**Summary of proposed rule changes**

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| Acronyms used in this document | ACDP = Air Contaminant Discharge Permit  AQMA = air quality management area  BACT = Best Available Control Technology  CFR = Code of Federal Regulations  CO2e = carbon dioxide equivalent  DC = District of Columbia  DEQ = Oregon Department of Environmental Quality  EPA = United States Environmental Protection Agency  EQC = Oregon Environmental Quality Commission  GHG = greenhouse gases  HAPs = hazardous air pollutants  LAER = lowest achievable emission rate  NA = not applicable  NAA = nonattainment area  NAAQS = National Ambient Air Quality Standards  NOx = nitrogen oxides | NSR = New Source Review  OAR = Oregon Administrative Rule  PAL = Plantwide Applicability Limit  PDF = portable document format  PM10 = particulate matter less than 10 microns in diameter  PM2.5 = particulate matter less than 2.5 microns in diameter  PSD = Prevention of Significant Deterioration  PSEL = Plant Site Emission Limit  PTE = potential to emit  SER = significant emission rate  SILs = significant impact levels  SMC = significant monitoring concentration  SO2 = sulfur dioxide  tpy = tons per year  VOC = volatile organic compounds |

| **Division** | **Rule**  **Old# New#** | | **Suggested change** | **Reason/Issues** |
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| **200-0020** | (3)(a)(A) | NA | Add exception for (B) , (C) and (b) in definition of actual emissions for sources that had not begun normal operation during the baseline period but were approved or permitted to construct and operate | This was omitted in the past and needs correction. |
| **200-0020** | NA | (3)(a)(C) | Add a provision in (C) in definition of actual emissions for sources that have received approval to construct and operate under the Notice of Construction rules in division 210. | Some modifications approved under the Notice of Construction rules do not require permit modification. DEQ is tightening its program by reducing the netting basis from PTE down to the highest actual emissions at the end of the baseline period for source s approved under division 210. This will be required before any future netting can take place and will prevent sources from netting out of NSR/PSD. Sources that reduce actual emissions because of voluntary controls will not lose that portion of the netting basis. This reduction will not affect the PSEL so sources will be able to increase up to PTE without going through NSR/PSD again. |
| **200-0020** | (3)(a)(C) | (3)(b) | Add a provision for sources that had not begun normal operation but were permitted under division 224 NSR/PSD with provision to reset actual emissions | The rules don’t address sources that had not begun normal operations but were permitted to construct and operate under division 224. DEQ is also adding a provision to reduce PTE for these sources to actual emissions. |
| **200-0020** | NA | (3)(c) | Add a provision to reduce PTE to actual for sources permitted under division 224 or approved under division 210 after the baseline period | DEQ is tightening its program by reducing the netting basis from PTE down to the highest actual emissions in the last 10 years since the date of permit issuance for sources permitted under division 224. See explanation in (3)(a)(C) above. |
| **200-0020** | (3)(c) | (3)(d) | Add reference to Division 220 | This addition ensures that the procedures for establishing verified emissions factors are followed. |
| **200-0020** | NA | (7)(e) | Add aggregate insignificant emissions threshold for PM2.5 in PM2.5 nonattainment areas | This makes PM2.5 consistent with the PM10 threshold, which is 5% of the SER (5 tons) in Medford and other nonattainment areas in older rules. 5% of 10 tons equals 0.5 tons. |
| **200-0020** | NA | (7)(h) | Add aggregate insignificant emissions threshold for GHG | The de minimis level for GHG is set at the GHG reporting threshold. DEQ will evaluate this level upon implementation and make adjustments if necessary. |
| **200-0020** | NA | (13)(a) | Add subsection for regulated pollutants only | Provided clarification that the baseline emission rate only applies to pollutants subject to the New Source Review program. Specifically, HAPs are not subject to NSR, but other there may be other pollutants also not subject to NSR. No baseline emission rate will be necessary for PM2.5 because PM2.5 will be ratioed to PM10 for both netting basis and PSEL. |
| **200-0020** | NA | (13)(b) | Add subsection for GHG | The baseline emission rate for GHG will be established with the first permit action after July 1, 2011 since that is when GHG sources are required to get permits for GHGs alone. This will give DEQ time to train permit writers and update general permits and guidance. |
| **200-0020** | NA | (13)(c) | Add subsection for newly regulated pollutants | The baseline emission rate for newly regulated pollutants will be established as the actual emissions during any consecutive 12 month period within the 24 months immediately preceding its designation as a regulated pollutant with the first permit action after the rules are adopted (May 1, 2011). This is a requirement of EPA. |
| **200-0020** | NA | (13)(d) | Add a provision for recalculating the baseline emission rate if actual emissions are reset in accordance with the definition of actual emissions. | See the discussion above in (3)(a)(C). |
| **200-0020** | NA | (13)(e) | Add a provision for freezing the production basis used to establish the baseline emission rate. | DEQ previously “froze” the baseline emission rate. After further discussion, it was determined that only the production rate that establishes the baseline emission rate needs to be frozen. Emission factors can and should be changed upon obtaining better information. Finding “new” production data is not likely, considering most baseline emission rates are set in 1977/78. |
| **200-0020** | (14)(a) | (14)(a) | Add exemption for GHG from 77/78 baseline | GHG baseline is set in 14(b) |
| **200-0020** | (14) | (14)(b) | Add baseline period for GHG | Add provision for newly regulated pollutant, GHG, as the highest 12-month consecutive period between 2000 and 2010. |
| **200-0020** | NA | (16) | Add a definition of biomass | EPA plans to defer carbon dioxide emissions from biomass, which DEQ will also defer. |
| **200-0020** | NA | (19) | Add definition of carbon dioxide equivalent | This definition is consistent with EPA’s Tailoring Rules for purposes of Title V and PSD. |
| **200-0020** | (31) | (33) | Delete the editorial note about the table not being included with the rules for de minimis emission levels | The Secretary of State will now include links to tables in PDF files |
| **200-0020** | NA | (36) | Add definition of direct PM2.5 | This definition is needed because is it used in the definition of PM2.5. |
| **200-0020** | (40) | (43) | Delete approval of emission factor by EPA or the Department | Discretionary approval should not be allowed. It should be clear what emission factors are being used to calculate emissions. They will be included in the plant site emissions detail sheets |
| **200-0020** | (52) | (55) | Add GHG threshold of 100,000 tons CO2e per year to definition of Federal Major Source | The GHG threshold is based on EPA’s rule. |
| **200-0020** | (52) | (55) | Include fugitive emissions in the definition of major modification | Clarify that fugitive emissions should be included in the major new source review applicability as required by 340-224-0100. |
| **200-0020** | (52) | (55) | Include emission decreases in PTE calculations | Clarify that emission decreases may also be included in the major new source review applicability as required by 340-224-0100. |
| **200-0020** | (56) | (59) | Delete the editorial note about the table not being included with the rules for generic PSELs | The Secretary of State will now include links to tables in PDF files |
| **200-0020** | NA | (60)(a) | Add definition greenhouse gases (GHGs) | This definition is consistent with EPA’s Tailoring Rules for purposes of Title V and PSD. |
| **200-0020** | NA | (60)(b) | Add deferral of carbon dioxide emissions from the combustion or decomposition of biomass. | EPA has proposed to defer carbon dioxide emissions from the combustion or decomposition of biomass. This deferral will be limited to divisions 216 (ACDP), 218 (Title V) and 224 (Major New Source Review) except to the extent required by federal law. . |
| **200-0020** | (66) | (70) | Reword definition of major modification to include changes “in the method” of operation and add provisions as described below | This clarifies the definition and is consistent with EPA rules. |
| **200-0020** | (66) | (70) | Add a provision stating that major modifications for precursors are also major modifications for ozone and PM2.5. | This clarifies the definition and is consistent with EPA rules. |
| **200-0020** | (67)(a) | (70)(a) | Clarify that major modification is triggered if the PSEL exceeds the netting basis | This clarifies the definition and is consistent with past implementation of the rules. |
| **200-0020** | (66)(b) | (70)(b) | Clarify the accumulation of physical changes and changes in operation that trigger a major modification | This clarifies the definition and is consistent with past implementation of the rules. |
| **200-0020** | (66)(b)(A) | (70)(b)(A) | Include fugitive emissions in the definition of major modification | Clarify that fugitive emissions should be included in the major new source review applicability as required by 340-224-0100. |
| **200-0020** | (66)(b)(B) | (70)(b)(B) | Clarify that emissions increases from the increased use of equipment permitted or approved to construct in accordance with division 210 are not included in major modification applicability. | This clarifies the definition and is consistent with past implementation of the rules. |
| **200-0020** | (66)(c) | (70)(c) | Delete subsection (c) and replace with (c)(A) | Subsection (c) was not clear about when sources would trigger NSR with only a 1 ton/year increase. The new subsection (c) specifies the triggers and matches the intent and past interpretation of the rule. |
| **200-0020** | NA | (70)(c)(A) | Add provision that this section does not apply to PM2.5 or greenhouse gases | Since DEQ is just beginning to regulate PM2.5, sources that made changes that increased PM10 should not be penalized since PM2.5 was not regulated at that time. Therefore, the changes that were approved increasing PM10 will be grandfathered into the permits. The 5 tpy true-up should fix this problem. In the future, this would not apply to any source since they would trigger NSR/PSD. The same reasoning applies to GHG. |
| **200-0020** | NA | (70)(d) | Add provision that the portion of the netting basis and PSEL that was based on PTE because the source had not begun normal operations must be excluded from major modification applicability until it is reset. | See the discussion above in (3)(a)(C). |
| **200-0020** | (66)(d)(B) | NA | Delete the exception for pollution control projects | The DC Circuit invalidated the federal exemption from NSR upon which this paragraph is based. It is more lenient than federal requirements. |
| **200-0020** | (67)(a) | (71)(a) | Add fugitive emissions to the definition of major source | Fugitive emissions should be included to determine whether a source is major or not as required by 340-224-0100. |
| **200-0020** | (67)(a) | (71)(a) | Add that potential to emit calculations must include emissions increases due to the new or modified source | Potential to emit calculations of the new or modified source should be included to determine whether a source is major or not. This clarifies the definition and is consistent with past implementation of the rules. |
| **200-0020** | (67)(b)(B) | (71)(b)(B) | Add an exemption for GHG | GHGs are addressed in (C) |
| **200-0020** | (67)(b)(C) | (71)(b)(C) | Add definition of major stationary source for GHG | This clarifies the definition and is consistent with EPA rules. |
| **200-0020** | 71 | (75) | Add New Source Review division citation and add provision for emission reductions required when PTE is reduced to actual emissions. | See the discussion above in (3)(a)(C). |
| **200-0020** | 71 | (75)(a) | Add subsection for only regulated pollutants to the definition of netting basis | Provided clarification that the netting basis only applies to pollutants subject to the New Source Review program. Specifically, HAPs are not subject to NSR, but other there may be other pollutants also not subject to NSR. |
| **200-0020** | (71)(a) | NA | Delete the rules in netting basis that apply to the baseline emission rate since baseline emission rate will no longer be frozen. | See the discussion above in (13)(e). |
| **200-0020** | (71) | (75)(b) | Add provision for when the initial netting basis and PSEL for PM2.5 will be established. | The initial PM2.5 netting basis and PSEL 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. DEQ is waiting until July 1, 2011 because that is when major greenhouse gas sources will be required to obtain permits. DEQ will add PM2.5 and GHGs to permits at the same time. |
| **200-0020** | (71) | (75)(b)(A) | Add provision that the initial netting basis and PSEL for PM2.5 will be the PM2.5 fraction of the PM10 netting basis and PSEL. | Since PM2.5 is a subset of PM10 emissions, DEQ will set the PM2.5 netting basis and PSEL as a fraction of the existing PM10 netting basis and PSEL. Because the PM10 significant emission rate is 15 tons/year and the PM2.5 significant emission rate is 10 tons/year, sources could retroactively trigger the PM2.5 SER because of past approved increases in PM10. In order to eliminate this possibility, a one time 5 ton true up may be necessary. |
| **200-0020** | (71) | (75)(b)(B) | Add provision for setting the initial source specific PSEL for a source with PTE greater than or equal to the SER equal to the PM2.5 fraction of the PM10 PSEL. | OAR 340-222-0041(2) requires for sources with PTE greater than or equal to the SER, an initial source specific PSEL will be set equal to the source’s PTE or netting basis, whichever is less. Since the PM2.5 PSEL will be set based on the fraction of the PM10 PSEL, there may be a conflict with OAR 340-222-041(2). |
| **200-0020** | (71) | (75)(c) | Add provision for when the initial netting basis and PSEL for GHG will be established. | The initial GHG netting basis and PSEL 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. DEQ is waiting until July 1, 2011 because that is when major greenhouse gas sources will be required to obtain permits. DEQ will add PM2.5 and GHGs to permits at the same time. |
| **200-0020** | (71)(c) | (75)(d) | Clarify when the netting basis is zero | The changes clarify the instances when the netting basis is zero and matches the intent and past interpretation of the rule. |
| **200-0020** | (71)(e) | (75)(f) | Add when changes to the netting basis are effective | The changes clarify the instances when the netting basis and PSEL are reduced and matches the intent and past interpretation of the rule. |
| **200-0020** | NA | (75)(g) | Add a provision to reduce the netting basis from PTE for sources permitted under division 224 after the baseline period | DEQ is tightening its program by reducing the netting basis from PTE down to the highest actual emissions in the last 10 years since the date of permit issuance for sources permitted under division 224. See explanation in (3)(a)(C) above. |
| **200-0020** | NA | (75)(h) | Add a provision that emissions reductions required by rule do not include emissions reductions achieved under OAR 340-226-0110 and 0120 (Pollution Prevention and Operating and Maintenance Requirements under the Highest and Best Practicable Treatment and Control rules. | DEQ is aware that reducing PTE to actual emissions may be a disincentive for sources to voluntarily implement early reductions. Therefore, the proposed rules have been revised for sources that voluntarily implement pollution prevention practices or operational, maintenance and work practice requirements in accordance with OAR 340-226-0110 and 0120. Emissions reductions required to reduce PTE to actual emissions will not include reductions achieved through these mechanisms. This provision will continue to encourage sources to implement voluntary early reductions. In addition, only the netting basis will be reduced to prevent unwarranted offsetting. The PSEL will not be reduced so a source will still be able to utilize the full capacity of a unit that went through PSD without triggering PSD again. |
| **200-0020** | NA | (85) | Add definition of ozone precursors | PM2.5 precursors are defined but not ozone precursors |
| **200-0020** | (91) | (96) | Change definition of PM2.5 and add EPA’s new reference test methods | This definition is consistent with EPA’s rules for purposes of Title V and NSR. |
| **200-0020** | NA | (96)(b) | Add a provision for PM2.5 precursors | This definition is consistent with EPA’s rules for purposes of Title V and NSR. |
| **200-0020** | NA | (97) | Add a definition for PM2.5 fraction | See the discussion above in (75)(b)(A) |
| **200-0020** | (97) | (103) | Add part 52 to the CFR citations for reference methods | Appendix M of Part 52 includes reference methods for condensable PM. |
| **200-0020** | (99) | (105)(a)(B) | Add precursors to definition of regulated pollutant | This is a requirement for State Implementation Plans. See CFR 51.166(b)(1)(i)(a) |
| **200-0020** | (99) | (105)(a)(F) | Add GHG to definition of regulated pollutant | This is a requirement for State Implementation Plans. See CFR 51.166(b)(1)(i)(a) |
| **200-0020** | (99)(c) | (105)(c) | Clarify the definition of regulated pollutant for pollutants subject to NSR | Ensures that only regulated pollutants with Significant Emission Rates are subject to NSR |
| **200-0020** | (126) | (132) | Add exception for GHG emissions impacting Class I areas to the definition of significant emission rate | There is no ambient standard for GHG, so this provision should not apply to GHG emissions. |
| **200-0020** | NA | (134) | Add definition of small scale local energy project | House Bill 2952 amended ORS 468A.040 to add an exception for small scale local energy projects regarding net air quality benefit |
| **200-0020** | (143) | (150) | Add propylene carbonate to definition of VOC | This pollutant has been added to the list of volatile organic compounds by the EPA. |
| **200-0020** |  |  | Change the editorial note about the tables not being included with the rules | The Secretary of State will now include links to tables in PDF files |
| **200-0025** | NA | (24) | Add CO2e to Abbreviations and Acronyms | CO2e is needed for the definition of greenhouse gases |
| **200-0025** | NA | (43) | Add GHG to Abbreviations and Acronyms | GHG is a newly regulated pollutant |

| **Division** | **Rule** | **Suggested change** | **Reason/Issues** |
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| **200** | 0040 | Change the date for the State Implementation Plan modification | The proposed changes are part of the SIP which will be revised as a result of the proposed changes. |
| **200** | Table 1 | Add PM2.5 SILs | EPA adopted SILs for PM2.5 |
| **200** | Table 1 | Combine SILs for all air quality areas into one table for all pollutants | Having all SILs in one table will make it easier. |
| **200** | Table 2 | Add significant emission rate for GHG | EPA adopted a major source threshold and significant emission rate when it defined GHG as a regulated pollutant |
| **200** | Table 2 | Add significant emission rate for direct PM2.5 | EPA adopted a major source threshold and significant emission rate for PM2.5 |
| **200** | Table 2 | Add significant emission rate for PM2.5 precursors | EPA adopted significant emission rates for PM2.5 precursors |
| **200** | Table 2 | Add significant emission rate for VOC precursors | EPA already adopted significant emission rates for VOC precursors but these were never added to this table |
| **200** | Table 3 | Remove the metric significant emission rates in metric units | The conversion from English units to metric units is not exact. This has caused problems in compliance with these limits. |
| **200** | Table 4 | Add de minimis level for GHG | The de minimis level for GHG is set at the GHG reporting threshold. DEQ will evaluate this level upon implementation and make adjustments if necessary. |
| **200** | Table 4 | Add de minimis levels for PM2.5 in the Medford AQMA | The de minimis levels for PM2.5 are consistent with PM10. |
| **200** | Table 4 | Add de minimis levels for direct PM2.5 | The de minimis levels for PM2.5 are consistent with PM10. |
| **200** | Table 5 | Add generic PSEL for PM2.5 and GHG | The generic PSEL for GHG is based on proposed SER minus 1000 tpy. The generic PSEL for PM2.5 is based on the proposed SER minus 1 tpy, consistent with other criteria pollutants. |
| **202** | 0010(4)(a) | Delete the sentence “If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for 1978.” | This statement applies to all pollutants, not just SO2 and PM10. This sentence was moved to a separate subsection. |
| **202** | 0010(4)(a) | Delete the words “major” from “Actual emission increases or decreases occurring before January 1, 1978 must be included in the baseline calculation, except that actual emission increases from any major source or major modification on which construction commenced after January 6, 1975 must not be included in the baseline calculation;” | This change is necessary because when an air quality impact analysis is required under division 225, all permitted sources, not just “major” sources, are included in the modeling analysis, not in the baseline calculation (or background concentration). This is a clarification and aligns this definition with the one in division 225. |
| **202** | 0010(4)(d) | Add a provision for the PM10 baseline concentration in the Medford-Ashland AQMA | The baseline concentration for PM10 in the Medford-Ashland AQMA from the definition in division 225 was added. |
| **202** | 0010(4)(e) | Add baseline concentration year for PM2.5 | The baseline concentration year for PM2.5 is set based on the year when ambient monitoring was done and when the increment was proposed. |
| **202** | 0060(1) | Delete annual PM10 air quality standard | Revoked by EPA. Since DEQ is limiting PM2.5 to the filterable portion until 1/1/11, the PM10 annual standard has been retained until this rulemaking. Sources would have to model for PM10 and PM2.5 in the interim. |
| **202** | 0060(2) | Add the lead-in to 0060(2) for PM2.5 | The change makes it consistent with 0060(1) for PM10. |
| **202** | 0210 | Include Table of increments in text. | Table is included in text of the rule as allowed by Secretary of State. |
| **202** | 0210 | Add a note that the PM2.5 increments will become effective on one year after the date of the federal register publication. | EPA concluded that it is most appropriate to follow the plain language of the Clean Air Act which calls for a 1-year effective date for implementing increments developed under section 166(a) of the Act. |
| **202** | 0210 | Delete Ed. Note about table not printed in text. | Table is included in text of the rule as allowed by Secretary of State. |
| **202** | 0210 Table 1 | Delete table and insert into text. | Table is included in text of the rule as allowed by Secretary of State. |
| **215** | 0050 | Division 216, Table 2, Part 3 is referenced in this rule and is changing. | Requirement by Secretary of State. |
| **216** | 0020(6) | Add a provision for Lane Regional Air Protection Agency to be designated by the Commission as the permitting agency in Lane County. | DEQ will delegate authority to Lane Regional Air Protection Agency to implement Air Contaminant Discharge Permit and Oregon Title V Operating Permit programs for regulation of PM2.5 and GHG within its area of jurisdiction. The Regional Agency's program is subject to Department oversight. The requirements and procedures contained in Divisions 200, 224, and 225 pertaining to PM2.5 and GHG shall be used by the Regional Agency to implement its permitting programs until the Regional Agency adopts superseding rules which are at least as restrictive as state rules. |
| **216** | 0020 | Changes are proposed for Table 1 so any rule referencing Table 1 also changes. | Requirement by Secretary of State. |
| **216** | 0025 | Changes are proposed for Table 1 so any rule referencing Table 1 also changes. | Requirement by Secretary of State. |
| **216** | 0025 | Change the editorial note about the tables not being included with the rules | The Secretary of State will now include links to tables in PDF files |
| **216** | 0040(4) | Add requirement for owner/operator to correct permit application upon becoming aware of error | This is a requirement for Title V sources and should be the same for ACDP sources. EPA raised this issue in their priority sector review. |
| **216** | 0040 | Change the editorial note about the tables not being included with the rules | The Secretary of State will now include links to tables in PDF files |
| **216** | 0052 | Changes are proposed for Table 1 so any rule referencing Table 1 also changes. | Requirement by Secretary of State. |
| **216** | 0052 | Change the editorial note about the tables not being included with the rules | The Secretary of State will now include links to tables in PDF files |
| **216** | 0054 | Changes are proposed for Table 1 so any rule referencing Table 1 also changes. | Requirement by Secretary of State. |
| **216** | 0054 | Change the editorial note about the tables not being included with the rules | The Secretary of State will now include links to tables in PDF files |
| **216** | 0056 | Changes are proposed for Table 1 so any rule referencing Table 1 also changes. | Requirement by Secretary of State. |
| **216** | 0056 | Change the editorial note about the tables not being included with the rules | The Secretary of State will now include links to tables in PDF files |
| **216** | 0060 | Changes are proposed for Table 1 so any rule referencing Table 1 also changes. | Requirement by Secretary of State. |
| **216** | 0060 | Change the editorial note about the tables not being included with the rules | The Secretary of State will now include links to tables in PDF files |
| **216** | 0064(3)(a)(A) | Correct source category numbers to match Table 1 | This is a correction. |
| **216** | 0064(3)(a)(A)  (x) | Add PM2.5 to category 78 | Using 5 tons as the threshold for requiring a permit in nonattainment areas provides more protection for the area through source surveillance. |
| **216** | 0064 | Change the editorial note about the tables not being included with the rules | The Secretary of State will now include links to tables in PDF files |
| **216** | 0066 | Changes are proposed for Table 1 so any rule referencing Table 1 also changes. | Requirement by Secretary of State. |
| **216** | 0066 | Change the editorial note about the tables not being included with the rules | The Secretary of State will now include links to tables in PDF files |
| **216** | 0070 | Changes are proposed for Table 1 so any rule referencing Table 1 also changes. | Requirement by Secretary of State. |
| **216** | 0070 | Change the editorial note about the tables not being included with the rules | The Secretary of State will now include links to tables in PDF files |
| **216** | 0090 | Changes are proposed for Table 1 so any rule referencing Table 1 also changes. | Requirement by Secretary of State. |
| **216** | 0090 | Change the editorial note about the tables not being included with the rules | The Secretary of State will now include links to tables in PDF files |
| **216** | 0020 Table 1, Part B | Add PM2.5 to category 84 | Using 5 tons as the threshold for requiring a permit in nonattainment areas provides more protection for the area through source surveillance. |
| **216** | Table 1, Part C | Add 100,000 as the threshold for GHG. | The EPA threshold for GHG in the Tailoring Rule is 100,000 metric tons. |
| **216** | Table 1, Part C, 5 | Exclude GHG and HAPs | 100 tons threshold is too low for GHGs and HAPs thresholds are listed in 7 and 8 below. |
| **222** | 0042 | Division 200, Table 3 is referenced in this rule and is changing. | Requirement by Secretary of State. |
| **222** | 0045 | Division 200, Table 2 is referenced in this rule and is changing. | Requirement by Secretary of State. |
| **224** | 0010(1) | Restructure OAR 340-224-0010 and clarify that division 224 applies to the regulated pollutant for which the area is designated nonattainment or maintenance within nonattainment and maintenance areas | This is a clarification. |
| **224** | 0010(2) | Clarify that division 224 applies to the regulated pollutant for which the area is designated attainment or unclassified within attainment and unclassifiable areas | This is a clarification. |
| **224** | 0010(3) | Add provision that clarifies division 224 does not apply sources that do not meet the applicability criteria in OAR 340-224-0010(1) and (2) | This is a clarification. |
| **224** | 0010(5) | Add applicability for GHG PSD permitting for sources that have already triggered NSR/PSD for other pollutants | This is consistent with EPA’s Tailoring Rules for purposes of Title V and PSD. |
| **224** | 0010(6) | Add applicability for GHG PSD permitting for sources that are major for GHGs and trigger PSD | This is consistent with EPA’s Tailoring Rules for purposes of Title V and PSD. |
| **224** | 0010(7) | Add a provision for Lane Regional Air Protection Agency to be designated by the Commission as the permitting agency in Lane County. | DEQ will delegate authority to Lane Regional Air Protection Agency to implement Major New Source Review program for regulation of PM2.5 and GHG within its area of jurisdiction. The Regional Agency's program is subject to Department oversight. The requirements and procedures contained in Divisions 200, 224, and 225 pertaining to PM2.5 and GHG shall be used by the Regional Agency to implement its permitting programs until the Regional Agency adopts superseding rules which are at least as restrictive as state rules. |
| **224** | 0050 | Add PM2.5 precursors in a designated PM2.5 nonattainment area to the requirements for sources in nonattainment areas. | This change is needed because of the PM2.5 nonattainment areas in the state. |
| **224** | 0050(1) | Change the requirement that a source must “apply” LAER rather than “demonstrate that the source or modification must comply with” LAER | This is a clarification and aligns the language with 224-0060(1). |
| **224** | 0050(1) | Add precursors to the LAER requirement | This change is needed because LAER applies to the nonattainment area pollutant and its associated precursors. |
| **224** | 0050(1)(a) | Reformat to be consistent with 224-0060(1)(a) | This is a clarification. |
| **224** | 0050(1)(a)(A) | Clarify that LAER applies to each emissions unit that emits the nonattainment pollutant or precursor and it not included in the most recent netting basis | This is a clarification. |
| **224** | 0050(1)(a)(B) | Clarify that LAER applies to each emissions unit that emits the nonattainment pollutant or precursor and is included in the most recent netting basis but has been modified to increase actual emissions | This is a clarification. |
| **224** | 0050(1)(d) | Clarify that modifications to individual emissions units that increase the potential to emit less than 10 percent of the SER are exempt from applying LAER unless certain conditions are met. | This is a clarification. |
| **224** | 0050(3) | Delete federal major source | This section applies to more than just federal major sources. |
| **224** | 0050(3)(a) and (b) | Clarify that PTE is 100 tons/year or more | This is a clarification. |
| **224** | 0050(3)(a) and (b) | Delete “NSR” before pollutant because there is no definition of “NSR pollutant” and clarify that the pollutants of interest are those subject to division 224 | This is a clarification. |
| **224** | 0060 | Add precursors to the list of pollutants subject to BACT in maintenance areas | BACT applies to non-attainment pollutants, as well as the precursors. |
| **224** | 0060(1) | Clarify that BACT applies at an SER or above | This is a clarification and aligns the language with 224-0050(1). |
| **224** | 0060(1) | Add precursors to the BACT requirement | This change is needed because BACT applies to the nonattainment area pollutant and its associated precursors. |
| **224** | 0060(1)(a)(A) | Clarify that BACT applies to each emissions unit that emits the maintenance pollutant or precursor and it not included in the most recent netting basis | This is a clarification. |
| **224** | 0060(1)(a)(B) | Clarify that BACT applies to each emissions unit that emits the maintenance pollutant or precursor and is included in the most recent netting basis but has been modified to increase actual emissions | This is a clarification. |
| **224** | 0060(1)(d) | Clarify that modifications to individual emissions units that increase the potential to emit less than 10 percent of the SER are exempt from applying BACT unless certain conditions are met. | This is a clarification. |
| **224** | 0070 | Clarify that this rule applies to pollutants for which the area is designated as attainment or unclassified | This is a clarification and aligns the language with 224-0050. |
| **224** | 0070(1) | Clarify that BACT applies at an SER or above | This is a clarification and aligns the language with 224-0050(1). |
| **224** | 0070(1) | Add precursors to the BACT requirement | This change is needed because BACT applies to the nonattainment area pollutant and its associated precursors. |
| **224** | 0070(1)(a)(A) | Clarify that BACT applies to each emissions unit that emits the nonattainment pollutant or precursor and it not included in the most recent netting basis | This is a clarification. |
| **224** | 0070(1)(a)(B) | Clarify that BACT applies to each emissions unit that emits the nonattainment pollutant or precursor and is included in the most recent netting basis but has been modified to increase actual emissions | This is a clarification. |
| **224** | 0070(1)(d) | Clarify that modifications to individual emissions units that increase the potential to emit less than 10 percent of the SER are exempt from applying BACT unless certain conditions are met. | This is a clarification. |
| **224** | 0070(2) | Add provision that an air quality analysis is for the pollutant with increases above the SER over the netting basis | This change is recommended as a clarification to the rules consistent with how the rules have been applied. |
| **224** | 0070(2)(a) | Add provision that increases above the SER for direct PM2.5 or PM2.5 precursors also trigger an analysis of PM2.5. | PM2.5 precursors have to be addressed in attainment and unclassified areas. |
| **224** | 0070(2)(b) | Change affects to impacts | This is a clarification. |
| **225** | 0020(3)(a) | Move the sentence “If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for 1978.” to (f). | This statement applies to all pollutants, not just SO2 and PM10. This sentence was moved to a separate subsection. |
| **225** | 0020(3)(e) | Add baseline concentration year for PM2.5 | EPA set the baseline concentration year for PM2.5 |
| **225** | 0020(6) | Update the reference to the Federal Land Managers' Air Quality Related Values Work Group Phase I Report | A revision has been made to the Phase I Report dated October 27, 2010. |
| **225** | 0020(12) | Include table in text and delete editorial note about the table not being included | The Secretary of State will now allow tables in text. |
| **225** | 0020(12) | Include K value for PM2.5 | PM2.5 is a new regulated pollutant and requires a K value for modeling analyses |
| **225** | 0020(12) | Change K value for NOx | The K value for NOx was changed to reflect EPA’s new 1-hour SO2 and NOx standards. |
| **225** | 0020(13) | Add Class II to the significant air quality impact levels | Class I, II and III area SILs are being combined into one table so this change clarifies which SIL is applicable. |
| **225** | 0020 | Change the editorial note about the table not being included with the rules | The Secretary of State will now include links to tables in PDF files |
| **225** | 0030(1) | Refer to averaging times by pollutant in Division 202 and delete Table 2. | This table is not necessary since the averaging times are the same as the ambient air quality standard averaging times. |
| **225** | 0030 | Delete the editorial note about the table not being included with the rules | The Secretary of State will now include links to tables in PDF files |
| **225** | 0045(1) | Clarify that a single source impact analysis is sufficient to show compliance with standards and increments for only the pollutants that trigger PSD | This change is recommended as a clarification to the rules consistent with how the rules have been applied. |
| **225** | 0045(2) | Clarify the “above” requirement is section (1) of this rule | This is a clarification. |
| **225** | 0050(1) | Clarify that a single source impact analysis is sufficient to show compliance with standards and increments for only the pollutants that trigger PSD | This change is recommended as a clarification to the rules consistent with how the rules have been applied. |
| **225** | 0050(1) | Add Class II to the significant air quality impact levels | Class I, II and III area SILs are being combined into one table so this change clarifies which SIL is applicable. |
| **225** | 0050(2) | Clarify the “above” requirement is section (1) of this rule | This is a clarification. |
| **225** | 0050(4)(a)(C) | Add PM2.5 significant monitoring concentration | EPA proposed a significant monitoring concentration of 10 ug/m3 for PM2.5. This value was adopted in the temporary rule on August 19, 2010. EPA has since finalized the PM2.5 NSR/PSD implementing rules and adopted a significant monitoring concentration of 4 ug/m3 so this change mirrors EPA rules. |
| **225** | 0050 | Change the editorial note about the table not being included with the rules | The Secretary of State will now include links to tables in PDF files |
| **225** | 0060(2)(a) | Clarify that a single source impact analysis is sufficient to show compliance with standards and increments for only the pollutants that trigger PSD | This change is recommended as a clarification to the rules consistent with how the rules have been applied. |
| **225** | 0060(2)(a) | Add Class I to the significant air quality impact levels | Class I, II and III area SILs are being combined into one table so this change clarifies which SIL is applicable. |
| **225** | 0060(2)(a) | Delete the editorial note about the table not being included with the rules | The Secretary of State will now include links to tables in PDF files |
| **225** | 0060(2)(b) | Clarify the “above” requirement is section (a) of this section | This is a clarification. |
| **225** | 0060(2)(c) | Clarify that a single source impact analysis is for emission increases equal to or greater than a significant emission rate above the netting basis due to the proposed source or modification | This change is recommended as a clarification to the rules consistent with how the rules have been applied. |
| **225** | 0060(2)(c) | Add Class II to the significant air quality impact levels | Class I, II and III area SILs are being combined into one table so this change clarifies which SIL is applicable. |
| **225** | 0060 | Change the editorial note about the table not being included with the rules | The Secretary of State will now include links to tables in PDF files |
| **225** | 0090(2) | Add PM2.5 to the list of pollutants for non-ozone areas | PM2.5 was added as a regulated pollutant |
| **225** | 0090(2)(a)(A) and (B) | Clarify offset requirements for non-ozone areas | The addition of PM2.5 offsets requires clarification from other pollutant offsets |
| **225** | 0090(2)(a)(C) | Add PM2.5 precursor, SO2 and NOx, offsets for non-ozone areas | These offset ratios are based the presumptive levels established by EPA in the preamble to Significant Impact Levels (SILs) |
| **225** | 0090(2)(a)(D)(ii) | Add an alternative provision for small scale local energy projects located in nonattainment areas to provide a net air quality benefit: a reduction of the nonattainment pollutant equal to the ratio specified in this rule if the proposed major source or major modification causes an increase in concentration of less than 5 ug/m3 (24 hour average) of PM2.5, PM10, SO2, CO, or NOxat all modeled receptors. | House Bill 2952 amended ORS 468A.040 to add an exception for small scale local energy projects regarding net air quality benefit. The modeled concentration of 5 ug/m3 is the single source impact level allowed in the Lakeview PM10 maintenance area in OAR 340-224-0060(2)(c)(C). Offsets are adequate to show a net air quality benefit if modeled results for all pollutants are less than 5 ug/m3. |
| **225** | 0090(2)(c) | Correct OAR 240 to OAR 340 | This is a correction |
| **225** | 0090(2)(c)(B) | Correct OAR 240 to OAR 340 | This is a correction |
| **225** | 0090(2)(c)(C) | Add an alternative provision for small scale local energy projects locating inside or causing a significant air quality impact on a designated maintenance area to provide a net air quality benefit: a reduction of the nonattainment pollutant equal to the ratio specified in this rule if the proposed major source or major modification causes an increase in concentration of less than 5 ug/m3 (24 hour average) of PM2.5, PM10, SO2, CO, or NOxat all modeled receptors. | House Bill 2952 amended ORS 468A.040 to add an exception for small scale local energy projects regarding net air quality benefit. The modeled concentration of 5 ug/m3 is the single source impact level allowed in the Lakeview PM10 maintenance area in OAR 340-224-0060(2)(c)(C). Offsets are adequate to show a net air quality benefit if modeled results for all pollutants are less than 5 ug/m3. |
| **225** | 0090(3) | Add an exception for precursor offsets | Emissions of precursor can be used to offset direct PM2.5 and vice versa |
| **225** | 0020 Table | Delete Table | Table is included in text of the rule as allowed by Secretary of State. |
| **225** | 0030 Table | Delete Table | Averaging times are included in the standards |
| **225** | 0060 Table 1 | Delete Table 1 | Class I Significant Impact Levels are being added to Table I in Division 200 |
| **228** | 0300 | Update federal reference for 40 CFR Parts 72, 75 and 76 from July 1, 2006 | Changes adopted on July 2, 2010 |
| **246** | 0230 | Division 216, Table 1, Part B is referenced in this rule and is changing. | Requirement by Secretary of State. |