construction must require construction to commence within 18 months of issuance. Construction approval terminates and is invalid if construction is not commenced within 18 months after DEQ issues such approval, or by the deadline approved by DEQ in an extension under section (5). Construction approval also terminates and is invalid if construction is discontinued for a period of 18 months or more or if construction is not completed within 18 months of the scheduled time. An ACDP may approve a phased construction project with separate construction approval dates for each subsequent phase and, for purposes of applying

this section, the construction approval date for the second and subsequent phases will be treated as the construction approval issuance date.

(5) For Major NSR, State NSR, and Minor NSR permit actions, DEQ may grant for good cause one or two 18-month construction approval extensions as follows:

(a) Except as provided in subsection (i), for the first extension, the owner or operator must submit an application to modify the permit that includes the following:

(A) A detailed explanation of why the source could not commence construction within the initial 18-month period; and

(B) Payment of the simple technical permit modification fee in OAR 340-216-8020 Part 3.

(b) Except as provided in subsection (i), for the second extension, the owner or operator must submit an application to modify the permit that includes the following for the original regulated pollutants subject to Major NSR or Type A State NSR:

(A) A detailed explanation of why the source could not commence construction within the second 18-month period;

(B) A review of the original LAER or BACT analysis for potentially lower limits and a review of any new control technologies that may have become commercially available since the original LAER or BACT analysis;

(C) A review of the air quality analysis to address any of the following:

(i) All ambient air quality standards and PSD increments that were subject to review under the original application;

(ii) Any new competing sources or changes in ambient air quality since the original application was submitted;

(iii) Any new ambient air quality standards or PSD increments for the regulated pollutants that were subject to review under the original application; and

(iv) Any changes to EPA approved models that would affect modeling results since the original application was submitted, and

(D) Payment of the moderate technical permit modification fee plus the modeling review fee in OAR 340-216-8020 Part 4.

(c) Except as provided in subsection (i), the permit will be terminated 54 months after it was initially issued if construction does not commence during that 54 month period. If the owner or operator wants approval to construct beyond the termination of the permit, the owner or operator must submit an application for a new Major NSR, State NSR permit, or Minor NSR.

(d) If construction is commenced prior to the date that construction approval terminates, the

permit can be renewed or the owner or operator may apply for a Title V permit as required in OAR 340-218-0190;

(e) To request a construction approval extension under subsection (a) or (b), the owner or operator must submit an application to modify the permit at least 30 days but not more than 90 days prior to the end of the current construction approval period.

(f) Construction may not commence during the period from the end of the preceding construction approval to the time DEQ approves the next extension.

(g) DEQ will make a proposed permit modification available using the following public participation procedures in OAR chapter 340, division 209:

(A) Category II for an extension that does not require an air quality analysis; or

(B) Category III for an extension that requires an air quality analysis.

(h) DEQ will grant a permit modification extending the construction approval for 18 months from the end of the first or second 18-month construction approval period, whichever is applicable, if:

(A) Based on the information required to be submitted under subsection (a) or (b), DEQ determines that the proposed source will continue to meet NSR requirements; and

(B) For any extension, the area impacted by the source has not been redesignated to sustainment or nonattainment prior to the granting of the extension.

(i) If the area where the source is located is redesignated to sustainment or nonattainment before any extension is approved, the owner or operator must demonstrate compliance with the redesignated area requirements if the source is subject to Major or Type A State NSR for the redesignated pollutant, and must obtain the appropriate permit or permit revision before construction may commence. The new permit or permit revision under this subsection will be considered to start a new initial 18-month construction approval period.

(6) Approval to construct does not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state or federal law;

(7) Sources that are subject to OAR chapter 340, division 218, Oregon Title V Permits, are subject to the following:

(a) Except as prohibited in subsection (b), approval to construct a source under an ACDP issued under OAR chapter 340, division 216 authorizes construction and operation of the source, until the later of:

(A) One year from the date of initial startup of operation of the source subject to Major NSR, State NSR, or Minor NSR; or

(B) If a timely and complete application for an Oregon Title V Operating Permit is submitted, the date of final action by DEQ on the Oregon Title V Operating Permit application.

(b) Where an existing Oregon Title V Operating Permit prohibits construction or a change in operation, the owner or operator must obtain a Title V permit revision before commencing the construction, continuing the construction or making the change in operation.

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.035, 468A.040, 468A.050, 468A.055 & 468A.070

**Statutes/Other Implemented:** ORS 468A

**History:**

[DEQ 9-2021, minor correction filed 07/01/2021, effective 07/01/2021](#)

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

DEQ 1-2004, f. & cert. ef. 4-14-04

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

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1910

DEQ 26-1996, f. & cert. ef. 11-26-96

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

DEQ 24-1994, f. & cert. ef. 10-28-94

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

DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0230

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

DEQ 13-1988, f. & cert. ef. 6-17-88

DEQ 18-1984, f. & ef. 10-16-84

DEQ 25-1981, f. & ef. 9-8-81

**340-224-0300**

**Minor New Source Review**

(1) Applicability. The owner or operator that applies for any of the following is subject to this rule except as allowed under subsection (c):

(a) Any application for a Type 3 change under OAR 340-210-0230 for which the proposed construction of an individual device or activity will have the uncontrolled potential to emit at or above a minor source SER; or

(b) Any application for a permit or permit modification under OAR chapter 340, division 216 where any individual device or activity will have the uncontrolled potential to emit at or above a minor source SER; and

(c) An individual device or activity that emits CO, VOC or fugitive particulate matter is exempt from this rule.

(2) The owner or operator must submit:

(a) An application for presumptive MSERT under section (3) or a case-by-case MSERT analysis under section (4); and

(b) An air quality analysis, conducted in accordance with the procedures in OAR chapter 340, division 225, demonstrating that the emissions, including reductions due to air pollution control devices, from the individual device or activity will not cause or contribute to an exceedance or violation of an ambient air quality standard adopted under OAR chapter 340, division 202. If the owner or operator has previously completed an air quality analysis under OAR chapter 340, division 216, 218, or 224 to ensure the source's emissions will not cause or contribute to an exceedance or violation of an ambient air quality standard adopted, or under OAR chapter 340, division 245, no additional modeling review fees are required. If the owner or operator has not previously completed an air quality analysis, the owner or operator must pay the modeling review fee in OAR 340-216-8020.

(3) Presumptive Minor Source Emission Reduction Technology. An owner or operator is not required to submit a case-by-case MSERT analysis under section (4) if they choose to install and operate any of the following for the regulated pollutant:

(a) Collection of all equipment exhaust vented to the baghouse, fabric filter, cartridge filter, wet scrubber, or electrostatic precipitator for particulate matter control;

(b) Selective catalytic reduction for NO<sub>x</sub> control where the control efficiency is 80% or greater;

(c) Low NO<sub>x</sub> burners for NO<sub>x</sub> control from combustion sources where the removal efficiency is 74% or greater;

(d) Diesel particulate filter for diesel particulate matter control where the control efficiency is 95% or greater;

(e) Tier 4 engines that comply with 40 CFR 1039.101 for NO<sub>x</sub> and particulate matter control;  
or

(g) Combustion of ultra-low sulfur diesel with a sulfur content below 15 parts per million, renewable diesel or natural gas for SO<sub>2</sub> control.

(4)(a) Case-by-case MSERT. An owner or operator who does not choose to install presumptive MSERT under section (3) is required to submit a proposed MSERT analysis consistent with the standards described in subsection (b), along with the proposed MSERT, to DEQ for review and approval.

(b) Minor Source Emission Reduction Technology is the best available degree of reduction that is feasible and may be an emissions limitation, an emission control measure, a design standard, equipment standard, work practice standard or other operational standard, or a combination thereof, considering:

(A) What has been achieved in practice for:

(i) Sources in the same class as the source to which the air contaminant emissions limitation or control measure will apply; or

(ii) Processes or emissions similar to the processes or emissions of the source;

(B) The health and environmental impacts of emissions from the facility;

(C) Economic impacts and cost-effectiveness, including the costs of changing proposed or existing processes or equipment or adding equipment or controls to proposed or existing processes and equipment; and

(D) Pollution prevention.

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(3)**

### **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, OAR 340-222-0042, or OAR 340-226-0400, the owner or operator must comply with this rule.

(1) Offsets for VOC and NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> in the designated area during high ozone conditions as the ratio described in section (3). The modeled reductions of ambient VOC or NO<sub>x</sub> 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<sub>x</sub> 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, 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) 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;

(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 chapter 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; and
- (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, DEQ may require the owner or operator of a source to conduct speciation of PM and perform an analysis for PM10 and PM2.5.

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

**340-225-0070**

**Requirements for Demonstrating Compliance with Air Quality Related Values Protection**

(1) Sources that are not federal major sources are exempt from the requirements of this rule.

(2) When directed by OAR chapter 340, division 224, the requirements of this rule apply to each emissions unit that increases the actual emissions of a regulated pollutant above the portion of the netting basis attributable to that emissions unit.

(3) DEQ must provide notice of permit applications involving AQRV analysis to EPA and Federal Land Managers as follows:

(a) If a proposed source or modification could impact air quality related values, including visibility, deposition, and ozone impacts within a Class I area, DEQ will provide written notice to the EPA and to the appropriate Federal Land Manager within 30 days of receiving such permit application. The notice will include a copy of all information relevant to the permit application, including analysis of anticipated impacts on Class I area air quality related values. DEQ will also provide at least 30 days' notice to EPA and the appropriate Federal Land Manager of any scheduled public hearings and preliminary and final actions taken on the application;

(b) If DEQ receives advance notice of a permit application for a source that may affect Class I area visibility, DEQ will notify all affected Federal Land Managers within 30 days of receiving the advance notice;

(c) During its review of source impacts on Class I area air quality related values, pursuant to this rule, DEQ will consider any analysis performed by the Federal Land Manager that is received by DEQ within 30 days of the date that DEQ sent the notice required by subsection (a). If DEQ disagrees with the Federal Land Manager's demonstration, DEQ will include a discussion of the disagreement in the Notice of Public Hearing;

(d) As a part of the notification required in OAR 340-209-0060, DEQ will provide the Federal Land Manager an opportunity to demonstrate that the emissions from the proposed source or modification would have an adverse impact on air quality related values, of any federal mandatory Class I area. This adverse impact determination may be made even if there is no demonstration that a Class I PSD increment has been exceeded. If DEQ agrees with the

demonstration, it will not issue the permit.

(4) Visibility impact analysis requirements:

(a) If division 224 requires a visibility impact analysis, the owner or operator must demonstrate that the potential to emit any regulated pollutant at a SER in conjunction with all other applicable emission increases or decreases, including secondary emissions, permitted since January 1, 1984 and other increases or decreases in emissions, will not cause or contribute to significant impairment of visibility on any Class I area.

(b) The owner or operator must conduct a visibility analysis on the Columbia River Gorge National Scenic Area if it is affected by the source;

(c) The owner or operator must submit all information necessary to perform any analysis or demonstration required by these rules.

(d) Determination of significant impairment: The results of the modeling must be sent to the affected Federal Land Managers and DEQ. The land managers may, within 30 days following receipt of the source's visibility impact analysis, determine whether or not significant impairment of visibility in a Class I area would result. DEQ will consider the comments of the Federal Land Manager in its consideration of whether significant impairment of visibility in a Class I area will result. If DEQ determines that significant impairment of visibility in a Class I area would result, it will not issue a permit for the proposed source or modification.

(5) In consultation with the Federal Land Managers under FLAG, DEQ may require a plume blight analysis or regional haze analysis, or both.

(6) Criteria for visibility impacts:

(a) The owner or operator of a source, where required by division 224, is encouraged to demonstrate that its impacts on visibility satisfy the guidance criteria as referenced in the FLAG.

(b) If visibility impacts are a concern, DEQ will consider comments from the Federal Land Manager when deciding whether significant impairment will result. Emission offsets may also be considered. If DEQ determines that significant impairment of visibility in a Class I area would result, it will not issue a permit for the proposed source or modification.

(7) Deposition modeling is required for receptors in PSD Class I areas and the Columbia River Gorge National Scenic Area where visibility modeling is required. This may include, but is not limited to an analysis of nitrogen deposition and sulfur deposition.

(8) Visibility monitoring:

(a) If division 224 requires visibility monitoring data, the owner or operator must use existing data to establish existing visibility conditions within Class I areas as summarized in the FLAG Report.

(b) After construction has been completed the owner or operator must conduct such visibility monitoring if DEQ requires visibility monitoring as a permit condition to establish the effect of the regulated pollutant on visibility conditions within the impacted Class I area.

(9) Additional impact analysis: The owner or operator subject to OAR 340-224-0060(2) or 340-224-0070(3) must provide an analysis of the impact to visibility that would occur as a result of the proposed source or modification and general commercial, residential, industrial, and other growth associated with the source.

(10) If the Federal Land Manager recommends and DEQ agrees, DEQ may require the owner or operator to analyze the potential impacts on other Air Quality Related Values and how to protect them. Procedures from the FLAG report must be used in this recommendation. Emission offsets may also be used. If the Federal Land Manager finds that significant impairment of visibility in a Class I area would result from the proposed activities and DEQ agrees, DEQ will not issue a permit for the proposed source or modification.

(11) 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 340-200-0040.]

[NOTE: View a PDF of FLAG Phase I report by clicking on "Tables" link below.]

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

**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 134-2018, minor correction filed 04/11/2018, effective 04/11/2018

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

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-224-0110

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2000

DEQ 26-1996, f. & cert. ef. 11-26-96

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

DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0276

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

DEQ 14-1985, f. & ef. 10-16-85

DEQ 18-1984, f. & ef. 10-16-84

**Division 226**

**GENERAL EMISSION STANDARDS**

**340-226-0100**

**Highest and Best Practicable Treatment and Control: Policy and Application**

(1) As specified in OAR 340-226-0110 through 340-226-0140 and sections (2) and (3), DEQ will include appropriate conditions in permits to ensure that the highest and best practicable treatment and control of air contaminant emissions is in every case provided so as to

maintain overall air quality at the highest possible levels, and to maintain contaminant concentrations, visibility reduction, odors, soiling and other deleterious factors at the lowest possible levels. The permit conditions must ensure that the degree of treatment and control provided must be such that degradation of existing air quality is minimized to the greatest extent possible.

(2) The EQC encourages the owner or operator of a source to further reduce emissions from the source beyond applicable control requirements where feasible.

(3) Nothing in OAR 340-226-0100 through 340-226-0140 revokes or modifies any existing permit term or condition unless or until DEQ revokes or modifies the term or condition by a permit revision.

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

**Statutes/Other Implemented:** ORS 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 340-028-0600

DEQ 19-1993, f. 11-4-93 & cert. ef. 1-1-94

DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0001

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

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

**340-226-0130**

**Highest and Best Practicable Treatment and Control: Typically Achievable Control Technology (TACT)**

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 chapter 340, divisions 224, 230, 234, 236 or 238, or under OAR 340-224-0300,

OAR 340-232-0010 through 340-232-0230, OAR 340-240-0110 through 340-240-0180, or OAR 340-240-0320 through 340-240-0430;

(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 chapter 340, division 224, a Type A State NSR action under OAR chapter 340, division 224, an applicable Standard of Performance for New Stationary Sources in OAR chapter 340, division 238, OAR 340-224-0300, OAR 340-240-0110 through 340-240-0180, OAR 340-240-320 through 340-240-0430, or any other standard applicable only to new or modified sources in OAR chapter 340, divisions 230, 234, 236, or 238 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 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

**340-226-0140**

**Highest and Best Practicable Treatment and Control: Additional Control Requirements for Stationary Sources of Air Contaminants**

In addition to other applicable requirements, DEQ may establish control requirements by permit if necessary as specified in sections (1) through (5):

(1) Requirements will be established to prevent violation of an ambient air quality standard caused or projected to be caused substantially by emissions from the source as determined by modeling, monitoring, or a combination thereof. Any air quality analysis must be conducted in accordance with the procedures in OAR chapter 340, division 225. For existing sources, DEQ may conduct monitoring or modeling or may require a source to conduct monitoring or modeling to determine whether the source's emissions will cause or contribute to an exceedance or a violation of an ambient air quality standard.

(2) Requirements will be established to prevent significant impairment of visibility in Class I areas caused or projected to be caused substantially by a source as determined by modeling, monitoring, or a combination thereof. For existing sources, DEQ will conduct monitoring to confirm visibility impairment.

(3) A requirement applicable to a major source will be established if it has been adopted by EPA but has not otherwise been adopted by the EQC.

(4) An additional control requirement will be established if requested by the owner or operator of a source.

(5) Requirements will be established if necessary to protect public health or welfare for the following air contaminants and sources not otherwise regulated under OAR chapter 340, divisions 200 through 268:

(a) Chemical weapons; and

(b) Combustion and degradation by-products of chemical weapons.

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

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

**History:**

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

DEQ 15-2001, f. & cert. ef. 12-26-01

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

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0640

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) Fugitive emissions sources;
- (b) Fuel burning equipment;
- (c) Refuse burning equipment; or to
- (d) Solid 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 if all representative compliance source test results collected prior to April 16, 2015, demonstrate that emissions are 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 that emissions are greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results; and

(C) In addition to the limits in paragraphs (A) and (B), for equipment or a mode of operation that is used less than 876 hours per calendar year, 0.20 grains per dry standard cubic foot.

(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 if all representative compliance source test results

prior to April 16, 2015 demonstrate that emissions are 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, 2015 demonstrate that emissions 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.

(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 if 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; and

(C) In addition to the limits in paragraphs (A) and (B), for equipment or a mode of operation (e.g., backup fuel) that is used less than 876 hours per calendar year, 0.20 grains per dry standard cubic foot.

(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 if all representative compliance source test results prior to April 16, 2015 demonstrate that emissions are 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, 2015 demonstrate that emissions 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.

(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% CO<sub>2</sub>.

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

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

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

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:**

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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

**340-232-0040**

**General Non-Categorical Requirements**

(1) All existing sources operating prior to November 15, 1990, located inside the areas cited in OAR 340-232-0020(1)(a) or (1)(c), containing emissions units or devices for which no categorical RACT requirements exist and which can emit over 100 tons per year of VOC from aggregated, non-regulated emission units, based on the design capacity or maximum production or throughput capacity of the source operating 8,760 hours per year without the use of control devices, must have RACT requirements developed on a case-by-case basis by DEQ. Sources that have complied with NSR requirements per OAR chapter 340, division 224 and are subject to Best Available Control Technology (BACT) or Lowest Achievable Emission Rate (LAER) requirements are presumed to have met RACT requirements.

(2) A source may request RACT not be applied or removed by demonstrating to DEQ that the aggregated, non-regulated emission units are unable to emit more than 100 tons per year of VOC, based on the design capacity or maximum production or throughput capacity of the source operating 8,760 hours per year without the use of control devices.

(3) Within 3 months of written notification by DEQ of the applicability of this rule, or, for good cause shown, up to an additional three months as approved by DEQ, the source must submit to DEQ a complete analysis of RACT for each category of emissions unit at the source, taking into account technical and economic feasibility of available control technology, and the emission reductions each technology would provide. This analysis does not need to include any emissions units subject to a specific categorical RACT requirement under this division. These RACT requirements approved by DEQ will be incorporated in the source's Air Contaminant Discharge Permit, and will be effective upon approval by EPA as a

source specific SIP revision. The source must comply with the applicable RACT requirements beginning one year from the date of notification by DEQ of EPA approval.

(4) Failure by a source to submit a RACT analysis required by section (2) does not excuse the source from the obligation to comply with a RACT determination established 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 468.020 & 468A.025

**Statutes/Other Implemented:** ORS 468A.025

**History:**

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DEQ 20-1998, f. & cert. ef. 10-12-98

Reverted to DEQ 13-1995, f. & cert. ef. 5-25-95

DEQ 7-1997(Temp), f. & cert. ef. 4-28-97

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

**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) 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 3 pounds per hour;

(C) Sources with VOC actual emissions before add on controls from activities identified in section (5) are less than 15 pounds per day; or

(D) 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 air 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](#)

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

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0170

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 air 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:**

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

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

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0175

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 either or both 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 either or both 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 either or both 20 ppm and 0.05 Kg/metric ton (0.10 pound/ton) of production as daily arithmetic averages. 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 chapter 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 (SO<sub>2</sub>). 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, may not equal or exceed 20 percent opacity as a six minute average.

(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.]

**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: 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	

**Division 238**  
**NEW SOURCE PERFORMANCE STANDARDS**

**340-238-0030**

**Applicability**

This division applies to stationary sources subject to 40 CFR Part 60 as adopted under OAR 340-238-0060.

**Statutory/Other Authority:** ORS 468A **Statutes/Other Implemented:** ORS 468 & 468A  
**History:** DEQ 14-1999, f. & cert. ef. 10-14-99

**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 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 340-238-0060.

**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

**340-238-0080**

**More Restrictive Regulations**

If at any time there is a conflict between this division or regional authority rules and the Federal Regulation (40 CFR, Part 60), both shall apply.

**Statutory/Other Authority:** ORS 468 & 468A

**Statutes/Other Implemented:** ORS 468A.025

**History:**

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0805  
DEQ 22-1995, f. & cert. ef. 10-6-95  
DEQ 17-1993, f. & cert. ef. 11-4-93  
DEQ 15-1985, f. & cert. ef. 10-21-85, Renumbered from 340-025-0705  
DEQ 97, f. 9-2-75, cert. ef. 9-25-75, Renumbered from 340-025-0545

**Division 244**

**OREGON FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM**

**340-244-0040**

**General Provisions for Stationary Sources: List of Hazardous Air Pollutants**

For purposes of this division the EQC adopts by reference the pollutants, including groups of substances and mixtures, listed in section 112(b), as Hazardous Air Pollutants (Table 1).

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

**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 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 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0130  
DEQ 20-1997, f. & cert. ef. 9-25-97  
DEQ 2-1996, f. & cert. ef. 1-2-96  
DEQ 13-1993, f. & cert. ef. 9-24-93



**OAR 340-244-0040**  
**Table 1**  
**LIST OF HAZARDOUS AIR**  
**POLLUTANTS**

<b>CAS Number</b>	<b>Chemical Name</b>
75-07-0	Acetaldehyde
60-35-5	Acetamide
75-05-8	Acetonitrile
98-86-2	Acetophenone
53-96-3	2-Acetylaminofluorene
107-02-8	Acrolein
79-06-1	Acrylamide
79-10-7	Acrylic acid
107-13-1	Acrylonitrile
107-05-1	Allyl chloride
92-67-1	4-Aminobiphenyl
62-53-3	Aniline
90-04-0	o-Anisidine
1332-21-4	Asbestos
71-43-2	Benzene (including benzene from gasoline)
92-87-5	Benzidine
98-07-7	Benzotrichloride
100-44-7	Benzyl chloride
92-52-4	Biphenyl
117-81-7	Bis(2-ethylhexyl) phthalate (DEHP)
542-88-1	Bis(chloromethyl)ether
75-25-2	Bromoform
106-94-5	1-bromopropane (1-BP)
106-99-0	1,3-Butadiene
156-62-7	Calcium cyanamide
133-06-2	Captan
63-25-2	Carbaryl



**OAR 340-244-0040**  
**Table 1**  
**LIST OF HAZARDOUS AIR**  
**POLLUTANTS**

CAS Number	Chemical Name
75-15-0	Carbon disulfide
56-23-5	Carbon tetrachloride
463-58-1	Carbonyl sulfide
120-80-9	Catechol
133-90-4	Chloramben
57-74-9	Chlordane
7782-50-5	Chlorine
79-11-8	Chloroacetic acid
532-27-4	2-Chloroacetophenone
108-90-7	Chlorobenzene
510-15-6	Chlorobenzilate
67-66-3	Chloroform
107-30-2	Chloromethyl methyl ether
126-99-8	Chloroprene
1319-77-3	Cresols/Cresylic acid (isomers and mixture)
95-48-7	o-Cresol
108-39-4	m-Cresol
106-44-5	p-Cresol
98-82-8	Cumene
94-75-7	2,4-D, salts and esters
3547-04-4	DDE
334-88-3	Diazomethane
132-64-9	Dibenzofurans
96-12-8	1,2-Dibromo-3-chloropropane
84-74-2	Dibutylphthalate
106-46-7	1,4-Dichlorobenzene(p)
91-94-1	3,3-Dichlorobenzidene
111-44-4	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542-75-6	1,3-Dichloropropene



**OAR 340-244-0040**  
**Table 1**  
**LIST OF HAZARDOUS AIR**  
**POLLUTANTS**

CAS Number	Chemical Name
62-73-7	Dichlorvos
111-42-2	Diethanolamine
121-69-7	N,N-Diethyl aniline (N,N-Dimethylaniline)
64-67-5	Diethyl sulfate
119-90-4	3,3-Dimethoxybenzidine
60-11-7	Dimethyl aminoazobenzene
119-93-7	3,3'-Dimethyl benzidine
79-44-7	Dimethyl carbamoyl chloride
68-12-2	Dimethyl formamide
57-14-7	1,1-Dimethyl hydrazine
131-11-3	Dimethyl phthalate
77-78-1	Dimethyl sulfate
534-52-1	4,6-Dinitro-o-cresol, and salts
51-28-5	2,4-Dinitrophenol
121-14-2	2,4-Dinitrotoluene
123-91-1	1,4-Dioxane (1,4-Diethyleneoxide)
122-66-7	1,2-Diphenylhydrazine
106-89-8	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106-88-7	1,2-Epoxybutane
140-88-5	Ethyl acrylate
100-41-4	Ethyl benzene
51-79-6	Ethyl carbamate (Urethane)
75-00-3	Ethyl chloride (Chloroethane)
106-93-4	Ethylene dibromide (Dibromoethane)
107-06-2	Ethylene dichloride (1,2-Dichloroethane)
107-21-1	Ethylene glycol
151-56-4	Ethylene imine (Aziridine)
75-21-8	Ethylene oxide
96-45-7	Ethylene thiourea



**OAR 340-244-0040**  
**Table 1**  
**LIST OF HAZARDOUS AIR**  
**POLLUTANTS**

CAS Number	Chemical Name
75-34-3	Ethylidene dichloride (1,1-Dichloroethane)
50-00-0	Formaldehyde
76-44-8	Heptachlor
118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
77-47-4	Hexachlorocyclopentadiene
67-72-1	Hexachloroethane
822-06-0	Hexamethylene-1,6-diisocyanate
680-31-9	Hexamethylphosphoramide
110-54-3	Hexane
302-01-2	Hydrazine
7647-01-0	Hydrochloric acid
7664-39-3	Hydrogen fluoride (Hydrofluoric acid)
123-31-9	Hydroquinone
78-59-1	Isophorone
58-89-9	Lindane (all isomers)
108-31-6	Maleic anhydride
67-56-1	Methanol
72-43-5	Methoxychlor
74-83-9	Methyl bromide (Bromomethane)
74-87-3	Methyl chloride (Chloromethane)
71-55-6	Methyl chloroform (1,1,1-Trichloroethane)
60-34-4	Methyl hydrazine
74-88-4	Methyl iodide (Iodomethane)
108-10-1	Methyl isobutyl ketone (Hexone)
624-83-9	Methyl isocyanate
80-62-6	Methyl methacrylate
1634-04-4	Methyl tert butyl ether
101-14-4	4,4-Methylene bis(2-chloroaniline)
75-09-2	Methylene chloride



**OAR 340-244-0040**  
**Table 1**  
**LIST OF HAZARDOUS AIR**  
**POLLUTANTS**

CAS Number	Chemical Name
	(Dichloromethane)
101-68-8	Methylene diphenyl diisocyanate (MDI)
101-77-9	4,4-Methylenedianiline
91-20-3	Naphthalene
98-95-3	Nitrobenzene
92-93-3	4-Nitrobiphenyl
100-02-7	4-Nitrophenol
79-46-9	2-Nitropropane
684-93-5	N-Nitroso-N-methylurea
62-75-9	N-Nitrosodimethylamine
59-89-2	N-Nitrosomorpholine
56-38-2	Parathion
82-68-8	Pentachloronitrobenzene (Quintobenzene)
87-86-5	Pentachlorophenol
108-95-2	Phenol
106-50-3	p-Phenylenediamine
75-44-5	Phosgene
7803-51-2	Phosphine
7723-14-0	Phosphorus
85-44-9	Phthalic anhydride
1336-36-3	Polychlorinated biphenyls (Aroclors)
1120-71-4	1,3-Propane sultone
57-57-8	beta-Propiolactone
123-38-6	Propionaldehyde
114-26-1	Propoxur (Baygon)
78-87-5	Propylene dichloride (1,2-Dichloropropane)
75-56-9	Propylene oxide
75-55-8	1,2-Propylenimine (2-Methyl aziridine)



**OAR 340-244-0040**  
**Table 1**  
**LIST OF HAZARDOUS AIR**  
**POLLUTANTS**

CAS Number	Chemical Name
91-22-5	Quinoline
106-51-4	Quinone
100-42-5	Styrene
96-09-3	Styrene oxide
1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethylene (Perchloroethylene)
7550-45-0	Titanium tetrachloride
108-88-3	Toluene
95-80-7	2,4-Toluene diamine
584-84-9	2,4-Toluene diisocyanate
95-53-4	o-Toluidine
8001-35-2	Toxaphene (chlorinated camphene)
120-82-1	1,2,4-Trichlorobenzene
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethylene
95-95-4	2,4,5-Trichlorophenol
88-06-2	2,4,6-Trichlorophenol
121-44-8	Triethylamine
1582-09-8	Trifluralin
540-84-1	2,2,4-Trimethylpentane
108-05-4	Vinyl acetate
593-60-2	Vinyl bromide
75-01-4	Vinyl chloride
75-35-4	Vinylidene chloride (1,1-Dichloroethylene)
1330-20-7	Xylenes (isomers and mixture)
95-47-6	o-Xylenes
108-38-3	m-Xylenes
106-42-3	p-Xylenes
0	Antimony Compounds



**OAR 340-244-0040**  
**Table 1**  
**LIST OF HAZARDOUS AIR**  
**POLLUTANTS**

<b>CAS Number</b>	<b>Chemical Name</b>
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds <sup>1</sup>
0	Glycol ethers <sup>2</sup>
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers <sup>3</sup>
0	Nickel Compounds
0	Polycyclic Organic Matter <sup>4</sup>
0	Radionuclides (including radon) <sup>5</sup>
0	Selenium Compounds

NOTE: For all listings above that contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

\*1  $X'CN$  where  $X = H'$  or any other group where a formal dissociation may occur. For example KCN or  $Ca(CN)_2$

\*2 Glycol ethers include mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol  $R-(OCH_2CH_2)_n-OR'$ .

Where:

$n = 1, 2, \text{ or } 3;$

$R = \text{alkyl } C7 \text{ or less; or}$

$R = \text{phenyl or alkyl substituted}$

$\text{phenyl; } R' = H, \text{ or alkyl } C7 \text{ or}$

$\text{less; or}$

$OR'$  consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate. Does not include ethylene glycol monobutyl ether (EGBE, 2-Butoxyethanol)(CAS No. 111-76-2).

\*3 Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.

\*4 Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to  $100^\circ C$ .

\*5 A type of atom which spontaneously undergoes radioactive decay.

**Division 245  
CLEANER AIR OREGON**

**340-245-0060**

**Toxics Emissions Units**

(1) TEU Designation. An owner or operator must designate TEUs in the same manner as the owner or operator designated emissions units listed in a source's operating or construction permit, if they are designated, unless the owner or operator requests a different designation in writing and DEQ approves that request in writing. The request for a new or a different TEU designation must be compatible with the following:

- (a) TEUs may not be designated in such a way as to avoid the requirements of this division;
- (b) An individual emissions-producing activity that exhausts through multiple stacks or openings must be designated as an individual TEU;
- (c) Where multiple emissions-producing activities exhaust through a common opening, exhaust stack or emissions control device, all of these emissions producing activities may be considered a single TEU or may be considered separate TEUs;
- (d) The list of TEUs should not be limited to what is listed in a source's operating or construction permit but should include all processes and activities that emit toxic air contaminants; and
- (e) DEQ may require the owner or operator to designate TEUs differently than as listed in the source's operating or construction permit, if DEQ determines such listing is appropriate to meet the purposes of this division.

(2) Aggregated TEUs.

- (a) An owner or operator must designate the same TEUs as aggregated TEUs for all of the different types of risk: excess cancer risk, chronic noncancer risk and acute noncancer risk.
- (b) An owner or operator may choose to assign risk from aggregated TEUs based on either:
  - (A) The applicable Aggregate TEU Level in OAR 340-245-8010 Table 1; or
  - (B) The modeled risk from the approved risk assessment.
- (c) An owner or operator must request approval to change any aggregated TEU designation after the source's aggregated TEUs have been designated in a risk assessment approved by DEQ.
- (d) An owner or operator may request approval to construct a new aggregated TEU or modify an existing aggregated TEU, following the procedures in section (4) if the total risk from the aggregated TEUs, including the new or modified TEU, remains less than or equal to the applicable Aggregate TEU Level in OAR 340-245-8010 Table 1.

(3) Exempt TEUs. A TEU is an exempt TEU if it meets the criteria in subsection (a) or (b):

(a) The owner or operator of the TEU has demonstrated that the TEU is not likely to materially contribute risk and DEQ approves such demonstration. The demonstration may include any information the owner or operator considers relevant, including but not limited to:

(A) The chemical make-up of the materials handled or processed in the TEU as provided by Environmental, Safety, or Product Data Sheets, or equivalent documents; and

(B) Whether or not the handling or processing of materials in the TEU is likely to alter the chemical make-up of the materials and the chemical make-up or likely chemical make-up of the materials emitted by the TEU.

(b) The TEU is one of the following regulated pollutant emitting activities, principally supporting the source or the major industrial group:

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

(B) Distillate oil, kerosene, gasoline, natural gas or propane burning equipment, provided the aggregate expected actual emissions of the equipment identified does 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 an exempt TEU with the remainder not designated as an exempt TEU. The following equipment may never be included as part of the exempt TEU:

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

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

(C) 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;

(D) Office activities;

(E) Food service activities;

(F) Janitorial activities;

(G) Personal care activities;

(H) Groundskeeping activities including, but not limited to, building painting and road and parking lot maintenance;

- (I) On-site laundry activities;
- (J) On-site recreation facilities;
- (K) Instrument calibration;
- (L) Automotive storage garages;
- (M) 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;
- (N) 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;
- (O) Temporary construction activities;
- (P) Warehouse activities;
- (Q) Accidental fires and fire suppression;
- (R) Air vents from air compressors;
- (S) Air purification systems;
- (T) Continuous emissions monitoring vent lines;
- (U) Demineralized water tanks;
- (V) Pre-treatment of municipal water, including use of deionized water purification systems;
- (W) Electrical charging stations;
- (X) Fire brigade training;
- (Y) Instrument air dryers and distribution;
- (Z) Fully enclosed process raw water filtration systems;
- (AA) Electric motors;
- (BB) Pressurized tanks containing gaseous compounds that do not contain toxic air contaminants;
- (CC) Vacuum sheet stacker vents;
- (DD) 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;

(EE) Log ponds;

(FF) Stormwater settling basins;

(GG) Paved roads and paved parking lots within an urban growth boundary;

(HH) 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;

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

(JJ) Non-diesel, compression ignition 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;

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

(LL) Non-contact steam condensate flash tanks;

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

(NN) Boiler blowdown tanks; and

(OO) Ash piles maintained in a wetted condition and associated handling systems and activities.

(4) New or modified TEU requirements.

(a) The owner or operator of a source that has not been notified in writing by DEQ that they are required to submit a risk assessment and that proposes to construct a new or modified TEU must comply with OAR 340-210-0205 through 340-210-0250 before beginning construction of the new or modified TEU;

(b) The owner or operator of a source that has been notified in writing by DEQ that they are required to submit a risk assessment but has not yet been issued a Toxic Air Contaminant Permit Addendum or an operating permit in compliance with this division and that proposes to construct a new or modified TEU must do the following before beginning construction of the new or modified TEU:

(A) Comply with OAR 340-210-0205 through 340-210-0250; and

(B) Revise and update any materials submitted to date under OAR 340-245-0050 to include the new or modified TEU by a date certain.

(c) The owner or operator of a source that previously has been issued a Toxic Air Contaminant Permit Addendum or an operating permit in compliance with this division and that proposes to construct a new or modified TEU must follow the applicable procedures in paragraphs (c)(A) through (C) and must pay to DEQ all applicable specific activity fees under OAR 340-216-8020 Table 2 Part 4 and OAR 340-216-8030 Table 3.

(A) New or modified exempt TEUs. If the proposed new or modified exempt TEU is subject to National Emission Standards for Hazardous Air Pollutants or New Source Performance Standards requirements, then the owner or operator must request approval of a new or modified exempt TEU under this rule and under OAR 340-210-0205 through 340-210-0250;

(B) New or modified aggregated TEUs.

(i) The owner or operator must request approval of a new or modified TEU to be an aggregated TEU by demonstrating that the risk from the aggregated TEUs, including the new or modified TEU, will be less than or equal to the Aggregate TEU Level. The owner or operator may use any risk assessment procedure, Level 1 through Level 4, under OAR 340-245-0050(8) through (11).

(ii) If the current aggregated TEUs are permitted at the modeled risk levels as specified in OAR 340-245-0060(2)(b)(B), the owner or operator may add the risk from the new or modified aggregated TEU to prior results from the latest risk assessment for the source rather than updating the entire risk assessment for the source.

(iii) The owner or operator must request approval of a new or modified aggregated TEU by submitting an application to modify its Toxic Air Contaminant Permit Addendum or operating permit as required under OAR 340-245-0100(8).

(iv) The owner or operator of a proposed new or modified aggregate TEU may not begin construction until DEQ has issued a Toxic Air Contaminant Permit Addendum or an operating permit that approves the TEU;

(C) New or modified significant TEUs.

(i) The owner or operator must request approval of a new or modified significant TEU by submitting an application to modify its Toxic Air Contaminant Permit Addendum or operating permit that includes the following:

(I) Information necessary to assess the risk from the new or modified significant TEU using any risk assessment procedure, Level 1 through Level 4, under OAR 340-245-0050(8) through (11). The owner or operator may add the risk from the new or modified TEU to prior results from the latest risk assessment for the source rather than updating the entire risk assessment for the source; and

(II) Information necessary to verify that the new or modified significant TEU meets

TLAER, if the source risk is greater than the TLAER Level for a new or reconstructed source, or meets TBACT, if the source risk is greater than the TBACT Level for an existing source using procedures under OAR 340-245-0220;

(ii) The owner or operator of a proposed new or modified significant TEU may not begin construction of the new or modified significant TEU until DEQ has issued a Toxic Air Contaminant Permit Addendum or an operating permit that approves the TEU;

(iii) If a source that was previously determined to be an exempt source under OAR 340-245-0050(6) or a de minimis source under OAR 340-245-0050(7) will no longer be an exempt or a de minimis source after the new or modified significant TEU is constructed, the owner or operator must follow the procedures in this section and apply for a Toxic Air Contaminant Permit Addendum under OAR 340-245-0100. Such an owner or operator may not begin construction of the new or modified significant TEU until DEQ has issued a Toxic Air Contaminant Permit Addendum or an operating permit that approves the TEU; and

(iv) In conjunction with seeking authorization for the construction of a new or modified significant TEU, if the owner or operator makes simultaneous changes to existing TEUs other than the new or modified significant TEU for the purpose of reducing source risk, then the owner or operator may not begin operation of the new or modified significant TEU until DEQ has issued a Toxic Air Contaminant Permit Addendum or operating permit that approves all such changes to the other TEUs;

(d) DEQ will not approve an application for a Toxic Air Contaminant Permit Addendum required under this rule for a new or modified TEU if:

(A) The TEU does not comply with this rule; or

(B) The source does not comply with OAR 340-245-0050, if required.

**Statutory/Other Authority:** ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, 468A.135 & 468A.337

**Statutes/Other Implemented:** 468.065, 468A.025, 468A.040, 468A.050, 468A.070, 468A.155, 468A.010, 468A.015, 468A.035, 468A.337 & 468A.335

**History:**

[DEQ 18-2021, amend filed 11/17/2021, effective 11/17/2021](#)

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