

OREGON ADMINISTRATIVE RULES
Chapter 340, Department of Environmental Quality

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 200

**GENERAL AIR POLLUTION
PROCEDURES AND DEFINITIONS**

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 the Department of Environmental Quality and is adopted as the state implementation plan (SIP) of the State of Oregon pursuant to the federal Clean Air Act, 42 U.S.C.A 7401 to 7671q.
- (2) Except as provided in section (3), revisions to the SIP will be made pursuant to the Commission's rulemaking procedures in division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the United States Environmental Protection Agency for approval. **The State Implementation Plan was last modified by the Commission on February 22, 2007.**
- (3) Notwithstanding any other requirement contained in the SIP, the Department may:
 - (a) Submit to the Environmental Protection Agency any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after the Department has complied with the public hearings provisions of 40 CFR 51.102 (July 1, 2002); and
 - (b) Approve the standards submitted by a regional authority if the regional authority adopts verbatim any standard that the Commission has adopted, and submit the standards to EPA for approval as a SIP revision.

NOTE: Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the United States Environmental Protection Agency. If any provision of the federally approved Implementation Plan conflicts with any provision adopted by the Commission, the Department shall enforce the more stringent provision.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.035

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

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91; DEQ 20-1991, f. & cert. ef. 11-13-91; DEQ 21-1991, f. & cert. ef. 11-13-91; DEQ 22-1991, f. & cert. ef. 11-13-91; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 25-1991, f. & cert. ef. 11-13-91; DEQ 1-1992, f. & cert. ef. 2-4-92; DEQ 3-1992, f. & cert. ef. 2-4-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 19-1992, f. & cert. ef. 8-11-92; DEQ 20-1992, f. & cert. ef. 8-11-92; DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92; DEQ 26-1992, f. & cert. ef. 11-2-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 15-1993, f. & cert. ef. 11-4-93; DEQ 16-1993, f. & cert. ef. 11-4-93; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 1-1994, f. & cert. ef. 1-3-94; DEQ 5-1994, f. & cert. ef. 3-21-94; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94; DEQ 25-1994, f. & cert. ef. 11-2-94; DEQ 9-1995, f. & cert. ef. 5-1-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 17-1995, f. & cert. ef. 7-12-95; DEQ 19-1995, f. & cert. ef. 9-1-95; DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95; DEQ 8-1996(Temp), f. & cert. ef. 6-3-96; DEQ 15-1996, f. & cert. ef. 8-14-96; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 23-1996, f. & cert. ef. 11-4-96; DEQ 24-1996, f. & cert. ef. 11-26-96; DEQ 10-1998, f. & cert. ef. 6-22-98; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 17-1998, f. & cert. ef. 9-23-98; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 21-1998, f. & cert. ef. 10-12-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 5-1999, f. & cert. ef. 3-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 2-2000, f. 2-17-00, cert. ef. 6-f1-01; DEQ 6-2000, f. & cert. ef. 5-22-00; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 13-2000, f. & cert. ef. 7-28-00; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 17-2000, f. & cert. ef. 10-25-00; DEQ 20-2000 f. & cert. ef. 12-15-00; DEQ 21-2000, f. & cert. ef. 12-15-00; DEQ 2-2001, f. & cert. ef. 2-5-01; DEQ 4-2001, f. & cert. ef. 3-27-01; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 15-2001, f. & cert. ef. 12-26-01; DEQ 16-2001, f. & cert. ef. 12-26-01; DEQ 17-2001, f. & cert. ef. 12-28-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 5-2002, f. & cert. ef. 5-3-02; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 5-2003, f. & cert. ef. 2-6-03; DEQ 14-2003, f. & cert. ef. 10-24-03; DEQ 19-2003, f. & cert. ef. 12-12-03; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 10-2004, f. & cert. ef. 12-15-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 7-2005, f. & cert. ef. 7-12-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 2-2006, f. & cert. ef. 3-14-06

340-200-0025

Abbreviations and Acronyms

(91) "SKATS" means Salem-Keizer Area Transportation Study.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A

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

DEPARTMENT OF ENVIRONMENTAL QUALITY**DIVISION 202****AMBIENT AIR QUALITY STANDARDS AND PSD
INCREMENTS**

[**NOTE:** Administrative Order DEQ 37 repealed previous OAR 340-031-0005 through 340-031-0020 (DEQ 5 and 6).]

340-202-0090**Ozone**

Concentrations of ozone in ambient air as measured by an approved method must not exceed 0.08 ppm as a daily maximum eight-hour average concentration. This standard is attained when, at any site the average of the annual fourth-highest daily maximum eight-hour average ozone concentration is equal to or less than 0.08 as determined by the method of **Appendix I, 40 CFR 50**.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

[Publications: The publication(s) referenced in this rule is available from the agency.]

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 15-1979, f. & ef. 6-22-79; DEQ 7-1980, f. & ef. 3-5-80; DEQ 4-1982, f. & ef. 1-29-82; DEQ 8-1988, f. & cert. ef. 5-19-88 (corrected 9-30-88); DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0030; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

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DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 204

DESIGNATION OF AIR QUALITY AREAS

340-204-0010

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 OAR 340-200-0020, the definition in this rule applies to this division. Definitions of boundaries in this rule also apply to OAR 340 Division 200 through 268 and throughout the State of Oregon Clean Air Act Implementation Plan adopted under OAR 340-200-0040.

- (27) "Salem-Keizer Area Transportation Study" or "SKATS" means the area within the bounds beginning at the intersection of U.S. Interstate Highway 5 (I-5) with Battle Creek Road SE and Wiltsey Road, south along I-5 to the intersection with the western boundary of Section 24, T8S, R3W; thence due south on a line to the intersection with Delaney Road; thence easterly along Delaney Road to the intersection with Sunnyside Road; thence north along Sunnyside Road to the intersection with Hylo Road SE; thence west along Hylo Road SE to the intersection with Liberty Road; thence north along Liberty Road to the intersection with Cole Road; thence west along Cole Road to the intersection with Bates Road; thence northerly and easterly along Bates Road to the intersection with Jory Hill Road; thence west along Jory Hill Road to the intersection with Stone Hill Avenue; thence north along Stone Hill Avenue to the intersection with Vita Springs Road; thence westerly along Vita Springs Road to the Willamette River; thence northeasterly downstream the Willamette River to a point adjacent to where the western boundary of Section 30, T7S, R3W intersects the Southern Pacific Railroad Line; thence westerly along the Southern Pacific Railroad Line to the intersection with State Highway 51; thence northeasterly along State Highway 51 to the intersection with Oak Grove Road; thence northerly along Oak Grove Road to the intersection with State Highway 22; thence west on State Highway 22 to the intersection with Oak Grove Road; thence north along Oak Grove Road to the intersection with Orchard Heights Road; thence east and north along Orchard Heights Road to the intersection with Eagle Crest Drive; thence northerly along Eagle Crest Drive to the intersection with Hunt Road; thence north along Hunt Road to the intersection with Fourth Road; thence east along Fourth Road to the intersection with Spring Valley Road; thence north along Spring Valley to the intersection with Oak Knoll Road; thence east along Oak Knoll Road to the intersection with Wallace Road; thence south along Wallace Road to the intersection with Lincoln Road; thence east along Lincoln Road on a line to the intersection with the Willamette River; thence northeasterly downstream the Willamette River to a point adjacent to where Simon Street starts on the East Bank; thence east and south along Simon Street to the intersection with Salmon; thence east along Salmon to the intersection with Ravena Drive; thence southerly and easterly along Ravena Drive to the intersection with Wheatland Road; thence northerly along Wheatland Road to the intersection with Brooklake Road; thence southeast along Brooklake Road to the intersection with 65th Avenue; thence south along 65th Avenue to the intersection with Labish Road; thence east along Labish Road to the intersection with the West Branch of the Little Pudding River; thence southerly along the West Branch of the Little Pudding River to the

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intersection with Sunnyview Road; thence east along Sunnyview Road to the intersection with 63rd Avenue; thence south along 63rd Avenue to the intersection with State Street; thence east along State Street to the intersection with 62nd Avenue; thence south along 62nd Avenue to the intersection with Deer Park Drive; thence southwest along Deer Park Drive to the intersection with Santiam Highway 22; thence southeast along Santiam Highway 22 to the point where it intersects the Salem Urban Growth Boundary (SUGB); thence following the southeast boundary of the SUGB generally southerly and westerly to the intersection with Wiltsey Road; thence west along Wiltsey Road to the intersection with I-5 (the point of beginning).

340-204-0030

Designation of Nonattainment Areas

The following areas are designated as Nonattainment Areas:

- (1) Carbon Monoxide Nonattainment Areas: The Salem Nonattainment Area for Carbon Monoxide is the Salem-Keizer Area Transportation Study as defined in OAR 340-204-0010.
- (2) PM10 Nonattainment Areas:
 - (a) The Eugene Nonattainment Area for PM10 is the Eugene-Springfield UGB as defined in OAR 340-204-0010.
 - (b) The Oakridge Nonattainment Area for PM10 is the Oakridge UGB as defined in OAR 340-204-0010.

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

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 18-1996, f. & cert. ef. 8-19-96; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0520; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 9-2005, f. & cert. ef. 9-9-05

340-204-0040

Designation of Maintenance Areas

The following areas are designated as Maintenance Areas:

- (1) Carbon Monoxide Maintenance Areas:

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- (a) The Eugene Maintenance Area for Carbon Monoxide is the Eugene-Springfield AQMA as defined in OAR 340-204-0010.
- (b) The Portland Maintenance Area for Carbon Monoxide is the Portland Metropolitan Service District as referenced in OAR 340-204-0010.
- (c) The Medford Carbon Monoxide Maintenance Area is the Medford UGB as defined in OAR 340-204-0010.

NOTE: EPA maintenance plan approval and redesignation pending.

- (d) The Grants Pass Carbon Monoxide Maintenance Area is the Grants Pass CBD as defined in OAR 340-204-0010.
- (e) The Klamath Falls Carbon Monoxide Maintenance Area is the Klamath Falls UGB as defined in OAR 340-204-0010.

(2) Ozone Maintenance Areas:

- (a) The Medford Maintenance Area for Ozone is the Medford-Ashland AQMA as defined in OAR 340-204-0010.
- (b) The Oregon portion of the Portland-Vancouver Interstate Maintenance Area for Ozone is the Portland AQMA, as defined in OAR 340-204-0010.
- (c) The Salem Maintenance Area for Ozone is the Salem-Keizer Area Transportation Study as defined in OAR 340-204-0010.

(3) PM10 Maintenance Areas:

- (a) The Grants Pass PM10 Maintenance Area is the Grants Pass UGB as defined in OAR 340-204-0010.
- (b) The Klamath Falls PM10 Maintenance Area is the Klamath Falls UGB as defined in OAR 340-204-0010.
- (c) The Medford-Ashland PM10 Maintenance Area is the Medford-Ashland AQMA as defined in OAR 340-204-0010.

NOTE: EPA maintenance plan approval and redesignation pending.

- (d) The La Grande PM10 Maintenance Area is the La Grande UGB as defined in OAR 340-204-0010.

NOTE: EPA maintenance plan approval and redesignation pending.

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(e) The Lakeview PM10 Maintenance Area is the Lakeview UGB as defined in OAR 340-204-0010.

NOTE: EPA maintenance plan approval and redesignation pending.

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

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 18-1996, f. & cert. ef. 8-19-96; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0530; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 9-2005, f. & cert. ef. 9-9-05

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DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 224

MAJOR NEW SOURCE REVIEW

340-224-0050

Requirements for Sources in Nonattainment Areas

Proposed major sources and major modifications that would emit a nonattainment pollutant within a designated nonattainment area, including VOC or NO_x in a designated Ozone Nonattainment Area must meet the requirements listed below:

- (1) Lowest Achievable Emission Rate (LAER). The owner or operator must demonstrate that the source or modification will comply with the LAER for each nonattainment pollutant emitted at or above the significant emission rate (SER).
 - (a) For a major modification, the requirement for LAER applies only to each emissions unit that emits the pollutant in question and was installed since the baseline period or the most recent New Source Review construction approval for that pollutant, and to each modified emission unit that increases actual emissions of the pollutant in question above the netting basis.
 - (b) For phased construction projects, the LAER determination must be reviewed at the latest reasonable time before commencing construction of each independent phase.
 - (c) When determining LAER for a change that was made at a source before the current NSR application, the Department will consider technical feasibility of retrofitting required controls provided:
 - (A) The change was made in compliance with NSR requirements in effect when the change was made, and
 - (B) No limit will be relaxed that was previously relied on to avoid NSR.
 - (d) Individual modifications with potential to emit less than 10 percent of the SER are exempt from this section unless:
 - (A) They are not constructed yet;
 - (B) They are part of a discrete, identifiable, larger project that was constructed within the previous 5 years and is equal to or greater than 10 percent of the SER; or
 - (C) they were constructed without, or in violation of, the Department's approval.

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- (2) Offsets and Net Air Quality Benefit. The owner or operator must obtain offsets and demonstrate that a net air quality benefit will be achieved as specified in OAR 340-225-0090.
- (3) Additional Requirements for Federal Major Sources:
- (a) The owner or operator of a source that emits or has the potential to emit 100 tons per year of any regulated NSR pollutant must evaluate alternative sites, sizes, production processes, and environmental control techniques for the proposed source or modification and demonstrate that benefits of the proposed source or modification will significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.
 - (b) The owner or operator of a source that emits or has the potential to emit 100 tons per year of any regulated NSR pollutant must demonstrate that all major sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in the state are in compliance, or are on a schedule for compliance, with all applicable emission limitations and standards under the Act.
 - (c) The owner or operator of a federal major source must meet the visibility impact requirements in OAR 340-225-0070.

[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.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; 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 340-020-0240; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1930; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2004, f. & cert. ef. 4-14-04

340-224-0060

Requirements for Sources in Maintenance Areas

Proposed major sources and major modifications that would emit a maintenance pollutant within a designated maintenance area, including VOC or NO_x in a designated ozone maintenance area, must meet the requirements listed below:

- (1) Best Available Control Technology (BACT). Except as provided in section (5) and (6) of this rule, the owner or operator must apply BACT for each maintenance pollutant emitted at a SER.
 - (a) For a major modification, the requirement for BACT applies only to:

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- (A) Each new emissions unit that emits the pollutant in question and was installed since the baseline period or the most recent New Source Review construction approval for that pollutant; and
 - (B) Each modified emissions unit that increases the actual emissions of the pollutant in question above the netting basis.
- (b) For phased construction projects, the BACT determination must be reviewed at the latest reasonable time before commencement of construction of each independent phase.
- (c) When determining BACT for a change that was made at a source before the current NSR application, the technical and economic feasibility of retrofitting required controls may be considered, provided:
- (A) The change was made in compliance with NSR requirements in effect when the change was made; and
 - (B) No limit is being relaxed that was previously relied on to avoid NSR.
- (d) Individual modifications with potential to emit less than 10 percent of the significant emission rate are exempt from this section unless:
- (A) They are not constructed yet;
 - (B) They are part of a discrete, identifiable larger project that was constructed within the previous 5 years and that is equal to or greater than 10 percent of the significant emission rate; or
 - (C) They were constructed without, or in violation of, the Department's approval.
- (2) Air Quality Protection:
- (a) Offsets and Net Air Quality Benefit. Except as provided in subsections (b), (c), (d) and (e) of this section, the owner or operator must obtain offsets and demonstrate that a net air quality benefit will be achieved in the area as specified in OAR 340-225-0090.
 - (b) Growth Allowance. The requirements of this section may be met in whole or in part in an ozone or carbon monoxide maintenance area with an allocation by the Department from a growth allowance, if available, in accordance with the applicable maintenance plan in the SIP adopted by the Commission and approved by EPA. An allocation from a growth allowance used to meet the requirements of this section is not subject to OAR 340-225-0090. Procedures for allocating the growth allowances for the Oregon portion of the Portland-Vancouver Interstate Maintenance Area for Ozone and the Portland Maintenance Area for Carbon Monoxide are contained in OAR 340-242-0430 and 340-242-0440.

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- (c) In a carbon monoxide maintenance area, a proposed carbon monoxide major source or major modification is exempt from subsections (a) and (b) of this section if the owner or operator can demonstrate that the source or modification will not cause or contribute to an air quality impact equal to or greater than 0.5 mg/m³ (8 hour average) and 2 mg/m³ (1-hour average). The demonstration must comply with the requirements of OAR 340-225-0045.
 - (d) In a PM₁₀ maintenance area, a proposed PM₁₀ major source or major modification is exempt from subsection (a) of this section if the owner or operator can demonstrate, pursuant to the requirements of OAR 340-225-0045, that the source or modification will not cause or contribute to an air quality impact in excess of:
 - (A) 120 µg/m³ (24-hour average) or 40 µg/m³ (annual average) in the Grants Pass PM₁₀ maintenance area;
 - (B) 140 µg/m³ (24-hour average) or 47 µg/m³ (annual average) in the Klamath Falls PM₁₀ maintenance area; or
 - (C) 140 µg/m³ (24-hour average) or 45 µg/m³ (annual average) in the Lakeview PM₁₀ maintenance area. In addition, a single source impact is limited to an increase of 5 µg/m³ (24-hour average) in the Lakeview PM₁₀ maintenance area.
 - (e) Proposed major sources and major modifications located in or that impact the Salem Ozone Maintenance Area are exempt from OAR 340-225-0090 and section (2)(a) of this rule for VOC and NO_x emissions with respect to ozone formation in the Salem Ozone Maintenance Area.
- (3) The owner or operator of a source subject to this rule must provide an air quality analysis in accordance with OAR 340-225-0050(1) and (2), and 340-225-0060.
- (4) Additional Requirements for Federal Major Sources: The owner or operator of a federal major source subject to this rule must provide an analysis of the air quality impacts for the proposed source or modification in accordance with OAR 340-225-0050(3) and 340-225-0070. In addition to the provisions of this section, provisions of section 340-224-0070 also apply to federal major sources.
- (5) Contingency Plan Requirements. If the contingency plan in an applicable maintenance plan is implemented due to a violation of an ambient air quality standard, this section applies in addition to other requirements of this rule until the Commission adopts a revised maintenance plan and EPA approves it as a SIP revision.
- (a) The requirement for BACT in section (1) of this rule is replaced by the requirement for LAER contained in OAR 340-224-0050(1).
 - (b) An allocation from a growth allowance may not be used to meet the requirement for offsets in section (2) of this rule.
 - (c) The exemption provided in subsection (2)(c) and (2)(d) of this rule for major sources or major modifications within a carbon monoxide or PM₁₀ maintenance area no longer applies.

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- (6) Medford-Ashland AQMA: Proposed major sources and major modifications that would emit PM10 within the Medford-Ashland AQMA must meet the LAER emission control technology requirements in OAR 340-224-0050.
- (7) Pending Redesignation Requests. This rule does not apply to a proposed major source or major modification for which a complete application to construct was submitted to the Department before the maintenance area was redesignated from nonattainment to attainment by EPA. Such a source is subject to OAR 340-224-0050.

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.

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

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1935; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 9-2005, f. & cert. ef. 9-9-05

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DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 225

AIR QUALITY ANALYSIS REQUIREMENTS

340-225-0090

Requirements for Demonstrating a Net Air Quality Benefit

Demonstrations of net air quality benefit for offsets must include the following:

- (1) Ozone areas (VOC and NO_x emissions). For sources capable of impacting a designated ozone nonattainment or maintenance area;
 - (a) Offsets for VOC and NO_x are required if the source will be located within the designated area or within the Ozone Precursor Distance.
 - (b) The amount and location of offsets must be determined in accordance with this subsection:
 - (i) For new or modified sources locating within a designated nonattainment area, the offset ratio is 1.1:1. These offsets must come from within either the same designated nonattainment area as the new or modified source or another ozone nonattainment area (with equal or higher nonattainment classification) that contributes to a violation of the NAAQS in the same designated nonattainment area as the new or modified source.
 - (ii) For new or modified sources locating within a designated maintenance area, the offset ratio is 1.1:1. These offsets may come from within either the designated area or the ozone precursor distance.
 - (iii) For new or modified sources locating outside the designated area, but within the ozone precursor distance, the offset ratio is 1:1. These offsets may come from within either the designated area or the ozone precursor distance.
 - (iv) Offsets from outside the designated area but within the Ozone Precursor Distance must be from sources affecting the designated area in a comparable manner to the proposed emissions increase. Methods for determining offsets are described in the Ozone Precursor Offsets definition (OAR 340-225-0020(11)).
 - (c) 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.
 - (d) Sources within or affecting the Medford Ozone Maintenance Area are exempt from the requirement for NO_x offsets relating to ozone formation.

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(e) Sources within or affecting the Salem Ozone Maintenance Area are exempt from the requirement for VOC and NO_x offsets relating to ozone formation.

(2) Non-Ozone areas (PM₁₀, SO₂, CO, NO_x, and Lead emissions)

(a) For a source locating within a designated nonattainment area, the owner or operator must:

(A) obtain offsets from within the same designated nonattainment area;

(B) provide a minimum of 1:1 offsets for emission increases over the Netting Basis;

(C) provide a net air quality benefit within the designated nonattainment area. "Net Air Quality Benefit" means a reduction in concentration at a majority of the modeled receptors and less than a significant impact level increase at all modeled receptors;

(D) provide offsets sufficient to demonstrate reasonable further progress toward achieving the NAAQS.

(b) For a source locating outside a designated nonattainment area but causing a significant air quality impact on the area, the owner or operator must provide offsets sufficient to reduce the modeled impacts below the significant air quality impact level (OAR 340-200-0020) at all receptors within the designated nonattainment area. These offsets may come from within or outside the designated nonattainment area.

(c) For a source locating inside or causing a significant air quality impact on a designated maintenance area, the owner or operator must either provide offsets sufficient to reduce modeled impacts below the significant air quality impact level (OAR 240-200-0020) at all receptors within the designated maintenance area or obtain an allocation from an available growth allowance as allowed by an applicable maintenance plan. These offsets may come from within or outside the designated maintenance area.

(A) Medford-Ashland AQMA: Proposed new major PM₁₀ sources or major PM₁₀ 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, and must provide a net air quality benefit within the AQMA. "Net Air Quality Benefit" means a reduction in concentration at a majority of the modeled receptors and less than a significant impact level increase at all modeled receptors.

(B) Medford-Ashland AQMA: Proposed new major PM₁₀ sources or major PM₁₀ modifications located outside the Medford-Ashland AQMA that cause a significant air quality impact on the AQMA must provide reductions in PM₁₀ emissions sufficient to reduce modeled impacts below the significant air quality impact level (OAR 240-200-0020) at all receptors within the AQMA.

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- (3) The emission reductions used as offsets must be of the same type of pollutant as the emissions from the new source or modification. Sources of PM10 must be offset with particulate in the same size range.
- (4) The emission reductions used as offsets must be contemporaneous, that is, the reductions must take effect before the time of startup but not more than two years before the submittal of a complete permit application for the new source or modification. This time limitation may be extended through banking, as provided for in OAR 340 division 268, Emission Reduction Credit Banking. In the case of replacement facilities, the Department may allow simultaneous operation of the old and new facilities during the startup period of the new facility, if net emissions are not increased during that time period. Any emission reductions must be federally enforceable at the time of the issuance of the permit.
- (5) Offsets required under this rule must meet the requirements of Emissions Reduction Credits in OAR 340 division 268.
- (6) Emission reductions used as offsets must be equivalent in terms of short term, seasonal, and yearly time periods to mitigate the effects of the proposed emissions.

[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.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: 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

DEPARTMENT OF ENVIRONMENTAL QUALITY**DIVISION 232****EMISSION STANDARDS FOR VOC POINT SOURCES****340-232-0010****Introduction**

- (1) This division regulates sources of VOC which contribute to the formation of photochemical oxidant, mainly ozone.
- (2) Since ozone standards are not violated in Oregon from October through April (because of insufficient solar energy), natural gas-fired afterburners may be permitted, on a case-by-case basis, to lay idle during the winter months.
- (3) Sources regulated by this division are new and existing sources in the Portland and Medford AQMA's and in the Salem SKATS listed in subsections (a) through (n) of this section, including:
 - (a) Gasoline dispensing facilities, storage tank filling;
 - (b) Bulk gasoline plants and delivery vessels;
 - (c) Bulk gasoline terminal loading;
 - (d) Cutback asphalt;
 - (e) Petroleum refineries, petroleum refinery leaks;
 - (f) VOC liquid storage, secondary seals;
 - (g) Coating including paper coating and miscellaneous painting;
 - (h) Aerospace component coating;
 - (i) Degreasers;
 - (j) Asphaltic and coal tar pitch in roofing;
 - (k) Flat wood coating;
 - (l) Rotogravure and Flexographic printing;
 - (m) Automotive Gasoline.

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- (4) Emissions units not covered by the source categories listed in section (3) of this rule which emit or have the potential to emit over 100 tons of VOC per year are subject to OAR 340-232-0040(5).

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020 & ORS 468A.025

Stats. Implemented: ORS 468A.025

Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0100; DEQ 15-2001, f. & cert. ef. 12-26-01

340-232-0020

Applicability

- (1) Notwithstanding the emission limitations in OAR 340 this division, all new major sources or major modifications at existing sources, located within the areas cited in section (2) of this rule, shall comply with OAR 340 division 224 (New Source Review).
- (2) All new and existing sources inside the following areas shall comply with the General Emission Standards for Volatile Organic Compounds:
 - (a) Portland-Vancouver Air Quality Maintenance Area;
 - (b) Medford-Ashland Air Quality Maintenance Area;
 - (c) Salem-Keizer Area Transportation Study (SKATS) Area.
- (3) VOC sources located outside the areas cited in section (2) of this rule are exempt from the General Emission standards for Volatile Organic Compounds.
- (4) All new and existing sources in the areas identified in section (2) of this rule shall apply Reasonably Available Control Technology (RACT) subject to the categorical RACT requirements set forth in this division. Compliance with the requirements in this division shall be presumed to satisfy the RACT requirement.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020 & ORS 468A.025

Stats. Implemented: ORS 468A.025

Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93;

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DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 7-1997(Temp), f. & cert. ef. 4-28-97; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0104

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DIVISION 242

RULES APPLICABLE TO THE PORTLAND AREA

Employee Commute Options Program

340-242-0010

What is the Employee Commute Options Program?

- (1) The Employee Commute Options or "ECO" Program requires larger **employers** to provide commute options to encourage **employees** to reduce **auto trips** to the **work site**.
- (2) ECO is one of several strategies included in the Ozone Maintenance Plan for the Portland Air Quality Maintenance Area. The Ozone Maintenance Plan will keep the area in compliance with the federal ozone standard.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0800

340-242-0020

Who is Subject to ECO?

ECO applies to employers within the Portland Air Quality Maintenance Area (**AQMA**) with more than 100 employees at a work site. The Portland Air Quality Maintenance Area is defined in Oregon Administrative Rules (OAR) 340-204-0010 and is illustrated in **Figure 1**.

[**NOTE:** The term "employer", and several other terms, are used throughout these rules as defined in Definitions of Terms, OAR 340-242-0050.]

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

[**ED. NOTE:** The Figure(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

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Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0810

340-242-0030

What Does ECO Require?

Employers must provide commute options that have the potential to reduce employee commute auto trips by ten percent within three years of its baseline survey. Employers must continue to provide commute options that have the potential to achieve and maintain the reduced auto trip rate. Options are available for alternative emission reduction measures, credits for past actions, and exemptions.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0820

340-242-0040

How Does the Department Enforce ECO?

Enforcement procedures and civil penalties in OAR, Chapter 340, Division 12 apply. Under OAR 340-012-0053(2) and 340-012-0054(2)(g), violations of the **ECO rules** are Class Two violations. Failure to achieve a ten percent trip reduction is not a violation; failure to make a good faith effort toward, or prepare and implement a plan designed to achieve, a ten percent trip reduction is a violation. Civil penalties are determined under OAR 340-012-0045 .

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0830

340-242-0050

Definitions of Terms Used in These Rules

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply to OAR 340-242-0010 through 340-242-0290. If the same term is defined in this rule and OAR 340-200-0020 or 340-204-0010, the definition in this rule applies to OAR 340-242-0010 through 340-242-0290.

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- (1) "AQMA" means the Portland Air Quality Maintenance Area.
- (2) "Auto Trip" means a commute trip taken by vehicle to a work site.
- (3) "Auto Trip Rate" means the number of commute vehicles arriving at a work site divided by the number of employees that report to the work site.
- (4) "Baseline Auto Trip Rate" means the daily average auto trip rate established by the baseline survey.
- (5) "Baseline Survey" means the employee survey administered at the beginning of the ECO program, or when a new or expanding employer becomes subject to the ECO rules, or when an employer relocates.
- (6) "Car/Vanpool" means a motor vehicle occupied by two or more people traveling together for their commute trip that results in the reduction of a minimum of one auto trip.
- (7) "Compressed Work Week" means a schedule in which employees work their regularly-scheduled number of hours in fewer days per week or over a number of weeks (for example, a 40-hour, 8 hours per day, Monday through Friday work week is compressed into a 40-hour, 10 hours a day, Monday through Thursday work week.).
- (8) "Department" means the Oregon Department of Environmental Quality.
- (9) "ECO Program" or "ECO Rules" means OAR 340-242-0010 through 340-242-0290.
- (10) "Employee" means any person on the employer's payroll, full or part-time (part time is 80 or more hours per 28-day period), for at least six consecutive months at the same work site, including business owners, associates, partners, and partners classified as professional corporations.
- (11) "Employer" means any person, business, educational institution, non-profit agency or corporation, government department or agency or other entity that employs more than 100 employees at a single work site.
- (12) "Equivalent Emission Reduction" means a reduction of vehicle emissions, or other sources of volatile organic compounds (VOC) and nitrogen oxides (NO_x) emissions, that results in a reduction of VOC and NO_x emissions equal to the emission reduction resulting from one eliminated auto trip.
- (13) "Metro" means the regional government agency that serves the Portland metropolitan area.
- (14) "New Employer" means any employer establishing a work site within the Portland AQMA, or any employer within the Portland AQMA that expands employment at a single work site to more than 100 employees, after the effective date of the ECO rules.
- (15) "Non-Scheduled Work Week" means a work week with no regular daily scheduled starting or ending time, no scheduled work days, or employees are on-call. This does not include employees working a traditional "8 to 5" job who may work on a flexible schedule.

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- (16) "Target Auto Trip Rate" means a rate ten percent less than the baseline auto trip rate.
- (17) "Target Compliance Deadline" means the date by which employers must demonstrate progress toward achieving and maintaining their target auto trip rate. The initial target compliance deadline is three years following registration.
- (18) "Telecommuting" means the employees perform regular work duties at home, or at a work center closer to home than to work, rather than commuting to work. The employees may telecommute full time, or commute to work on some days and telecommute on others.
- (19) "Vehicle" or "Auto" means a highway vehicle powered by a gasoline or diesel internal combustion engine with fewer than sixteen adult passenger seating positions.
- (20) "Work site" means a property that is owned or leased by an employer or employers under common control, including a temporary or permanent building, or grouping of buildings that are in actual physical contact or separated only by a private or public roadway or other right-of-way.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0840

340-242-0060

Should All Employees at a Work Site be Counted?

The count of employees at a work site must include:

- (1) Employees from all shifts, Monday through Friday, during a 24-hour period, averaged over a 12-month period;
- (2) Employees on the employer's payroll for at least six consecutive months at one work site; and
- (3) Part-time employees assigned to a work site 80 or more hours per 28-day-period; but
- (4) Excludes volunteers, disabled employees (as defined under the Americans with Disabilities Act), employees working on a **non-scheduled work week**, and employees required to use a personal **vehicle** as a condition of employment.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

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Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0850

340-242-0070

What are the Major Requirements of ECO?

To comply with ECO, employers must:

- (1) Conduct a **baseline survey** of employees to establish a **baseline auto trip rate** (or provide documentation of the current auto trip rate that is at least as accurate as a survey would provide);
- (2) Calculate a target auto trip rate by reducing the baseline auto trip rate by 10 percent;
- (3) Submit a registration form as supplied by the **Department**;
- (4) Design and implement a trip reduction strategy that has the potential to achieve the target auto trip rate by the **target compliance deadline** and the potential to maintain the target auto trip rate;
- (5) Either:
 - (a) Prepare and implement an auto trip reduction plan for each work site and submit the plan to the Department for approval; OR

NOTE: Enforcement will be based upon implementing the approved plan, see OAR 340-242-0110.

- (b) Provide written notice to the Department of participation in an equivalent commute trip reduction program.

NOTE: Enforcement will be based on good faith effort, see OAR 340-242-0180 and special requirements in OAR 340-242-0110.

- (6) Survey employees every two years, report survey findings to the Department; and
- (7) Continue to implement strategies to achieve or maintain the target auto trip rate.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0860

340-242-0080**What are the Registration Requirements?**

- (1) Employers must submit a registration form to the Department on forms provided by the Department.
- (2) Employers with multiple work sites may submit one application for all work sites.
- (3) Baseline survey findings must be submitted with the registration form in the format described on the registration form.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0870

340-242-0090**What are the Requirements for an Employee Survey?**

- (1) Employers may use the survey form provided by the Department or an alternate instrument. Any alternate survey instrument must be approved by the Department before use and must provide an opportunity for employees to indicate an interest in a **carpool** matching program;
- (2) The employer must distribute the survey form to all employees and achieve a minimum response rate of 75 percent; If the employer cannot achieve the minimum response rate for follow-up surveys within a reasonable amount of time, the Department will assign a single occupant vehicle mode to the percentage of employees who did not respond up to the 75% rate;
- (3) Employers with more than 400 employees at a work site may survey a statistically valid random sample of employees and must follow the Department's guidelines for random sampling;
- (4) Survey forms must be distributed during the week following a typical work week for the employer and not bordering a holiday;
- (5) The baseline survey must not be distributed to employees earlier than one year before reporting the results to the Department (older baseline surveys can be used to apply for credit, see OAR 340-242-0250);
- (6) Follow-up surveys must not be distributed to employees earlier than 90 days before reporting the results to the Department;
- (7) Employers must report survey findings to the Department every two years, and;

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- (8) An alternative method may be substituted for the survey. Alternative methods must be at least as accurate as survey findings and must be approved by the Department (such methods might include counting cars in an employee parking lot or conducting work site entrance verbal surveys).

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0880

340-242-0110

What if an Employer Does Not Meet the Target Auto Trip Rate?

- (1) An employer with an approved plan who has fully implemented its plan yet has not achieved its target **auto trip rate** by the target compliance date, or does not maintain its target rate on biennial basis, must submit a revised plan within 60 days following the target compliance date in any given year. If an employer has not fully implemented its plan, the employer is subject to an enforcement action by the Department.
- (2) An employer participating in an equivalent commute trip reduction program who does not achieve its target auto trip rate by the target compliance date must demonstrate that a **good faith effort** was made to achieve the target rate. Requirements for documenting good faith effort are described in 340-242-0180. The employer must also submit a trip reduction plan within 60 days following the target compliance date. If an employer cannot demonstrate that a good faith effort was made, the employer is subject to an enforcement action by the Department.
- (3) An employer will not be required to submit further plan revisions to its initial plan if, after fully implementing two revisions, the target auto trip rate is not reached. The employer must maintain strategies identified in its plan, or revisions to that plan, that resulted in improvements to the auto trip rate.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0900

340-242-0120

How Will Employers Demonstrate Progress Toward the Target Auto Trip Rate?

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Employers must submit employee survey findings, including a calculated auto trip rate, to the Department. The Department will compare the reported auto trip rate with the employer's target auto trip rate.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0910

340-242-0140

How Should Employers Account for Changes in Work Force Size?

The target auto trip rate remains constant regardless of changes in work force size. Employers experiencing an annual increase or decrease in the number of employees reporting to a work site must simply maintain the target auto trip rate.

NOTE: For example, an employer has 200 employees and 180 autos arriving at the work site. The employer's baseline auto trip rate is 180 autos/200 employees, or .90. The target auto trip rate is .90 minus 10 percent, or .81. The employer's work force increases to 300 employees. The target auto trip rate remains .81. In order to maintain the target auto trip rate, auto trips to the work site cannot exceed $(300 \times .81)$, or 243 trips. Similarly, if the employer's work force decreases to 100 employees, the target auto trip rate remains .81, and auto trips to the work site cannot exceed $(100 \times .81)$ or 81 trips.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0930

340-242-0150

How Can an Employer Reduce Auto Commute Trips to a Work Site?

Employee commute option programs include, but are not limited to:

- (1) Promoting carpool and vanpool programs;
- (2) Offering transit subsidies;
- (3) Establishing **telecommuting** opportunities;

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- (4) Offering **compressed work week** schedules;
- (5) Providing an emergency ride home program;
- (6) Sponsoring shuttle buses to and from transit terminals and/or during lunch hours for errands;
- (7) Improving facilities to promote bicycle use;
- (8) Establishing on-site amenities to decrease employees' need for a car at the work site;
- (9) Discontinuing parking subsidies and charging all employees for parking.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0940

340-242-0160

What Should be Included in an Auto Trip Reduction Plan?

An auto trip reduction plan must include:

- (1) The results of the baseline survey (or comparable documentation);
- (2) Calculation of baseline and target auto trip rates;
- (3) Any employee commute option programs currently in use at the work site;
- (4) New commute options to be implemented at the work site that have the potential to achieve and maintain the target auto trip rate;
- (5) Empirical evidence that the commute option(s) to be offered or supported by the employer have the potential to achieve and maintain the target auto trip rate (employers may reference the Department's report **Alternatives to Single Occupant Vehicle Trips** or provide equivalent documentation);
- (6) Any unique aspects of the business or work site influencing the trip reduction strategies selected;
- (7) A schedule for implementing each of the selected commute option measures;
- (8) Any alternative emission reduction proposals prepared by the employer according to OAR 340-242-0240;

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- (9) The name, title, telephone number, and business mailing address of the person designated by the employer as the contact for the work site (contact person does not have to be located at the work site); and a signed statement certifying that the documents and information submitted in the plan are true and correct to the best of that person's knowledge.

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

[Publications: The publication(s) referred to or incorporated by reference in this rules are available from the office of the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0950

340-242-0170

When Will the Department Act on a Submitted Auto Trip Reduction Plan?

The Department will approve or notify the employer of deficiencies in a submitted auto trip reduction plan, based on the criteria in OAR 340-242-0160, within 90 days or the plan will be automatically approved. The employer will have 30 days to correct the deficiencies and resubmit the plan to the Department. Plan approvals will be documented by letter from the Department to the employer. Employers must submit any subsequent plan modifications to the Department for review and approval. If the employer objects to any condition or limitation in the Department's letter, the employer may request a contested case hearing before the Commission or its authorized representative. Such a request for hearing must be made in writing to the Director and received by the Department within 20 days of the date of mailing of the letter. Any subsequent hearing will be conducted pursuant to the 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 as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0960

340-242-0180

What is a Good Faith Effort?

Employers who participate in an equivalent commute trip reduction program and then fail to meet their target auto trip rates must demonstrate that a good faith effort was made to meet the target trip reduction. An employer must demonstrate good faith effort by submitting written documentation of the following:

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- (1) Employer established a baseline auto trip rate and corresponding target auto trip rate and conducted follow-up surveys to determine employee commute patterns and progress toward achieving the target trip reduction;
- (2) Employer selected trip reduction strategies that had a reasonable likelihood of success based on documentation in the Department's report **Alternatives to Single Occupant Vehicle Trips** or equivalent documentation (for example, auto trip reduction experience by employers in a comparable region); and
- (3) Employer fully implemented all selected strategies, or their equivalent, on a schedule that would have reasonably allowed the employer to achieve the target auto trip rate by the target compliance deadline.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

[Publications: The publication(s) referred to or incorporated by reference in this rules are available from the office of the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0970

340-242-0190

How Does the ECO Program Affect New Employers, Expanding Employers and Employers Relocating Within the Portland AQMA?

- (1) An expanding employer who increases the number of employees at any single work site within the Portland AQMA to more than 100 after the effective date of the ECO rules must comply with the ECO rules. An employer relocating a work site within the Portland AQMA is considered a **new employer** upon relocation and must set a new baseline and target auto trip rate and comply with the ECO rules. Relocating employers may apply for credit for existing trip reductions that carry over to the new work site. Expanding employers and new employers must meet the requirements of this rule within the following number of days after they become affected employers:
 - (a) Survey employees and submit survey findings and a registration form within 90 days;
 - (b) Select strategies that have the potential to meet the target trip reduction and submit a trip reduction plan or notice of intent to reduce trips without an approved plan within 180 days; and
 - (c) Conduct follow-up surveys every two years and report findings to the Department within 90 days of surveying.

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- (2) An employer affected by this rule may choose to demonstrate compliance through 340-242-0260(5) (*use of area average rate*).

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0980

340-242-0200

Can a New or Relocating Employer Comply with ECO Through Restricted Parking Ratios?

An employer locating at a work site within the AQMA after the effective date of the ECO rules will be exempt from the ECO rules for that work site if:

- (1) The new work site meets the requirements of the Department's Voluntary Parking Ratio rules (OAR 340-242-0300 through 340-242-0390); OR
- (2) If the employer provides free or subsidized parking, including leased parking, above the Department's maximum parking ratio to any employees at the work site (except to employees required to have a vehicle at the work site as a condition of employment), then either:
 - (a) A transportation allowance is offered to those employees provided free or subsidized parking that exceeds the Department's maximum parking ratio. The transportation allowance must be offered in lieu of the free or subsidized parking in an amount equal to or greater than the amount of the subsidy, but not to exceed the maximum allowed for transit by the Internal Revenue Service for the Qualified Transportation Fringe Benefits included under Section 132(F), Notice 94-3 of the tax code; OR
 - (b) All employees at the work site are offered a transit subsidy or its equivalent at least equal to 50 percent of the value of a Tri-Met all-zone transit pass.
- (3) An employer must submit this documentation with an exemption application to the Department by the deadline for plan or notice submittal and certify that they continue to meet these requirements every two years. Employers meeting the requirements of this rule do not need to conduct a baseline survey of employees. However, employers whose applications are denied must then conduct a baseline survey and submit the findings to the Department within 90 days of notice by the Department.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

OREGON ADMINISTRATIVE RULES
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Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0990

340-242-0210

Can an Existing Employer Comply with ECO Through Restricted Parking Ratios?

An employer will be considered to have met the target trip reduction and is exempt from the ECO rules if the employer provides documentation of the following. An employer must submit this documentation with an exemption application to the Department by the deadline for plan or notice submittal and certify that they continue to meet these requirements every two years. Employers meeting the requirements of this rule do not need to conduct a baseline survey of employees. However, employers whose applications are denied must then conduct a baseline survey and submit the findings to the Department within 90 days of notice by the Department.

- (1) Work site is located in an area with maximum parking ratio requirements at least as stringent as the Department's maximum parking ratios (see OAR 340-242-0300 through 340-242-0390);
- (2) Free or subsidized all-day parking is generally unavailable within a one-half mile radius of the work site; and
- (3) If the employer provides free or subsidized parking, including leased parking, above the Department's maximum parking ratio to any employees at the work site (except to employees required to have a vehicle at the work site as a condition of employment), then either:
 - (a) A transportation allowance is offered to those employees provided free or subsidized parking that exceeds the Department's maximum parking ratio. The transportation allowance must be offered in lieu of the free or subsidized parking in an amount equal to or greater than the amount of the subsidy, but not to exceed the maximum allowed for transit by the Internal Revenue Service for the Qualified Transportation Fringe Benefits included under Section 132(F), Notice 94-3 of the tax code; OR
 - (b) All employees at the work site are offered a transit subsidy or its equivalent at least equal to 50 percent of the value of a Tri-Met all-zone transit pass.

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

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1000

340-242-0220

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What if an Employer Has More Than One Work Site Within the Portland AQMA?

- (1) An employer with more than one work site in the Portland AQMA may average its target trip reduction among those work sites in the AQMA. An employer must survey all included work sites every two years. Survey findings may be reported in aggregate or separately.
- (2) One trip reduction plan may be developed for all work sites of an individual employer, but strategies must be selected based on the specific transportation characteristics of each work site.
- (3) Work sites with 100 or fewer employees may be included in the interest of averaging trip reductions among all work sites. Those work sites must then survey and findings must be included in the employer's report to the Department.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1010

340-242-0230

Can Employers Submit a Joint Plan?

Different employers with work sites located near each other and with common transportation needs may develop a joint trip reduction plan for all affected work sites. The plan must address each work site individually and each employer is individually accountable for meeting all ECO requirements. Each employer must report survey findings for each specific work site, and the ten percent trip reduction target applies to each employer's work sites. Trip reductions may not be averaged among employers.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1020

340-242-0240

Are There Alternatives to Trip Reduction?

Alternatives to trip reduction include:

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- (1) Employers may purchase surplus trip reductions from other employers required to comply with ECO to meet part or all of the target trip reduction. Surplus trips must be documented by survey before sale and must be maintained. The Department must approve proposed transactions prior to finalizing. The Department will confirm surplus trip transactions by letter to both employers.
- (2) Employers may substitute **equivalent emission reductions** to meet their target trip reduction. Equivalent emission reduction proposals must be included in the employer's trip reduction plan or submitted with the notice of intent to comply without an approved plan. In order to receive credit as an equivalent emission reduction, the Department must review and approve proposals before an employer implements the strategy. Employers selecting equivalent emission reduction strategies must meet the following requirements:
 - (a) Employer sufficiently documented emission calculations so that the Department can quantify and verify the reduction;
 - (b) Employer calculated equivalent emissions according to guidelines issued by the Department. The Department must approve any alternate or modified calculation methods;
 - (c) Employer submits, on the same schedule as the biennial survey findings, documentation of actual equivalent emissions achieved;
 - (d) Equivalent emission reductions may not be bought or sold between employers for the purpose of meeting the target trip reduction.
- (3) Employers may contribute to an emission reduction fund at an annual rate of \$100 per employee at the work site (see OAR 340-242-0060 to determine count of employees). An employer making partial progress toward the target trip reduction may choose to contribute proportionate to the percentage of the target trip reduction yet to be achieved. The emission reduction fund will be administered through **Metro** for new transit service, local jurisdiction alternative mode projects, and business-based Transportation Management Association (TMA) programs that result in trip reductions. Employers must make annual payments over the compliance period. The amount will be adjusted annually according to the Consumer Price Index.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1030

340-242-0250

What Alternatives Qualify as Equivalent Emission Reductions?

Equivalent emission reduction alternatives at the work site include, but are not limited to, the following:

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- (1) Use of alternative fueled vehicles (employer or employee vehicles);
- (2) Vehicle scrappage (older high-emitting employee or employer vehicles);
- (3) Forklift replacement (lower emitting technology);
- (4) Lawn mower replacement (may include lawn mowers employees use at home if home is located within the Portland AQMA);
- (5) Motor boat motor replacement (may include motor boats owned by employees who live within the Portland AQMA);
- (6) Reductions in air pollution emissions from non-vehicle sources at the work site;
- (7) Reductions in non-commute vehicle traffic to the work site or within the work site.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1040

340-242-0260

Can Employers Get Credit for Existing Trip Reduction Programs?

The Department may grant credits for documented trip reductions that occurred at an employer's work site any time before establishing a baseline auto trip rate. Credits will be granted upon approval by the Department. The Department will approve or deny the employer's request for credit by letter to the employer. If the employer objects to any condition or limitation in that letter, the employer may request a contested case hearing as described in OAR 340-242-0170.

- (1) Employers must demonstrate that pre-existing trip reduction programs resulted in actual trip reductions by providing:
 - (a) A description of the trip reduction programs and how they were implemented;
 - (b) The period of time that the programs have been in place;
 - (c) Survey findings or comparable documentation that demonstrates a ten percent reduction in the auto trip rate for the work site; and
 - (d) Current survey findings or comparable documentation verifying the employer has maintained the reduced auto trip rate.

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- (2) Applications for credits must be submitted to the Department with the trip reduction plan or notice of intent to reduce trips through participation in an equivalent commute trip reduction program.
- (3) Credits will not be discounted and will be granted on a one-for-one basis.
- (4) Trips documented for the purpose of receiving credits may not be bought or sold to other employers for the purpose of meeting the target trip reduction.
- (5) Alternately, an employer may choose to provide documentation that its single occupant vehicle commute rate, at the time of registration, is equal to or less than two standard deviations below the mean rate for the Metro transportation zone which includes the employer's work site. Commute data for Metro's transportation zones is available from the Department.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1050

340-242-0270

Are Exemptions Allowed if an Employer is Unable to Reduce Trips or Take Advantage of Alternate Compliance Options?

- (1) An employer is fully exempt from OAR 340-242-0010 through 340-242-0290 if the employer submits reasonable documentation for each of the following:
 - (a) Work site is located in an area for which:
 - (A) Public transit service during work shift changes is less frequent than thirty minute intervals;
or
 - (B) The public transit service point is further than one-half mile from employee's usual parking area; or
 - (C) Work shift changes occur between 8:30 p.m. and 5:30 a.m..
 - (b) Upon completing the employee survey and providing reasonable promotion for a carpool matching program, employees indicating a willingness to car/vanpool cannot be matched within the work site or through Tri-Met's carpool matching database or employee turnover rate is greater than 50 percent per year;

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- (c) The nature of employees' work requires them to perform their work at the work site or during specific hours and days, eliminating the possibility of telecommuting or compressed work weeks/hours; and
- (d) No options exist for the employer to achieve equivalent emission reductions at no net annualized cost to the employer (including both capital and operating costs).

(2) Partial exemptions.

- (a) The Department will grant a partial exemption for that portion of an employer's work force for which sections (1)(a) through (c) of this rule apply;
- (b) The Department will grant a partial exemption for section (1)(d) of this rule in direct proportion to the remaining work trips to be reduced after quantifying all available equivalent emission reductions.

(3) Employers must submit requests for partial or total exemptions to the Department, on application forms provided by the Department, by the deadline for plan or notice submittal. The Department will approve or deny the employer's request for exemption by letter to the employer. If the employer objects to any condition or limitation in that letter, the employer may request a contested case hearing as described in OAR 340-242-0170.

(4) Employers must renew requests for exemptions every three years.

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

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1060

340-242-0280

Participation in the Industrial Emission Management Program

Employers that donate unused Plant Site Emission Limit (PSEL) to the Department's Industrial Emission Management program (see OAR 340-242-0400 through 340-242-0440) are exempt from the ECO rules.

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

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1070

340-242-0290

What Kind of Records Must be Kept and for How Long?

Employers must maintain records at the work site or other central location within the Air Quality Maintenance Area for at least three years, and must make those records available to the Department upon request. Records must include:

- (1) The contents and results of employee surveys or other information gathering efforts;
- (2) A full description of all measures and incentives offered to employees and the associated employee responses;
- (3) Other information associated with the development, implementation, evaluation, or modification of the trip reduction program.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1080

Note: DEQ proposes to delete OAR 340-242-0130 and Table 1.

<p style="text-align: center;">Table 1 340-242-0130 IMPLEMENTATION SCHEDULE</p>								
Group	Registration Forms Due	Baseline Surveys Due	Plans - Notices of Intent To Comply w/o a Plan Due	12-Month Surveys Due for Those with a Plan	18-Month Surveys Due for Those without a Plan	Surveys Due for Those with a Plan	Initial Target Compliance Date Surveys Due for all Employers	Annual Target Compliance Date Surveys Due for all Employers
1	11-1-96	11-1-96	2-1-97	11-1-97	5-1-98	11-1-98	11-1-99	Every 11-1 thru 2006

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2	2-1-97	2-1-97	5-1-97	2-1-97	8-1-98	2-1-99	2-1-00	Every 2-1 thru 2006
3	5-1-97	5-1-97	8-1-97	5-1-98	11-1-98	5-1-99	5-1-00	Every 5-1 thru 2006
4	8-1-97	8-1-97	11-1-97	8-1-98	2-1-98	8-1-99	8-1-00	Every 8-1 thru 2006

Group 1 includes: Northeast zip codes: 97024, 97060, 97203, 97211, 97212, 97213, 97217, 97218, 97220, 97227, 97230, 97232;

Group 2 includes: Southeast zip codes: 97004, 97009, 97015, 97027, 97030, 97045, 97080, 97202, 97206, 97214, 97215, 97216, 97222, 97233, 97236, 97266, 97267;

Group 3 includes: Southwest zip codes: 97005, 97006, 97007, 97008, 97034, 97035, 97036, 97062, 97068, 97070, 97106, 97113, 97119, 97132, 97140, 97219, 97223, 97224;

Group 4 includes: Northwest zip codes: 97116, 97123, 97124, 97133, 97201, 97204, 97205, 97207, 97208, 97209, 97210, 97221, 97225, 97229, 97231, 97258.

DEPARTMENT OF ENVIRONMENTAL QUALITY**DIVISION 242****RULES APPLICABLE TO THE PORTLAND AREA****Industrial Emission Management Program****340-242-0400****Applicability**

- (1) OAR 340-242-0430 through 340-242-0440 apply to all sources of VOC or NO_x that are required to provide a net air quality benefit under the provisions of OAR 340-225-0090 for the Portland Air Quality Maintenance Area (AQMA).
- (2) OAR 340-242-0430 and 340-242-0440 apply to new major sources and major modifications that emit CO within the Portland Metro Area, including new major sources and major modifications outside the Portland Metro Area that have a significant air quality impact within this area.

[**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0700

340-242-0410**Definition of Terms**

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply in OAR 340-242-0400 through 340-242-0440. If the same term is defined in this rule and OAR 340-200-0020 or 340-204-0010, the definition in this rule applies in OAR 340-242-0400 through 340-242-0440.

- (1) "PSEL" means the Plant Site Emission Limit of an individual air pollutant specified in an Air Contaminant Discharge Permit or Title V permit issued to a source by the Department, pursuant to OAR 340 division 216 or 218.
- (2) "Unused PSEL" means the difference between a source's actual emissions and its permitted level or PSEL in 1990 or 1992, whichever is lower, as determined through the Department's emission inventory data.

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- (3) "Unused PSEL Donation Source" means any source that voluntarily returned to the Department unused PSEL, as part of the Unused PSEL Donation Program in OAR 340-242-0420.

[**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0710

340-242-0420

Unused PSEL Donation Program

- (1) This program encourages owners or operators of VOC and NO_x sources identified in OAR 340-242-0400(1) to donate unused PSEL to the Department. Under this program, donations can be either permanent or temporary. For a source to participate in this program it must have entered into an agreement with the Department prior to January 1, 2006.
- (2) VOC sources donating at least 35 percent of their unused PSEL and NO_x sources donating at least 50 percent of their unused PSEL will receive the following incentives and considerations from the Department for participating in this program:
- (a) Exemption from the Employee Commute Options (ECO) Program in OAR 340-242-0010 through 340-242-0290 for the duration of the Portland Ozone Maintenance plan;
 - (b) Priority permit processing for any required air quality permit;
 - (c) In accordance with OAR 340-242-0430 and 340-242-0440(1), priority use of up to 50 percent of any remaining growth allowance. This applies only to sources making permanent donations, pursuant to section (3) of this rule; and
 - (d) Other considerations may be added to the donation agreement on a case-by-case basis, consistent with the Department's rules and statutes.
- (3) The Department will adjust the PSEL of sources providing permanent donations to reflect the emissions donated. Permanent donations will result in adjustment to the source's baseline emission rate and PSEL, consistent with the definition of "major modification" under OAR 340-200-0020 and changes to PSELs required by rule under OAR 340-222-0040.
- (4) Sources participating in this program must enter into a donation agreement with the Department that identifies the commitments of both parties. Any such agreement is legally binding and enforceable.

[**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040]

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Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0720

340-242-0430

Industrial Growth Allowances

- (1) This rule establishes industrial growth allowances for sources identified in OAR 340-242-0400. The amount of each growth allowance is defined in the **State Implementation Plan** and is on file with the Department.
- (2) The owner or operator of a proposed new major source or major modification emitting VOCs, NO_x, or CO may obtain a portion of the respective growth allowance pursuant to OAR 340-242-0440.
- (3) If no emissions remain in the respective growth allowance, the owner or operator of the proposed major source or major modification shall provide offsets for CO emissions at a 1 to 1 ratio, and for VOC and NO_x emissions at a 1.1 to 1 ratio (i.e., demonstrate a 10% new reduction).

[**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040]

[Publications: The publication(s) referred to or incorporated by reference in this rules are available from the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0730

340-242-0440

Industrial Growth Allowance Allocation

- (1) The owner or operator of a proposed new major source or major modification emitting VOCs, NO_x, or CO, as identified in OAR 340-242-0400, may obtain a portion of any remaining emissions in the respective growth allowance in accordance with procedures described in the **State Implementation Plan** that is on file with the Department, and based on the following conditions:
 - (a) Access is on a first-come-first-served basis, based on the submittal date of a complete permit application;
 - (b) Unused PSEL donation sources that meet the donation criteria specified in OAR 340-242-0420(2) have priority access to their respective growth allowance as a "tie-breaker" over non-donation sources;

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- (c) Except as provided below, no single source may receive an emissions allocation of more than 1,000 tons of either VOC or NO_x or more than 50% of any remaining growth allowance; and :
- (d) A single source must apply to the Environmental Quality Commission to receive more than 1,000 tons of VOC or NO_x, but in no case more than 50% of the remaining growth allowance. To apply, sources must submit air quality and other information as required by the Department justifying its request and must include information on significant economic, employment, or other benefits to the Portland area that will result from the proposed new major source or major modification, and the availability of emissions offsets. DEQ will evaluate ozone levels and expected trends to determine whether the proposed facility poses any risk to maintaining compliance with the ozone air quality standard prior to making a recommendation to the EQC regarding the source application.
- (2) The amount of the CO growth allowance that can be allocated is identified in the Portland Area Carbon Monoxide Maintenance Plan, Section 4.58 of Volume 2 of the State Implementation Plan on file with the Department.

[**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040]

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

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0740; DEQ 10-2004, f. & cert. ef. 12-15-04