**DIVISION 200**

**GENERAL AIR POLLUTION
PROCEDURES AND DEFINITIONS**

**340-200-0020**

**General Air Quality Definitions**

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

(1) "Act" or "FCAA" means the Federal Clean Air Act, 42 U.S.C.A. 7401 to 7671q.

(2) "Activity" means any process, operation, action, or reaction (e.g., chemical) at a source that emits a regulated pollutant.

(3) "Actual emissions" means the mass emissions of a pollutant from an emissions source during a specified time period.

(a) For determining actual emissions as of the baseline period:

(A) Except as provided in paragraphs (B) and (C) of this subsection and subsection (b) of this section, actual emissions equal the average rate at which the source actually emitted the pollutant during an applicable baseline period and that represents normal source operation;

(B) The Department presumes that the source-specific mass emissions limit included in a source's permit that was effective on September 8, 1981 is equivalent to the source's actual emissions during the applicable baseline period if it is within 10% of the actual emissions calculated under paragraph (A) of this subsection.

(C) Actual emissions equal the potential to emit of the source for the sources listed in paragraphs (i) through (iii) of this paragraph. The actual emissions will be reset if required in accordance with subsection (c) of this section.

(i) Any source or part of a source that had not begun normal operations during the applicable baseline period but was approved to construct and operate before or during the baseline period in accordance with OAR 340 division 210, or

(ii) Any source or part of a source of greenhouse gases that had not begun normal operations prior to January 1, 2010, but was approved to construct and operate prior to January 1, 2011 in accordance with OAR 340 division 210, or

(iii) Any source or part of a source that had not begun normal operations during the applicable baseline period and was not required to obtain approval to construct and operate before or during the applicable baseline period.

(b) For any source or part of a source that had not begun normal operations during the applicable baseline period, but was approved to construct and operate in accordance with OAR 340 division 224, actual emissions on the date the permit is issued equal the potential to emit of the source. The actual emissions will be reset if required in accordance with subsection (c) of this section.

(c) Where actual emissions equal potential to emit under paragraph (a)(C) or subsection (b) of this section, the potential emissions will be reset to actual emissions as follows:

(A) Paragraphs (A) through (D) of this subsection apply to sources whose actual emissions of greenhouse gases were determined pursuant paragraph 3(a)(C), and to all other sources of all other regulated pollutants that are permitted in accordance with OAR division 224 on or after May 1, 2011.

(B) Except as provided in paragraph (D) of this subsection, ten years from the end of the applicable baseline period under paragraph (a)(C) or ten years from the date the permit is issued under subsection (b), or an earlier time if requested by the source in a permit application involving pubic notice, the Department will reset actual emissions to equal the highest actual emission rate during any consecutive 12-month period during the ten year period or any shorter period if requested by the source.

(C) Any emission reductions achieved due to enforceable permit conditions based on OAR 340-226-0110 and 0120 (highest and best practicable treatment and control) are not included in the reset calculation required in paragraph (B) of this subsection.

(D) The Department may extend the date of resetting by five additional years upon satisfactory demonstration by the source that construction is ongoing or normal operation has not yet been achieved.

(d) For determining actual emissions for Emission Statements under OAR 340-214-0200 through 340-214-0220 and Oregon Title V Operating Permit Fees under OAR 340 division 220, actual emissions include, but are not limited to, routine process emissions, fugitive emissions, excess emissions from maintenance, startups and shutdowns, equipment malfunction, and other activities, except categorically insignificant activities and secondary emissions.

(e) For Oregon Title V Operating Permit Fees under OAR 340 division 220, actual emissions must be directly measured with a continuous monitoring system or calculated using a material balance or verified emission factor determined in accordance with division 220 in combination with the source's actual operating hours, production rates, or types of materials processed, stored, or combusted during the specified time period.

(4) "Adjacent" means interdependent facilities that are nearby to each other.

(5) "Affected source" means a source that includes one or more affected units that are subject to emission reduction requirements or limitations under Title IV of the FCAA.

(6) "Affected states" means all states:

(a) Whose air quality may be affected by a proposed permit, permit modification, or permit renewal and that are contiguous to Oregon; or

(b) That are within 50 miles of the permitted source.

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

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

(b) 120 pounds for lead;

(c) 600 pounds for fluoride;

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

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

(f) The lesser of the amount established in OAR 340-244-0040, Table 1 or 340-244-0230, Table 3, or 1,000 pounds;

(g) An aggregate of 5,000 pounds for all Hazardous Air Pollutants;

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

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

(9) "Air Contaminant Discharge Permit" or "ACDP" means a written permit issued, renewed, amended, or revised by the Department, pursuant to OAR 340 division 216.

(10) "Alternative method" means any method of sampling and analyzing for an air pollutant that is not a reference or equivalent method but has been demonstrated to the Department's satisfaction to, in specific cases, produce results adequate for determination of compliance. An alternative method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to the Department.

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

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

(a) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by the EPA through rulemaking under Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR Part 52;

(b) Any standard or other requirement adopted under OAR 340-200-0040 of the State of Oregon Clean Air Act Implementation Plan, that is more stringent than the federal standard or requirement which has not yet been approved by the EPA, and other state-only enforceable air pollution control requirements;

(c) Any term or condition in an ACDP, OAR 340 division 216, including any term or condition of any preconstruction permits issued pursuant to OAR 340 division 224, New Source Review, until or unless the Department revokes or modifies the term or condition by a permit modification;

(d) Any term or condition in a Notice of Construction and Approval of Plans, OAR 340-210-0205 through 340-210-0240, until or unless the Department revokes or modifies the term or condition by a Notice of Construction and Approval of Plans or a permit modification;

(e) Any term or condition in a Notice of Approval, OAR 340-218-0190, issued before July 1, 2001, until or unless the Department revokes or modifies the term or condition by a Notice of Approval or a permit modification;

(f) Any term or condition of a PSD permit issued by the EPA until or unless the EPA revokes or modifies the term or condition by a permit modification;

(g) For an Oregon Title V Operating Permit program source, any NSPS or NESHAP;

(h) For an Oregon ACDP program source, any NSPS adopted in OAR 340-238-0060 or NESHAP adopted in OAR 340-244-0220;;

(i) For an Oregon Title V Operating Permit program source, any requirement concerning accident prevention under section 112(r)(7) of the Act;

(j) Any standard or other requirement of the acid rain program under Title IV of the Act or the regulations promulgated thereunder;

(k) Any requirements established pursuant to section 504(b) or section 114(a)(3) of the Act;

(l) Any standard or other requirement under section 126(a)(1) and(c) of the Act;

(m) Any standard or other requirement governing solid waste incineration, under section 129 of the Act;

(n) Any standard or other requirement for consumer and commercial products, under section 183(e) of the Act;

(o) Any standard or other requirement for tank vessels, under section 183(f) of the Act;

(p) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the Act;

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

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

(13) "Baseline Emission Rate" means the actual emission rate during a baseline period. Baseline emission rate does not include increases due to voluntary fuel switches or increased hours of operation that occurred after that baseline period.

(a) A baseline emission rate will be established only for regulated pollutants subject to OAR 340 division 224 as specified in the definition of regulated pollutant. A baseline emission rate will not be established for PM2.5.

(b) The baseline emission rate for greenhouse gases, on a CO2e basis, 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.

(c) For a pollutant that becomes a regulated pollutant subject to OAR 340 division 224 after May 1, 2011, the initial baseline emission rate is the actual emissions of that pollutant during any consecutive 12 month period within the 24 months immediately preceding its designation as a regulated pollutant if a baseline period has not been defined for the pollutant.

(d) The baseline emission rate will be recalculated if actual emissions are reset in accordance with the definition of actual emissions.

(e) Once the baseline emission rate has been established or recalculated in accordance with subsection (d) of this section, the production basis for the baseline emission rate may only be changed if a material mistake or an inaccurate statement was made in establishing the production basis for baseline emission rate.

(14) "Baseline Period" means:

(a) Any consecutive 12 calendar month period during the calendar years 1977 or 1978 for any regulated pollutant other than greenhouse gases. The Department may allow the use of a prior time period upon a determination that it is more representative of normal source operation.

(b) Any consecutive 12 calendar month period during the calendar years 2000 through 2010 for greenhouse gases.

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

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

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

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

(19) “Carbon dioxide equivalent” or “CO2e” means an amount of a greenhouse gas or gases expressed as the equivalent amount of carbon dioxide, and shall be computed by multiplying the mass of each of the greenhouse gases by the global warming potential published for each gas at 40 CFR Part 98, subpart A, Table A–1—Global Warming Potentials, and adding the resulting value for each greenhouse gas to compute the total equivalent amount of carbon dioxide. (20) "Categorically insignificant activity" means any of the following listed pollutant emitting activities principally supporting the source or the major industrial group. Categorically insignificant activities must comply with all applicable requirements.

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

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

(c) Distillate oil, kerosene, and gasoline fuel burning equipment rated at less than or equal to 0.4 million Btu/hr;

(d) Natural gas and propane burning equipment rated at less than or equal to 2.0 million Btu/hr;

(e) Office activities;

(f) Food service activities;

(g) Janitorial activities;

(h) Personal care activities;

(i) Groundskeeping activities including, but not limited to building painting and road and parking lot maintenance;

(j) On-site laundry activities;

(k) On-site recreation facilities;

(l) Instrument calibration;

(m) Maintenance and repair shop;

(n) Automotive repair shops or storage garages;

(o) Air cooling or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;

(p) Refrigeration systems with less than 50 pounds of charge of ozone depleting substances regulated under Title VI, including pressure tanks used in refrigeration systems but excluding any combustion equipment associated with such systems;

(q) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated vacuum producing devices but excluding research and development facilities;

(r) Temporary construction activities;

(s) Warehouse activities;

(t) Accidental fires;

(u) Air vents from air compressors;

(v) Air purification systems;

(w) Continuous emissions monitoring vent lines;

(x) Demineralized water tanks;

(y) Pre-treatment of municipal water, including use of deionized water purification systems;

(z) Electrical charging stations;

(aa) Fire brigade training;

(bb) Instrument air dryers and distribution;

(cc) Process raw water filtration systems;

(dd) Pharmaceutical packaging;

(ee) Fire suppression;

(ff) Blueprint making;

(gg) Routine maintenance, repair, and replacement such as anticipated activities most often associated with and performed during regularly scheduled equipment outages to maintain a plant and its equipment in good operating condition, including but not limited to steam cleaning, abrasive use, and woodworking;

(hh) Electric motors;

(ii) Storage tanks, reservoirs, transfer and lubricating equipment used for ASTM grade distillate or residual fuels, lubricants, and hydraulic fluids;

(jj) On-site storage tanks not subject to any New Source Performance Standards (NSPS), including underground storage tanks (UST), storing gasoline or diesel used exclusively for fueling of the facility's fleet of vehicles;

(kk) Natural gas, propane, and liquefied petroleum gas (LPG) storage tanks and transfer equipment;

(ll) Pressurized tanks containing gaseous compounds;

(mm) Vacuum sheet stacker vents;

(nn) Emissions from wastewater discharges to publicly owned treatment works (POTW) provided the source is authorized to discharge to the POTW, not including on-site wastewater treatment and/or holding facilities;

(oo) Log ponds;

(pp) Storm water settling basins;

(qq) Fire suppression and training;

(rr) Paved roads and paved parking lots within an urban growth boundary;

(ss) Hazardous air pollutant emissions of fugitive dust from paved and unpaved roads except for those sources that have processes or activities that contribute to the deposition and entrainment of hazardous air pollutants from surface soils;

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

(uu) Emergency generators and pumps used only during loss of primary equipment or utility service due to circumstances beyond the reasonable control of the owner or operator, or to address a power emergency as determined by the Department;

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

(ww) Non-contact steam condensate flash tanks;

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

(yy) Boiler blowdown tanks;

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

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

(bbb) Oil/water separators in effluent treatment systems;

(ccc) Combustion source flame safety purging on startup;

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

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

(fff) White water storage tanks.

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

(22) "CFR" means Code of Federal Regulations.

(23) "Class I area" means any Federal, State or Indian reservation land which is classified or reclassified as Class I area. Class I areas are identified in OAR 340-204-0050.

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

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

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

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

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

(27) "Construction":

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

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

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

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

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

(29) "Continuous Monitoring Systems" means sampling and analysis, in a timed sequence, using techniques which will adequately reflect actual emissions or concentrations on a continuing basis in accordance with the Department's Continuous Monitoring Manual, and includes continuous emission monitoring systems, continuous opacity monitoring system (COMS) and continuous parameter monitoring systems.

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

(31) "Criteria Pollutant" means nitrogen oxides, volatile organic compounds, particulate matter, PM10, PM2.5, sulfur dioxide, carbon monoxide, or lead.

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

(33) "De minimis emission levels" mean the levels for the pollutants listed in Table 4.

**NOTE**: De minimis is compared to all increases that are not included in the PSEL.

(34) "Department":

(a) Means Department of Environmental Quality; except

(b) As used in OAR 340 divisions 218 and 220 means Department of Environmental Quality or in the case of Lane County, Lane Regional Air Protection Agency.

(35) "Device" means any machine, equipment, raw material, product, or byproduct at a source that produces or emits a regulated pollutant.

(36) “Direct PM2.5” has the meaning provided in the definition of PM2.5.

(37) "Director" means the Director of the Department or the Director's designee.

(38) "Draft permit" means the version of an Oregon Title V Operating Permit for which the Department or Lane Regional Air Protection Agency offers public participation under OAR 340-218-0210 or the EPA and affected State review under 340-218-0230.

(39) "Effective date of the program" means the date that the EPA approves the Oregon Title V Operating Permit program submitted by the Department on a full or interim basis. In case of a partial approval, the "effective date of the program" for each portion of the program is the date of the EPA approval of that portion.

(40) "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency does not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(41) "Emission" means a release into the atmosphere of any regulated pollutant or any air contaminant.

(42) "Emission Estimate Adjustment Factor" or "EEAF" means an adjustment applied to an emission factor to account for the relative inaccuracy of the emission factor.

(43) "Emission Factor" means an estimate of the rate at which a pollutant is released into the atmosphere, as the result of some activity, divided by the rate of that activity (e.g., production or process rate).

(44)(a) Except as provided in subsection (b) of this section, "Emission Limitation" and "Emission Standard" mean a requirement established by a State, local government, or the EPA which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

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

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

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

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

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

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

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

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

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

(d) Parts and activities cannot be grouped for determining emissions increases from an emissions unit under OAR 340-224-0050 through 340-224-0070, or 340 division 210, or for determining the applicability of any New Source Performance Standard (NSPS).

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

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

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

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

(52) "Excess emissions" means emissions in excess of a permit limit or any applicable air quality rule.

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

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

(55) “Federal Major Source” means a source with potential to emit any individual regulated pollutant, excluding hazardous air pollutants listed in OAR 340 division 244, greater than or equal to 100 tons per year if in a source category listed below, or 250 tons per year if not in a source category listed. In addition, for greenhouse gases, a federal major source must also have the potential to emit CO2e greater than or equal to 100,000 tons per year. The fugitive emissions and insignificant activity emissions of a stationary source are considered in determining whether it is a federal major source. Potential to emit calculations must include emission increases due to a new or modified source and may include emission decreases.

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

(b) Coal cleaning plants with thermal dryers;

(c) Kraft pulp mills;

(d) Portland cement plants;

(e) Primary Zinc Smelters;

(f) Iron and Steel Mill Plants;

(g) Primary aluminum ore reduction plants;

(h) Primary copper smelters;

(i) Municipal Incinerators capable of charging more than 50 tons of refuse per day;

(j) Hydrofluoric acid plants;

(k) Sulfuric acid plants;

(l) Nitric acid plants;

(m) Petroleum Refineries;

(n) Lime plants;

(o) Phosphate rock processing plants;

(p) Coke oven batteries;

(q) Sulfur recovery plants;

(r) Carbon black plants, furnace process;

(s) Primary lead smelters;

(t) Fuel conversion plants;

(u) Sintering plants;

(v) Secondary metal production plants;

(w) Chemical process plants;

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

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

(z) Taconite ore processing plants;

(aa) Glass fiber processing plants;

(bb) Charcoal production plants.

(56) "Final permit" means the version of an Oregon Title V Operating Permit issued by the Department or Lane Regional Air Protection Agency that has completed all review procedures required by OAR 340-218-0120 through 340-218-0240.

(57) "Form" means a paper or electronic form developed by the Department.

(58) "Fugitive Emissions":

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

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

(59) "General permit":

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

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

(60) "Generic PSEL" means the levels for the pollutants listed in Table 5.

**NOTE:** Sources are eligible for a generic PSEL if expected emissions are less than or equal to the levels listed in Table 5. Baseline emission rate and netting basis do not apply to pollutants at sources using generic PSELs.

(61)(a) “Greenhouse Gases” or “GHGs” means the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Each gas is also individually a greenhouse gas.

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

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

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

(64) "Inherent process equipment" means equipment that is necessary for the proper or safe functioning of the process, or material recovery equipment that the owner or operator documents is installed and operated primarily for purposes other than compliance with air pollution regulations. Equipment that must be operated at an efficiency higher than that achieved during normal process operations in order to comply with the applicable emission limitation or standard is not inherent process equipment. For the purposes of OAR 340-212-0200 through 340-212-0280, inherent process equipment is not considered a control device.

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

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

(a) Does not result in a re-designation from an insignificant to a significant activity;

(b) Does not invoke an applicable requirement not included in the permit; and

(c) Does not result in emission of regulated air pollutants not regulated by the source's permit.

(67) "Late Payment" means a fee payment which is postmarked after the due date.

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

(69) "Maintenance Area" means a geographical area of the State that was designated as a nonattainment area, redesignated as an attainment area by EPA, and redesignated as a maintenance area by the Environmental Quality Commission in OAR 340, division 204.

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

(71) "Major Modification" means any physical change or change in the method of operation of a source that results in satisfying the requirements of both subsections (a) and (b) of this section, or of subsection (c) of this section for any regulated air pollutant. Major modifications for ozone precursors or PM2.5 precursors also constitute major modifications for ozone and PM2.5, respectively.

(a) Except as provided in subsection (d) of this section, a PSEL that exceeds the netting basis by an amount that is equal to or greater than the significant emission rate.

(b) The accumulation of emission increases due to physical changes and changes in the method of operation as determined in accordance with paragraphs (A) and (B) of this subsection is equal to or greater than the significant emission rate.

(A) Calculations of emission increases in subsection (b) of this section must account for all accumulated increases in actual emissions due to physical changes and changes in the method of operation occurring at the source since the applicable baseline period, or since the time of the last construction approval issued for the source pursuant to the New Source Review Regulations in OAR 340 division 224 for that pollutant, whichever time is more recent. These include fugitive emissions and emissions from insignificant activities.

(B) Emission increases due solely to increased use of equipment or facilities that existed or were permitted or approved to construct in accordance with OAR 340 division 210 during the applicable baseline period are not included, except if the increased use is to support a physical change or change in the method of operation.

(c) Any change at a source, including production increases, that would result in a Plant Site Emission Limit increase of 1 ton or more for any regulated pollutant for which the source is a major source in nonattainment or maintenance areas or a federal major source in attainment or unclassified areas, if the source obtained permits to construct and operate after the applicable baseline period but has not undergone New Source Review.

(A) Subsection (c) of this section does not apply to PM2.5 and greenhouse gases.

(B) Changes to the PSEL solely due to the availability of better emissions information are exempt from being considered an increase.

(d) If a portion of the netting basis or PSEL (or both) was set based on PTE because the source had not begun normal operations but was permitted or approved to construct and operate, that portion of the netting basis or PSEL (or both) must be excluded from the tests in subsections (a) and (b) of this section until the netting basis is reset as specified in the definitions of baseline emission rate and netting basis.

(e) The following are not considered major modifications:

(A) Except as provided in subsection (c) of this section, proposed increases in hours of operation or production rates that would cause emission increases above the levels allowed in a permit and would not involve a physical change or change in method of operation in the source;

(B) Routine maintenance, repair, and replacement of components;

(C) Temporary equipment installed for maintenance of the permanent equipment if the temporary equipment is in place for less than six months and operated within the permanent equipment's existing PSEL;

(D) Use of alternate fuel or raw materials, that were available and the source was capable of accommodating in the baseline period.

(72) "Major Source":

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

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

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

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

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

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

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

(ii) Kraft pulp mills;

(iii) Portland cement plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

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

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants(furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants;

(xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input;

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

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

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

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

(C) Beginning July 1, 2011, a major stationary source of air pollutants, as defined by Section 302 of the Act, that directly emits or has the potential to emit 100 tpy or more of greenhouse gases and directly emits or has the potential to emit 100,000 tpy or more CO2e, including fugitive emissions.

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

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

(ii) For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit 50 tpy or more of VOCs;

(iii) For carbon monoxide nonattainment areas:

(I) That are classified as "serious"; and

(II) In which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tpy or more of carbon monoxide.

(iv) For particulate matter(PM10) nonattainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM10.

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

(74) "Modification," except as used in the term "major modification," means any physical change to, or change in the method of operation of, a stationary source that results in an increase in the stationary source's potential to emit any regulated air pollutant on an hourly basis. Modifications do not include the following:

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

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

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

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

(a) Continuous emission or opacity monitoring systems.

(b) Continuous process, capture system, control device or other relevant parameter monitoring systems or procedures, including a predictive emission monitoring system.

(c) Emission estimation and calculation procedures (e.g., mass balance or stoichiometric calculations).

(d) Maintaining and analyzing records of fuel or raw materials usage.

(e) Recording results of a program or protocol to conduct specific operation and maintenance procedures.

(f) Verifying emissions, process parameters, capture system parameters, or control device parameters using portable or in situ measurement devices.

(g) Visible emission observations and recording.

(h) Any other form of measuring, recording, or verifying on a routine basis emissions, process parameters, capture system parameters, control device parameters or other factors relevant to assessing compliance with emission limitations or standards.

(76) "Netting Basis" means the baseline emission rate MINUS any emission reductions required by rule, orders, or permit conditions required by the SIP or used to avoid SIP requirements, MINUS any unassigned emissions that are reduced from allowable under OAR 340-222-0045, MINUS any emission reduction credits transferred off site, PLUS any emission increases approved through the New Source Review regulations in OAR 340 division 224 MINUS any emissions reductions required by subsection (g) of this section.

(a) A netting basis will only be established for regulated pollutants subject to OAR 340 division 224 as specified in the definition of regulated pollutant.

(b) The initial PM2.5 netting basis and PSEL for a source that was permitted prior to May 1, 2011 will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

(A) The initial netting basis is the PM2.5 fraction of the PM10 netting basis in effect on May 1, 2011. DEQ may increase the initial PM2.5 netting basis by up to 5 tons if necessary to avoid exceedance of the PM2.5 significant emission rate as of May 1, 2011.

(B) Notwithstanding OAR 340-222-0041(2), the initial source specific PSEL for a source with PTE greater than or equal to the SER will be set equal to the PM2.5 fraction of the PM10 PSEL.

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

(d) Netting basis is zero for:

(A) Any regulated pollutant emitted from a source that first obtained permits to construct and operate after the applicable baseline period for that regulated pollutant, and has not undergone New Source Review for that pollutant;

(B) Any pollutant that has a generic PSEL in a permit;

(C) Any source permitted as portable; or

(D) Any source with a netting basis calculation resulting in a negative number.

(e) If a source relocates to an adjacent site, and the time between operation at the old and new sites is less than six months, the source may retain the netting basis from the old site.

(f) Emission reductions required by rule, order, or permit condition affect the netting basis if the source currently has devices or emissions units that are subject to the rules, order, or permit condition. The baseline emission rate is not affected. The netting basis reduction will be effective on the effective date of the rule, order, or permit condition requiring the reduction. The PSEL reduction will be effective on the compliance date of the rule, order, or permit condition.

(g) For permits issued after May 1, 2011 under New Source Review regulations in OAR 340 division 224, and where the netting basis initially equaled the potential to emit for a new or modified source, the netting basis will be reduced in accordance with the definition of actual emissions. Notwithstanding OAR 340-222-0041(2), this adjustment does not require a reduction in the PSEL.

(h) Emission reductions required by rule do not include emissions reductions achieved under OAR 340-226-0110 and 0120.

(i) Netting basis for a pollutant with a revised definition will be adjusted if the source is emitting the pollutant at the time of redefining and the pollutant is included in the permit's netting basis.

(j) Where EPA requires an attainment demonstration based on dispersion modeling, the netting basis will be established at no more than the level used in the dispersion modeling to demonstrate attainment with the ambient air quality standard (i.e., the attainment demonstration is an emission reduction required by rule).

(77) "Nitrogen Oxides" or "NOx" means all oxides of nitrogen except nitrous oxide.

(78) "Nonattainment Area" means a geographical area of the State, as designated by the Environmental Quality Commission or the EPA, that exceeds any state or federal primary or secondary ambient air quality standard.

(79) "Nonattainment Pollutant" means a pollutant for which an area is designated a nonattainment area.

(80) "Normal Source Operation" means operations which do not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.

(81) "Offset" means an equivalent or greater emission reduction that is required before allowing an emission increase from a proposed major source or major modification of an existing source.

(82) "Opacity" means the degree to which an emission reduces transmission of light and obscures the view of an object in the background as measured in accordance with OAR 340-212-0120 and 212-0140. Unless otherwise specified by rule, opacity shall be measured in accordance with EPA Method 9 or a continuous opacity monitoring system (COMS) installed and operated in accordance with the Department's Continuous Monitoring Manual. For all standards, the minimum observation period shall be six minutes, though longer periods may be required by a specific rule or permit condition. Aggregate times (e.g. 3 minutes in any one hour) consist of the total duration of all readings during the observation period that equal or exceed the opacity percentage in the standard, whether or not the readings are consecutive.

(83) "Oregon Title V Operating Permit" means any permit covering an Oregon Title V Operating Permit source that is issued, renewed, amended, or revised pursuant to division 218.

(84) "Oregon Title V Operating Permit program" means a program approved by the Administrator under 40 CFR Part 70.

(85) "Oregon Title V Operating Permit program source" means any source subject to the permitting requirements, OAR 340 division 218.

(86) “Ozone Precursor” means nitrogen oxides and volatile organic compounds as measured by an applicable reference method in accordance with the Department's Source Sampling Manual(January, 1992) or as measured by an EPA reference method in 40 CFR Part 60, appendix A or as measured by a material balance calculation for VOC as appropriate.

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

(88) "Particulate Matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air. When used in emission standards, particulate matter is defined by the method specified within the standard or by an applicable reference method in accordance with OAR 340-212-0120 and 340-212-0140. Unless otherwise specified, sources with exhaust gases at or near ambient conditions may be tested with DEQ Method 5 or DEQ Method 8, as approved by the Department. Direct heat transfer sources shall be tested with DEQ Method 7; indirect heat transfer combustion sources and all other non-fugitive emissions sources not listed above shall be tested with DEQ Method 5.

(89) "Permit" means an Air Contaminant Discharge Permit or an Oregon Title V Operating Permit.

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

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

(92) "Permitted Emissions" as used in OAR division 220 means each regulated pollutant portion of the PSEL, as identified in an ACDP, Oregon Title V Operating Permit, review report, or by the Department pursuant to OAR 340-220-0090.

(93) "Permittee" means the owner or operator of the facility, authorized by the ACDP or the Oregon Title V Operating Permit to operate the source.

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

(95) "Plant Site Emission Limit" or "PSEL" means the total mass emissions per unit time of an individual air pollutant specified in a permit for a source. The PSEL for a major source may consist of more than one permitted emission.

(96) "PM10":

(a) When used in the context of emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 10 micrometers, emitted to the ambient air as measured by an applicable reference method in accordance with the Department's Source Sampling Manual(January, 1992);

(b) When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured in accordance with 40 CFR Part 50, Appendix J.

(97) "PM2.5":

(a) When used in the context of direct PM2.5 emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air as measured by EPA reference methods 201A and 202 in 40 CFR Part 51, appendix M.

(b) When used in the context of PM2.5 precursor emissions, means sulfur dioxide (SO2) and nitrogen oxides (NOx) emitted to the ambient air as measured by EPA reference methods in 40 CFR Part 60, appendix A.

(c) When used in the context of ambient concentration, means particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR Part 50, Appendix L, or an equivalent method designated in accordance with 40 CFR Part 53.

(98) “PM2.5 fraction” means the the fraction of PM2.5 to PM10 for each emissions unit that is included in the netting basis and PSEL.

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

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

(a) The capacity of a stationary source; or

(b) The maximum allowable emissions taking into consideration any physical or operational limitation, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, if the limitation is enforceable by the Administrator.

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

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

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

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

(104) "Reference method" means any method of sampling and analyzing for an air pollutant as specified in 40 CFR Part 52, 60, 61 or 63.

(105) "Regional Agency" means Lane Regional Air Protection Agency.

(106) "Regulated air pollutant" or "Regulated Pollutant":

(a) Except as provided in subsections (b) and(c) of this section, means:

(A) Nitrogen oxides or any VOCs;

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

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

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

(E) Any pollutant listed under OAR 340-244-0040 or 340-244-0230; and

(F) Greenhouse Gases.

(b) As used in OAR 340 division 220, regulated pollutant means particulates, volatile organic compounds, oxides of nitrogen and sulfur dioxide.

(c) As used in OAR 340 division 224, regulated pollutant does not include any pollutant listed in divisions 244 and 246, unless the pollutant is listed in OAR 340 division 200 Table 2 (significant emission rates).

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

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

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

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

(B) The delegation of authority to such representative is approved in advance by the Department or Lane Regional Air Protection Agency.

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

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

(d) For affected sources:

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

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

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

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

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

(110) "Section 111" means section 111 of the FCAA which includes Standards of Performance for New Stationary Sources (NSPS).

(111) "Section 111(d)" means subsection 111(d) of the FCAA which requires states to submit to the EPA plans that establish standards of performance for existing sources and provides for implementing and enforcing such standards.

(112) "Section 112" means section 112 of the FCAA which contains regulations for Hazardous Air Pollutants (HAP).

(113) "Section 112(b)" means subsection 112(b) of the FCAA which includes the list of hazardous air pollutants to be regulated.

(114) "Section 112(d)" means subsection 112(d) of the FCAA which directs the EPA to establish emission standards for sources of hazardous air pollutants. This section also defines the criteria to be used by the EPA when establishing the emission standards.

(115) "Section 112(e)" means subsection 112(e) of the FCAA which directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit hazardous air pollutants.

(116) "Section 112(r)(7)" means subsection 112(r)(7) of the FCAA which requires the EPA to promulgate regulations for the prevention of accidental releases and requires owners or operators to prepare risk management plans.

(117) "Section 114(a)(3)" means subsection 114(a)(3) of the FCAA which requires enhanced monitoring and submission of compliance certifications for major sources.

(118) "Section 129" means section 129 of the FCAA which requires the EPA to establish emission standards and other requirements for solid waste incineration units.

(119) "Section 129(e)" means subsection 129(e) of the FCAA which requires solid waste incineration units to obtain Oregon Title V Operating Permits.

(120) "Section 182(f)" means subsection 182(f) of the FCAA which requires states to include plan provisions in the State Implementation Plan for NOx in ozone nonattainment areas.

(121) "Section 182(f)(1)" means subsection 182(f)(1) of the FCAA which requires states to apply those plan provisions developed for major VOC sources and major NOx sources in ozone nonattainment areas.

(122) "Section 183(e)" means subsection 183(e) of the FCAA which requires the EPA to study and develop regulations for the control of certain VOC sources under federal ozone measures.

(123) "Section 183(f)" means subsection 182(f) of the FCAA which requires the EPA to develop regulations pertaining to tank vessels under federal ozone measures.

(124) "Section 184" means section 184 of the FCAA which contains regulations for the control of interstate ozone air pollution.

(125) "Section 302" means section 302 of the FCAA which contains definitions for general and administrative purposes in the Act.

(126) "Section 302(j)" means subsection 302(j) of the FCAA which contains definitions of "major stationary source" and "major emitting facility."

(127) "Section 328" means section 328 of the FCAA which contains regulations for air pollution from outer continental shelf activities.

(128) "Section 408(a)" means subsection 408(a) of the FCAA which contains regulations for the Title IV permit program.

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

(a) Would violate applicable requirements;

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

(c) Is a Title I modification.

(130) "Section 504(b)" means subsection 504(b) of the FCAA which states that the EPA can prescribe by rule procedures and methods for determining compliance and for monitoring.

(131) "Section 504(e)" means subsection 504(e) of the FCAA which contains regulations for permit requirements for temporary sources.

(132) "Significant Air Quality Impact" means an additional ambient air quality concentration equal to or greater than in the concentrations listed in Table 1. The threshold concentrations listed in Table 1 are used for comparison against the ambient air quality standard and do not apply for protecting PSD Class I increments or air quality related values (including visibility). For sources of VOC or NOx, a major source or major modification has a significant impact if it is located within the Ozone Precursor Distance defined in OAR 340-225-0020.

(133) "Significant Emission Rate" or "SER," except as provided in subsections (a) through(c) of this section, means an emission rate equal to or greater than the rates specified in Table 2.

(a) For the Medford-Ashland Air Quality Maintenance Area, the Significant Emission Rate for PM10 is defined in Table 3.

(b) For regulated air pollutants not listed in Table 2 or 3, the significant emission rate is zero unless the Department determines the rate that constitutes a significant emission rate.

(c) Any new source or modification with an emissions increase less than the rates specified in Table 2 or 3 associated with a new source or modification which would construct within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m3 (24 hour average) is emitting at a significant emission rate. This provision does not apply to greenhouse gas emissions.

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

(135) “Small scale local energy project” means:

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

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

(c) A recycling project;

(d) An alternative fuel project;

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

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

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

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

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

(137) "Source category":

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

(b) As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, means a group of major sources that the Department determines are using similar raw materials and have equivalent process controls and pollution control equipment.

(138) "Source Test" means the average of at least three test runs conducted in accordance with the Department's Source Sampling Manual.

(139) "Startup" and "shutdown" means that time during which an air contaminant source or emission-control equipment is brought into normal operation or normal operation is terminated, respectively.

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

(141) "Stationary source" means any building, structure, facility, or installation at a source that emits or may emit any regulated air pollutant.

(142) "Substantial Underpayment" means the lesser of ten percent (10%) of the total interim emission fee for the major source or five hundred dollars.

(143) "Synthetic minor source" means a source that would be classified as a major source under OAR 340-200-0020, but for limits on its potential to emit air pollutants contained in a permit issued by the Department under OAR 340 division 216 or 218.

(144) "Title I modification" means one of the following modifications pursuant to Title I of the FCAA:

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

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

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

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

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

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

(146) "Typically Achievable Control Technology" or "TACT" means the emission limit established on a case-by-case basis for a criteria pollutant from a particular emissions unit in accordance with OAR 340-226-0130. For existing sources, the emission limit established will be typical of the emission level achieved by emissions units similar in type and size. For new and modified sources, the emission limit established will be typical of the emission level achieved by well controlled new or modified emissions units similar in type and size that were recently installed. TACT determinations will be based on information known to the Department while considering pollution prevention, impacts on other environmental media, energy impacts, capital and operating costs, cost effectiveness, and the age and remaining economic life of existing emission control equipment. The Department may consider emission control technologies typically applied to other types of emissions units where such technologies could be readily applied to the emissions unit. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required.

(147) "Unassigned Emissions" means the amount of emissions that are in excess of the PSEL but less than the Netting Basis.

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

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

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

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

(a) This includes any such organic compound except the following, which have been determined to have negligible photochemical reactivity in the formation of tropospheric ozone: methane; ethane; methylene chloride(dichloromethane); dimethyl carbonate, propylene carbonate, 1,1,1-trichloroethane(methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane(CFC-113); trichlorofluoromethane(CFC-11); dichlorodifluoromethane(CFC-12); chlorodifluoromethane(HCFC-22); trifluoromethane(HFC-23); 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane(CFC-115); 1,1,1-trifluoro 2,2-dichloroethane(HCFC-123); 1,1,1,2-tetrafluoroethane(HFC-134a); 1,1-dichloro 1-fluoroethane(HCFC-141b); 1-chloro 1,1-difluoroethane(HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane(HCFC-124); pentafluoroethane(HFC-125); 1,1,2,2-tetrafluoroethane(HFC-134); 1,1,1-trifluoroethane(HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride(PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene(tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane(HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane HFC 43-10mee); difluoromethane(HFC-32); ethylfluoride(HFC-161); 1,1,1,3,3,3-hexafluoropropane(HFC-236fa); 1,1,2,2,3-pentafluoropropane(HFC-245ca); 1,1,2,3,3-pentafluoropropane(HFC-245ea); 1,1,1,2,3-pentafluoropropane(HFC-245eb); 1,1,1,3,3-pentafluoropropane(HFC-245fa); 1,1,1,2,3,3-hexafluoropropane(HFC-236ea); 1,1,1,3,3-pentafluorobutane(HFC-365mfc); chlorofluoromethane (HCFC-31); 1 chloro-1-fluoroethane(HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane(HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane(C4F9OCH3 or HFE-7100); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane((CF3)2CFCF2OCH3); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane(C4F9OC2H5 or HFE-7200); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCF2OC2H5); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane(n-C3F7OCH3, HFE-7000); 3-ethoxy-1,1,1,2,3, 4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane(HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane(HFC 227ea); methyl formate (HCOOCH3); (1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane(HFE-7300); and perfluorocarbon compounds that fall into these classes:

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

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

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

(D) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(b) For purposes of determining compliance with emissions limits, VOC will be measured by an applicable reference method in accordance with the Department's Source Sampling Manual, January, 1992. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and the Department approves the exclusion.

(c) The Department may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the Department's satisfaction, the amount of negligibly-reactive compounds in the source's emissions.

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

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

**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.

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of table(s)](http://arcweb.sos.state.or.us/rules/OARs_300/OAR_340/_340_tables/340-200-0020_4-28.pdf).]
[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: [DEQ 15-1978, f. & ef. 10-13-78; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033.04; DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 14-1989, f. & cert. ef. 6-26-89; DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91; DEQ 2-1992, f. & cert. ef. 1-30-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0145, 340-020-0225, 340-020-0305, 340-020-0355, 340-020-0460 & 340-020-0520; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. & cert. ef. 10-14-94; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0205, 340-028-0110; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11

**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 December 15, 2011.

(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. 11-13-91; 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. 6-1-01; 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; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 4-2007, f. & cert. ef. 6-28-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 5-2008, f. & cert. ef. 3-20-08; DEQ 11-2008, f. & cert. ef. 8-29-08; DEQ 12-2008, f. & cert. ef. 9-17-08; DEQ 14-2008, f. & cert. ef. 11-10-08; DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 3-2009, f. & cert. ef. 6-30-09; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 2-2010, f. & cert. ef. 3-5-10; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 14-2010, f. & cert. ef. 12-10-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 18-2011, f. & cert. ef. 12-21-11

**DIVISION 216**

**AIR CONTAMINANT DISCHARGE PERMITS**

**340-216-0020**

**Applicability**

This division applies to all sources referred to in Table 1. This division also applies to Oregon Title V Operating Permit program sources when an ACDP is required by OAR 340-218-0020 or 340-224-0010. Sources referred to in **Table 1** are subject to fees as set forth in **Table 2**.

(1) No person may construct, install, establish, develop or operate any air contaminant source which is referred to in Table 1 without first obtaining an Air Contaminant Discharge Permit (ACDP) from the Department or Regional Authority, unless otherwise deferred from the requirement to obtain an ACDP in subsection (1)(c) or (d) of this rule. No person may continue to operate an air contaminant source if the ACDP expires, or is terminated or revoked; except as provided in OAR 340-216-0082.

(a) For portable sources, a single permit may be issued for operating at any area of the state if the permit includes the requirements from both the Department and Regional Authorities.

(b) The Department or Regional Authority where the portable source's Corporate offices are located will be responsible for issuing the permit. If the corporate office of a portable source is located outside of the state, the Department will be responsible for issuing the permit.

(c) An air contaminant source required to obtain an ACDP or ACDP Attachment pursuant to a NESHAP or NSPS adopted by the Commission by rule is not required to submit an application for an ACDP or ACDP Attachment until four months after the effective date of the Commission’s adoption of the NESHAP or NSPS, and is not required to obtain an ACDP or ACDP Attachment until six months after the Commission’s adoption of the NESHAP or NSPS. In addition, the Department may defer the requirement to submit an application for, or to obtain an ACDP or ACDP Attachment, or both, for up to an additional twelve months.

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

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

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

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

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

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

(6) Subject to the requirements in this Division, the Lane Regional Air Protection Agency is designated by the Commission as the permitting agency to implement the Air Contaminant Discharge Permit program within its area of jurisdiction. The Regional Agency's program is subject to Department oversight. The requirements and procedures contained in this Division pertaining to the Air Contaminant Discharge Permit program shall be used by the Regional Agency to implement its permitting program until the Regional Agency adopts superseding rules which are at least as restrictive as state rules.

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

[ED. NOTE: Tables referenced are not included in rule text. Click here for PDF copy of tables.]

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A
Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 13-1981, f. 5-6-81, ef. 7-1-81; DEQ 11-1983, f. & ef. 5-31-83; DEQ 3-1986, f. & ef. 2-12-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0155; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1994, f. & cert. ef. 10-4-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1720; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 7-2007, f. & cert. ef. 10-18-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

**OAR 340-216-0020**

**AIR CONTAMINANT DISCHARGE PERMITS**

**Table 1**

**Part A: Activities and Sources**

The following commercial and industrial sources must obtain a Basic ACDP under the procedures set forth in 340-216-0056 unless the source is required to obtain a different form of ACDP by Part B or C hereof: (Production and emission parameters are based on the latest consecutive 12 month period, or future projected operation, whichever is higher. Emission cutoffs are based on actual emissions.)

1. \*\* Autobody Repair or Painting Shops painting more than 25 automobiles in a year.

2. Concrete Manufacturing including Redimix and CTB more than 5,000 but less than 25,000 cubic yards per year output.

3. Crematory and Pathological Waste Incinerators with less than 20 tons/yr. material input.

4. Natural gas and propane fired boilers (with or without #2 diesel oil back-up\*\*\*\*) of 10 or more MMBTU but less than 30 MMBTU/hr heat input constructed after June 9, 1989.

5. Prepared feeds for animals and fowl and associated grain elevators more than 1,000 tons/yr. but less than 10,000 tons per year throughput.

6. Rock, Concrete or Asphalt Crushing both portable and stationary more than 5,000 tons/yr. but less than 25,000 tons/yr. crushed.

7. Surface coating operations whose actual or expected usage of coating materials is greater than 250 gallons per month, excluding sources that exclusively use non-VOC and non-HAP containing coatings (e.g. powder coating operations).

**Part B Activities and Sources**

The following commercial and industrial sources must obtain either:

• a General ACDP, if one is available for the source classification and the source qualifies for a General ACDP under the procedures set forth in 340-216-0060;

• a Simple ACDP under the procedures set forth in 340-216-0064; or

• a Standard ACDP under the procedures set forth in 340-216-0066 if the source fits one of the criteria of Part C hereof.

1. Aerospace or Aerospace Parts Manufacturing

2. Aluminum, Copper, and Other Nonferrous Foundries subject to an Area Source NESHAP

3. Aluminum Production - Primary

4. Ammonia Manufacturing

5. Animal Rendering and Animal Reduction Facilities

6. Asphalt Blowing Plants

7. Asphalt Felts or Coating

8. Asphaltic Concrete Paving Plants both stationary and portable

9. Bakeries, Commercial over 10 tons of VOC emissions per year

10. Battery Separator Manufacturing

11. Battery Manufacturing and Re-manufacturing

12. Beet Sugar Manufacturing

13. Boilers and other Fuel Burning Equipment over 10 MMBTU/hr. heat input, except exclusively Natural Gas and Propane fired units (with or without #2 diesel backup) under 30 MMBTU/hr. heat input

14. Building paper and Buildingboard Mills

15. Calcium Carbide Manufacturing

16. \*\*\* Can or Drum Coating

17. Cement Manufacturing

18. \* Cereal Preparations and Associated Grain Elevators 10,000 or more tons/yr. throughput

19. Charcoal Manufacturing

20. Chlorine and Alkalies Manufacturing

21. Chrome Plating

22. Clay Ceramics Manufacturing subject to an Area Source NESHAP

23. Coffee Roasting (roasting 30 or more tons per year)

24. Concrete Manufacturing including Redimix and CTB 25,000 or more cubic yards per year output

25. Crematory and Pathological Waste Incinerators 20 or more tons/yr. material input

26. Degreasers (halogenated solvents subject to a NESHAP)

27. Electrical Power Generation from combustion, excluding units used exclusively as emergency generators and units less than 500 kW

28. Commercial Ethylene Oxide Sterilization, excluding facilities using less than 1 ton of ethylene oxide within all consecutive 12-month periods after December 6, 1996

29. Ferroalloy Production Facilities subject to an Area Source NESHAP

30. \*\*\* Flatwood Coating regulated by Division 232

31. \*\*\* Flexographic or Rotogravure Printing subject to RACT

32. \* Flour, Blended and/or Prepared and Associated Grain Elevators 10,000 or more tons/yr. throughput

33. Galvanizing and Pipe Coating (except galvanizing operations that use less than 100 tons of zinc/yr.)

34. Gasoline Bulk Plants, Bulk Terminals, and Pipeline Facilities

35. Gasoline dispensing facilities, excluding gasoline dispensing facilities with monthly throughput of less than 10,000 gallons of gasoline per month\*\*\*\*\*

36. Glass and Glass Container Manufacturing

37. Gold mine ore processing and production subject to an Area Source NESHAP

38. \* Grain Elevators used for intermediate storage 10,000 or more tons/yr. throughput

39. Grain terminal elevators

40. Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/yr. metal charged (not elsewhere identified)

41. Gypsum Products Manufacturing

42. Hardboard Manufacturing (including fiberboard)

43. Hospital sterilization operations subject to an Area Source NESHAP

44. Incinerators with two or more ton per day capacity

45. Lime Manufacturing

46. \*\*\* Liquid Storage Tanks subject to OAR Division 232

47. Magnetic Tape Manufacturing

48. Manufactured and Mobile Home Manufacturing

49. Marine Vessel Petroleum Loading and Unloading

50. Metal Fabrication and Finishing Operations subject to an Area Source NESHAP, excluding facilities that meet all the following:

a. Do not perform any of the operations listed in OAR 340-216-0060(2)(b)(Y)(i) through (iii);

b. Do not perform shielded metal arc welding (SMAW) using metal fabrication and finishing hazardous air pollutant (MFHAP) containing wire or rod; and

c. Use less than 100 pounds of MFHAP containing welding wire and rod per year

51. Millwork (including kitchen cabinets and structural wood members) 25,000 or more bd. ft./maximum 8 hr. input

52. Molded Container

53. Motor Coach Manufacturing

54. Motor Vehicle and Mobile Equipment Surface Coating Operations subject to an Area Source NESHAP, excluding motor vehicle surface coating operations painting less than 10 vehicles per year or using less than 20 gallons of coating per year, mobile equipment surface coating operations using less than 20 gallons of coating per year, and motor vehicle surface coating operations registered pursuant to OAR 340-210-0100(2)

55. Natural Gas and Oil Production and Processing and associated fuel burning equipment

56. Nitric Acid Manufacturing

57. Non-Ferrous Metal Foundries 100 or more tons/yr. of metal charged

58. Organic or Inorganic Chemical Manufacturing and Distribution with ½ or more tons per year emissions of any one criteria pollutant (sources in this category with less than ½ ton/yr. of each criteria pollutant are not required to have an ACDP)

59. Paint and Allied Products Manufacturing subject to an Area Source NESHAP

60. Paint Stripping and Miscellaneous Surface Coating Operations subject to an Area Source NESHAP

61. \*\*\* Paper or other Substrate Coating

62. Particleboard Manufacturing (including strandboard, flakeboard, and waferboard)

63. Perchloroethylene Dry Cleaning Operations subject to an Area Source NESHAP, excluding perchloroethylene dry cleaning operations registered pursuant to OAR 340-210-0100(2)

64. Pesticide Manufacturing 5,000 or more tons/yr. annual production

65. Petroleum Refining and Re-refining of Lubricating Oils and Greases including Asphalt Production by Distillation and the reprocessing of oils and/or solvents for fuels

66. Plating and Polishing Operations subject to an Area Source NESHAP

67. Plywood Manufacturing and/or Veneer Drying

68. Prepared Feeds Manufacturing for animals and fowl and associated grain elevators 10,000 or more tons per year throughput

69. Primary Smelting and/or Refining of Ferrous and Non-Ferrous Metals

70. Pulp, Paper and Paperboard Mills

71. Rock, Concrete or Asphalt Crushing both portable and stationary 25,000 or more tons/yr. crushed

72. Sawmills and/or Planing Mills 25,000 or more bd. ft./maximum 8 hr. finished product

73. Secondary Nonferrous Metals Processing subject to an Area Source NESHAP

74. Secondary Smelting and/or Refining of Ferrous and Non-Ferrous Metals

75. \* Seed Cleaning and Associated Grain Elevators 5,000 or more tons/yr. throughput

76. Sewage Treatment Facilities employing internal combustion for digester gasses

77. Soil Remediation Facilities stationary or portable

78. Steel Works, Rolling and Finishing Mills

79. \*\*\* Surface Coating in Manufacturing subject to RACT

80. Surface Coating Operations with actual emissions of VOCs before add on controls of 10 or more tons/yr.

81. Synthetic Resin Manufacturing

82. Tire Manufacturing

83. Wood Furniture and Fixtures 25,000 or more bd. ft./maximum 8 hr. input

84. Wood Preserving (excluding waterborne)

85. All Other Sources not listed herein that the Department determines an air quality concern exists or one which would emit significant malodorous emissions

86. All Other Sources not listed herein which would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons a year of PM10 if located in a PM10 non-attainment or maintenance area, or 10 or more tons of any single criteria pollutant in any part of the state

**Part C: Activities and Sources**

The following sources must obtain a Standard ACDP under the procedures set forth in 340-

216-0066:

1. Incinerators for PCBs and / or other hazardous wastes

2. All Sources that the Department determines have emissions that constitute a nuisance

3. All Sources electing to maintain the source’s baseline emission rate, or netting basis

4. All Sources subject to a RACT, BACT, LAER, NESHAP adopted in OAR 340-244-0220, NSPS adopted in OAR 340-238-0060, State MACT, or other significant Air Quality regulation(s), except:

a. Source categories for which a General ACDP has been issued.

b. Sources with less than 10 tons/yr. actual emissions that are subject to RACT, NSPS adopted in OAR 340-238-0060 or a NESHAP adopted in OAR 340-244-0220 which qualify for a Simple ACDP.

c. Sources registered pursuant to OAR 340-210-0100(2).

d. Electrical power generation units used exclusively as emergency generators and units less than 500 kW.

e. Gasoline dispensing facilities, provided the gasoline dispensing facility has monthly throughput of less than 10,000 gallons of gasoline per month

f. Motor vehicle surface coating operations painting less than 10 vehicles per year or using less than 20 gallons of coating per year.

g. Commercial ethylene oxide sterilization operations using less than 1 ton of ethylene oxide within all consecutive 12-month periods after December 6, 1996.

h. Metal fabrication and finishing operations that meet all the following:

A. Do not perform any of the operations listed in OAR 340-216-0060(2)(b)(Y)(i) through (iii);

B. Do not perform shielded metal arc welding (SMAW) using metal fabrication and finishing hazardous air pollutant (MFHAP) containing wire or rod; and

C. Use less than 100 pounds of MFHAP containing welding wire and rod per year.

i. Chemical manufacturing facilities that do not transfer liquids containing organic HAP listed in Table 1 of 40 CFR part 63 subpart VVVVVV to tank trucks or railcars and are not subject to emission limits in Table 2, 3, 4, 5, 6, or 8 of 40 CFR part 63 subpart VVVVVV.

j. Prepared feeds manufacturing facilities with less than 10,000 tons per year throughput.

k. Boilers and other fuel burning equipment with less than 10 MMBTU/hr. heat input.

5. All Sources having the Potential to Emit more than 100 tons of any regulated air contaminant in a year

6. All Sources having the Potential to Emit more than 10 tons of a single hazardous air pollutant in a year

7. All Sources having the Potential to Emit more than 25 tons of all hazardous air pollutants combined in a year

**Notes:**

\* Applies only to Special Control Areas

\*\* Portland AQMA only

\*\*\* Portland AQMA, Medford-Ashland AQMA or Salem SKATS only

\*\*\*\* “back-up” means less than 10,000 gallons of fuel per year

\*\*\*\*\* “monthly throughput” means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at the gasoline dispensing facility during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at the gasoline dispensing facility during the month, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at the gasoline dispensing facility during the previous 11 months, and then dividing that sum by 12

**340-216-0060**

**General Air Contaminant Discharge Permits**

(1) Applicability.

(a) The Department may issue a General ACDP under the following circumstances:

(A) There are several sources that involve the same or substantially similar types of operations;

(B) All requirements applicable to the covered operations can be contained in a General ACDP;

(C) The emission limitations, monitoring, recordkeeping, reporting and other enforceable conditions are the same for all operations covered by the General ACDP; and

(D) The pollutants emitted are of the same type for all covered operations.

(b) Permit content. Each General ACDP must include the following:

(A) All relevant requirements for the operations covered by the General ACDP;

(B) Generic PSELs for all pollutants emitted at more than the deminimis level in accordance with OAR 340, division 222;

(C) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the PSEL and other applicable emissions limits and standards; and

(D) A permit expiration date not to exceed 10 years from the date of issuance.

(c) Permit issuance procedures: A new General ACDP requires public notice and opportunity for comment in accordance with OAR 340 division 209 for Category III permit actions. A reissued General ACDP or a modification to a General ACDP requires public notice and opportunity for comment in accordance with OAR 340 division 209 for Category II permit actions. All General ACDPs are on file and available for review at the Department's headquarters.

(2) Source assignment:

(a) Application requirements. Any person requesting that a source be assigned to a General ACDP must submit a written application in accordance with OAR 340-216-0040 that includes the information in OAR 340-216-0040(1), specifies the General ACDP source category, and shows that the source qualifies for the General ACDP.

(b) Fees. Applicants must pay the fees set forth in Table 2 of OAR 340-216-0020. The fee class for each General ACDP is as follows:

(A) Hard chrome platers — Fee Class Three;

(B) Decorative chrome platers — Fee Class Two;

(C) Halogenated solvent degreasers — batch cold, batch vapor, and in-line — Fee Class Two;

(D) Perchloroethylene dry cleaners — Fee Class Six;

(E) Asphalt plants — Fee Class Three;

(F) Rock crushers — Fee Class Two;

(G) Ready-mix concrete — Fee Class One;

(H) Sawmills, planing mills, millwork, plywood manufacturing and veneer drying — Fee Class Three;

(I) Boilers — Fee Class Two;

(J) Crematories — Fee Class Two;

(K) Grain elevators — Fee Class One;

(L) Prepared feeds, flour, and cereal — Fee Class One;

(M) Seed cleaning — Fee Class One;

(N) Coffee roasters — Fee Class One;

(O) Bulk gasoline plants — Fee Class One;

(P) Electric power generators — Fee Class Two;

(Q) Clay ceramics — Fee Class One;

(R) Hospital sterilizers — Fee Class Four;

(S) Secondary nonferrous metals — Fee Class One;

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

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

(V) Wood preserving — Fee Class Four;

(W) Metal fabrication and finishing — with two or more of the following operations — Fee Class Two;

(i) Dry abrasive blasting performed in a vented enclosure or of objects greater than 8 feet (2.4 meters) in any one dimension that uses materials that contain MFHAP or has the potential to emit MFHAP;

(ii) Spray-applied painting operation using MFHAP containing paints;

(iii) Welding operation that uses materials that contain MFHAP or has the potential to emit MFHAP and uses 2,000 pounds or more per year of MFHAP containing welding wire and rod (calculated on a rolling 12-month basis);

(X) Metal fabrication and finishing — with only one of the operations listed in subparagraphs (2)(b)(Y)(i) through (iii) of this rule — Fee Class One:

(Y) Metal fabrication and finishing — with none of the operations listed in subparagraphs (2)(b)(Y)(i) through (iii) of this rule — Fee Class Four;

(Z) Plating and polishing — Fee Class One;

(AA) Surface coating operations — Fee Class One;

(BB) Paint stripping — Fee Class One;

(CC) Aluminum, copper, and nonferrous foundries — Fee Class Two;

(DD) Paints and allied products manufacturing — Fee Class Two;

(EE) Any General ACDP not listed above — Fee Class One.

(c) Source assignment procedures:

(A) Assignment of a source to a General ACDP is a Category I permit action and is subject to the Category I public notice requirements in accordance with OAR 340, division 209.

(B) A person is not a permittee under the General ACDP until the Department assigns the General ACDP to the person.

(C) Assignments to General ACDPs and attachment(s) terminate when the General ACDP or attachment expires or is modified, terminated or revoked.

(D) Once a source has been assigned to a General ACDP, if the assigned General ACDP does not cover all requirements applicable to the source, the other applicable requirements must be covered by assignment to one or more General ACDP Attachments in accordance with OAR 340-216-0062, otherwise the source must obtain a Simple or Standard ACDP.

(E) A source requesting to be assigned to a General ACDP Attachment, in accordance with OAR 340-216-0062, for a source category in a higher annual fee class than the General ACDP the source is currently assigned to, must be reassigned to the General ACDP for the source category in the higher annual fee class.

(3) Department Initiated Modification. If the Department determines that the conditions have changed such that a General ACDP for a category needs to be modified, the Department may issue a new General ACDP for that category and assign all existing General ACDP permit holders to the new General ACDP.

(4) Rescission. In addition to OAR 340-216-0082 (Termination or Revocation of an ACDP), the Department may rescind an individual source's assignment to a General ACDP if the source no longer meets the requirements of this rule or the conditions of the permit, including, but not limited to a source having an ongoing, reoccurring or serious compliance problem. Upon rescinding a source's assignment to a General ACDP the Department will place the source on a Simple or Standard ACDP. The Department may also revoke a General ACDP or attachment or both if conditions, standards or rules have changed so the permit or attachment no longer meets the requirements of this rule.

**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.

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

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468.020 & 468A.025
Hist.: DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1725; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 10-2001, f. & cert. ef. 8-30-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

**340-216-0064**

**Simple ACDP**

(1) Applicability.

(a) Sources and activities listed in Table 1, Part B of OAR 340-216-0020 that do not qualify for a General ACDP and are not required to obtain a Standard ACDP must, at a minimum, obtain a Simple ACDP.

(b) Any source required to obtain a Simple ACDP may obtain a Standard ACDP.

(c) The Department may determine that a source is ineligible for a Simple ACDP and must obtain a Standard ACDP based upon, but not limited to, the following considerations:

(A) The nature, extent, and toxicity of the source's emissions;

(B) The complexity of the source and the rules applicable to that source;

(C) The complexity of the emission controls and potential threat to human health and the environment if the emission controls fail;

(D) The location of the source; and

(E) The compliance history of the source.

(2) Application Requirements. Any person requesting a new, modified, or renewed Simple ACDP must submit an application in accordance with OAR 340-216-0040.

(3) Fees. Applicants for a new or modified Simple ACDP must pay the fees set forth in Table 2 of 340-216-0020. Annual fees for Simple ACDPs will be assessed based on the following:

(a) Low Fee — A Source may qualify for the Low Fee if:

(A) the source is, or will be, permitted under only one of the following categories from OAR 340-216-0020 Table 1, Part B (category 25. Electric Power Generation, may be included with any category listed below):

(i) Category 7. Asphalt felt and coatings;

(ii) Category 13. Boilers and other fuel burning equipment;

(iii) Category 33. Galvanizing & Pipe coating;

(iv) Category 40. Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/yr. metal charged (not elsewhere identified);

(v) Category 41. Gypsum products;

(vi) Category 46. Liquid Storage Tanks subject to OAR division 232;

(vii) Category 57. Non-Ferrous Metal Foundries 100 or more tons/yr. of metal charged;

(viii) Category 58. Organic or Inorganic Industrial Chemical Manufacturing;

(ix) Category 63. Perchloroethylene Dry Cleaning;

(x) Category 74. Secondary Smelting and/or Refining of Ferrous and Non-Ferrous Metals; or

(xi) Category 86. All Other Sources not listed in Table 1 which would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons a year of direct PM2.5 or PM10 if located in a PM2.5 or PM10 non-attainment or maintenance area, or 10 or more tons of any single criteria pollutant in any part of the state; and

(B) The actual emissions from the 12 months immediately preceding the invoice date, and future projected emissions are less than 5 tons/yr. PM10 in a PM10 nonattainment or maintenance area, and less than 10 tons/yr. for each criteria pollutant; and

(C) The source is not considered an air quality problem or nuisance source by the Department.

(b) High Fee — Any source required to have a Simple ACDP (OAR 340-216-0020 Table 1 Part B) that does not qualify for the Low Fee will be assessed the High Fee.

(c) If the Department determines that a source was invoiced for the Low Annual Fee but does not meet the Low Fee criteria outlined above, the source will be required to pay the difference between the Low and High Fees, plus applicable late fees in accordance with OAR 340-216-0020 Table 2. Late fees start upon issuance of the initial invoice. In this case, the Department will issue a new invoice specifying applicable fees.

(4) Permit Content.

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

(b) Generic PSELs for all pollutants emitted at more than the deminimis level in accordance with OAR 340 division 222;

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

(d) A permit duration not to exceed 5 years

(5) Permit issuance procedures:

(a) Issuance of a new or renewed Simple ACDP requires public notice in accordance with OAR 340 division 209 for Category II permit actions.

(b) Issuance of a modification to a Simple ACDP requires one of the following procedures, as applicable:

(A) Non-technical and non-NSR/PSD Basic and Simple technical modifications require public notice in accordance with OAR 340, division 209 for Category I permit actions; or

(B) Issuance of non-NSR/PSD Moderate and Complex technical modifications require public notice in accordance with OAR 340 division 209 for Category II permit actions.

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

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

**DIVISION 230**

**INCINERATOR REGULATIONS**

**340-230-0020**

**Applicability**

(1) OAR 340-230-0100 through 340-230-0150 apply to all solid and infectious waste incinerators other than:

(a) Municipal waste combustors, including those municipal waste combustors that burn some medical waste, that are subject to either OAR 340-238-0060, or 340-230-0300 through 340-230-0395; and

(b) Hospital/medical/infectious waste incinerators that are subject to OAR 340-230-0400 through 340-230-0410.

(c) Commercial/industrial solid waste incinerators that are subject to OAR 340-230-0500 through 340-230-0580.

(2) OAR 340-230-0200 through 340-230-0230 apply to all new and existing crematory incinerators;

(3) OAR 340-230-0300 through 340-230-0395 apply to municipal waste combustors as specified in 340-230-0300.

(4) OAR 340-230-0400 through 340-230-0410 apply to hospital/medical/infectious waste incinerators as specified in 340-230-0400.

(5) OAR 340-230-0500 through 340-230-0580 apply to commercial/industrial solid waste incinerators as specified in 340-230-0500.

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 27-1996, f. & cert. ef. 12-11-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0852; DEQ 4-2003, f. & cert. ef. 2-06-03; DEQ 8-2007, f. & cert. ef. 11-8-07

**340-230-0030**

**Definitions**

The definitions in OAR 340-200-0020, 340-238-0040 and this rule apply to this division. If the same term is defined in this rule and 340-200-0020 or 340-238-0040, the definition in this rule applies to this division. Applicable definitions have the same meaning as those provided in **40 CFR 60.51c** including, but not limited to:

(1) "Acid Gases" means any exhaust gas that includes hydrogen chloride and sulfur dioxide.

(2) "Affirmative defense" means, in the context of an enforcement proceeding, a response or defense put forward by a defendant, regarding which the defendant has the burden of proof, and the merits of which are independently and objectively evaluated in a judicial or administrative proceeding.

(3) "Agricultural waste" means vegetative agricultural materials such as nut and grain hulls and chaff (e.g., almond, walnut, peanut, rice, and wheat), bagasse, orchard prunings, corn stalks, coffee bean hulls and grounds, and other vegetative waste materials generated as a result of agricultural operations.

(4) "Air curtain incinerator" means an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of that type can be constructed above or below ground and with or without refractory walls and floor. (Air curtain incinerators are not to be confused with conventional combustion devices with enclosed fireboxes and controlled air technology such as mass burn, modular, and fluidized bed combustors.)

(5) "Auxiliary fuel" means natural gas, liquified petroleum gas, fuel oil, or diesel fuel.

(6) "Bag leak detection system" means an instrument that is capable of monitoring particulate matter loadings in the exhaust of a fabric filter (i.e., baghouse) in order to detect bag failures. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, light scattering, light transmittance, or other principle to monitor relative particulate matter loadings.

(7) "Burn-off oven" means any rack reclamation unit, part reclamation unit, or drum reclamation unit. A burn-off oven is not an incinerator, waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

(8) "Bypass stack" means a device used for discharging combustion gases to avoid severe damage to the air pollution control device or other equipment.

(9) "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2012 edition.

(10) "Chemical recovery unit" means combustion units burning materials to recover chemical constituents or to produce chemical compounds where there is an existing commercial market for such recovered chemical constituents or compounds. The following seven types of units are considered chemical recovery units:

(a) Units burning only pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery process and reused in the pulping process.

(b) Units burning only spent sulfuric acid used to produce virgin sulfuric acid.

(c) Units burning only wood or coal feedstock for the production of charcoal.

(d) Units burning only manufacturing byproduct streams/residue containing catalyst metals that are reclaimed and reused as catalysts or used to produce commercial grade catalysts.

(e) Units burning only coke to produce purified carbon monoxide that is used as an intermediate in the production of other chemical compounds.

(f) Units burning only hydrocarbon liquids or solids to produce hydrogen, carbon monoxide, synthesis gas, or other gases for use in other manufacturing processes.

(g) Units burning only photographic film to recover silver.

(11) "Chemotherapeutic waste" means waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.

(12) "Clean lumber" means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.

(13) "Commercial and industrial solid waste incineration unit (CISWI) means any distinct operating unit of any commercial or industrial facility that combusts, or has combusted in the preceeding 6 months, any solid waste as that term is defined in **40 CFR part 241**. If the operating unit burns materials other than traditional fuels as defined in **40 CFR 241.2** that have been discarded, and the owner or operator does not keep and produce records as required by **40 CFR 60.2740(u)**, the material is a solid waste and the operating unit is a CISWI unit. While not all CISWI units will include all of the following components, a CISWI unit includes, but is not limited to, the solid waste feed system, grate system, flue gas system waste heat recovery equipment, if any, and bottom ash. The CISWI unit does not include air pollution control equipment or the stack. The CISWI unit boundary starts at the solid waste hopper (if applicable) and extends through two areas:

(a) The combustion unit flue gas system, which ends immediately after the last combustion chamber or after the waste heat recovery equipment, if any.

(b) The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. The CISWI includes all ash handling systems connected to the bottom ash handling system.

(14) "Commercial and industrial waste" means solid waste (as defined in this rule) that is combusted at any commercial or industrial facility using controlled flame combustion in an enclosed, distinct operating unit: Whose design does not provide energy recovery (as defined in this rule; or operated without energy recovery (as defined in this rule). Commercial or industrial waste also means solid waste (as defined in this rule) combusted in an air curtain incinerator that is a distinct operating unit of any commercial or industrial facility.

(15) "Contained gaseous material" means gases that are in a container when that container is combusted.

(16) "Continuous Emission Monitoring (CEM)" means a monitoring system for continuously measuring the emissions of a pollutant from an affected incinerator. Continuous monitoring equipment and operation must be certified in accordance with EPA performance specifications and quality assurance procedures outlined in **40 CFR part 60**, **appendices B and F**, and the Department's CEM Manual.

(17) "Crematory Incinerator" means an incinerator used solely for the cremation of human and animal bodies.

(18) "Cyclonic burn barrel" means a combustion device for waste materials that is attached to a 55 gallon, open-head drum. The device consists of a lid, which fits onto and encloses the drum, and a blower that forces combustion air into the drum in a cyclonic manner to enhance the mixing of waste material and air. A cyclonic burn barrel is not an incinerator, waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

(19) "Deviation" means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(a) Fails to meet any requirement or obligation established by this subpart, including but not limited to any emission limitation, operating limit, or operator qualification and accessibility requirements.

(b) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit.

(20) "Dioxins/furans" means tetra-through octachlorinated dibenzo-p-dioxins and dibenzofurans.

(21) "Discard" means, for purposes of this subpart and **40 CFR part 60 subpart DDDD**, only, burned in an incineration unit without energy recovery.

(22) "Drum reclamation unit" means a unit that burns residues out of drums (e.g., 55 gallon drums) so that the drums can be reused.

(23) "Dry Standard Cubic Foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions. When applied to combustion flue gases from waste or refuse burning, "Standard Cubic Foot (SCF)" implies adjustment of gas volume to that which would result at a concentration of seven percent oxygen or 50 percent excess air.

(24) "Energy recovery unit" means a combustion unit combusting solid waste (as that term is defined by the Administrator under Resource Conservation and Recovery Act in **40 CFR part 240**) for energy recovery. Energy recovery units include units that would be considered boilers and process heaters if they did not combust solid waste.

(25) "Energy recovery unit designed to burn biomass" means an energy recovery unit that burns solid waste and at least 10 percent biomass, but less than 10 percent coal, on a heat input basis on an annual average, either alone or in combination with liquid waste, liquid fuel or gaseous fuels.

(26) "Energy recovery unit designed to burn coal" means an energy recovery unit that burns solid waste and at least 10 percent coal on a heat input basis on an annual average, either alone or in combination with liquid waste, liquid fuel or gaseous fuels.

(27) "Energy recovery unit designed to burn liquid waste material and gas" means an energy recovery unit that burns a liquid waste with liquid or gaseous fuels not combined with any solid fuel or waste materials.

(28) "Energy recovery unit designed to burn solid materials" means an energy recovery unit designed to burn coal and energy recovery unit designed to burn biomass.

(29) "Fluidized bed combustion unit" means a unit where municipal waste is combusted in a fluidized bed of material. The fluidized bed material may remain in the primary combustion zone or may be carried out of the primary combustion zone and returned through a recirculation loop.

(30) "Homogeneous wastes" means stable, consistent in formulation, have known fuel properties, have a defined origin, have predictable chemical and physical attributes, and result in consistent combustion characteristics and have a consistent emissions profile.

(31) "Incinerator" means any furnace used in the process of combusting solid waste (as the term is defined by the Administrator under Resource Conservation and Recovery Act in **40 CFR part 240**) for the purpose of reducing the volume of the waste by removing combustible matter. Incinerator designs include single chamber and two-chamber.

(32) "Infectious Waste" means waste as defined in ORS Chapter 763, Oregon Laws 1989, that contains or may contain any disease producing microorganism or material, and includes, but is not limited to the following:

(a) "Biological waste", which includes blood and blood products, and body fluids that cannot be directly discarded into a municipal sewer system, and waste materials saturated with blood or body fluids, but does not include soiled diapers;

(b) "Cultures and stocks", which includes etiologic agents and associated biologicals; including specimen cultures and dishes, devices used to transfer, inoculate and mix cultures, wastes from production of biologicals, and serums and discarded live and attenuated vaccines. "Cultures" does not include throat and urine cultures;

(c) "Pathological waste", which includes biopsy materials and all human tissues, anatomical parts that emanate from surgery, obstetrical procedures, autopsy and laboratory procedures and animal carcasses exposed to pathogens in research and the bedding and other waste from such animals. "Pathological wastes" does not include teeth or formaldehyde or other preservative agents;

(d) "Sharps", which includes needles, IV tubing with needles attached, scalpel blades, lancets, glass tubes that could be broken during handling and syringes that have been removed from their original sterile containers.

(33) "Infectious Waste Facility" or "Infectious Waste Incinerator" means an incinerator that is operated or utilized for the disposal or treatment of infectious waste, including combustion for the recovery of heat, and which utilizes high temperature thermal destruction technologies.

(34) "Kiln" means an oven or furnace, including any associated preheater or precalciner devices, used for processing a substance by burning, firing or drying. Kilns include cement kilns that produce clinker by heating limestone and other materials for subsequent production of Portland Cement.

(35) "Laboratory analysis unit" means units that burn samples of materials for the purpose of chemical or physical analysis. A laboratory analysis unit is not an incinerator, waste burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

(36) "Low-level radioactive waste" means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable Federal or State standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)).

(37) "Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused, in part, by poor maintenance or careless operation are not malfunctions.

(38) "Mass burn refractory municipal waste combustion unit" means a field-erected municipal waste combustion unit that combusts municipal solid waste in a refractory wall furnace. Unless otherwise specified, that includes municipal waste combustion units with a cylindrical rotary refractory wall furnace.

(39) "Mass burn rotary waterwall municipal waste combustion unit" means a field-erected municipal waste combustion unit that combusts municipal solid waste in a cylindrical rotary waterwall furnace.

(40) "Mass burn waterwall municipal waste combustion unit" means a field-erected municipal waste combustion unit that combusts municipal solid waste in a waterwall furnace.

(41) "Minimum voltage or amperage" means 90 percent of the lowest test-run average voltage or amperage to the electrostatic precipitator measured during the most recent particulate matter or mercury performance test demonstrating compliance with the applicable emission limits.

(42) "Modification or modified CISWI unit" means a CISWI unit that has been changed later than June 1, 2001, and that meets one of two criteria:

(a) The cumulative cost of the changes over the life of the unit exceeds 50 percent of the original cost of building and installing the CISWI unit (not including the cost of land) updated to current costs (current dollars). To determine what systems are within the boundary of the CISWI unit used to calculate these costs, see the definition of CISWI unit.

(b) Any physical change in the CISWI unit or change in the method of operating it that increases the amount of any air pollutant emitted for which Clean Air Act Section 129 or Section 111 has established standards.

(43) "Modular excess-air municipal waste combustion unit" means a municipal waste combustion unit that combusts municipal solid waste, is not field-erected, and has multiple combustion chambers, all of which are designed to operate at conditions with combustion air amounts in excess of theoretical air requirements.

(44) "Modular starved-air municipal waste combustion unit" means a municipal waste combustion unit that combusts municipal solid waste, is not field-erected, and has multiple combustion chambers in which the primary combustion chamber is designed to operate at substoichiometric conditions.

(45) "Municipal waste combustor plant" means one or more municipal waste combustor units at the same location.

(46) "Municipal waste combustor plant capacity" means the aggregate municipal waste combustor unit capacity of all municipal waste combustor units at a municipal waste combustor plant for which construction was commenced on or before September 20, 1994.

(47) "Operating day" means a 24-hour period between 12:00 midnight and the following midnight during which any amount of solid waste is combusted at any time in the CISWI unit.

(48) "Part reclamation unit" means a unit that burns coatings off parts (e.g., tools, equipment) so that the parts can be reconditioned and reused.

(49) "Particulate matter" means total particulate matter emitted from CISWI units as measured by Method 5 or Method 29 of **40 CFR part 60**, **appendix A**.

(50) "Pathological waste" means waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding (if applicable).

(51) "Primary Combustion Chamber" means the discrete equipment, chamber or space in which drying of the waste, pyrolysis, and essentially the burning of the fixed carbon in the waste occurs.

(52) "Process change" means a significant permit revision, but only with respect to those pollutant-specific emission units for which the proposed permit revision is applicable, including but not limited to a change in the air pollution control devices used to comply with the emission limits for the affected

CISWI unit (e.g., change in the sorbent used for activated carbon injection).

(53) "Pyrolysis" means the endothermic gasification of waste material using external energy.

(54) "Rack reclamation unit" means a unit that burns the coatings off racks used to hold small items for application of a coating. The unit burns the coating overspray off the rack so the rack can be reused.

(55) "Raw mill" means a ball and tube mill, vertical roller mill or other size reduction equipment, that is not part of an in-line kiln/raw mill, used to grind feed to the appropriate size. Moisture may be added or removed from the feed during the grinding operation. If the raw mill is used to remove moisture from feed materials, it is also, by definition, a raw material dryer. The raw mill also includes the air separator associated with the raw mill.

(56) "Reconstruction" means rebuilding a CISWI unit and meeting two criteria:

(a) The reconstruction begins on or after June 1, 2001.

(b) The cumulative cost of the construction over the life of the incineration unit exceeds 50 percent of the original cost of building and installing the CISWI unit (not including land) updated to current costs (current dollars). To determine what systems are within the boundary of the CISWI unit used to calculate these costs, see the definition of CISWI unit.

(57) "Refuse-derived fuel" means a type of municipal solid waste produced by processing municipal solid waste through shredding and size classification. This includes all classes of refuse-derived fuel including two fuels:

(a) Low-density fluff refuse-derived fuel through densified refuse-derived fuel.

(b) Pelletized refuse-derived fuel.

(58) "Secondary" or "Final Combustion Chamber" means the discrete equipment, chamber, or space in which the products of pyrolysis are combusted in the presence of excess air such that essentially all carbon is burned to carbon dioxide.

(59) "Shutdown" means the period of time after all waste has been combusted in the primary chamber.

(60) "Small, remote incinerator" means an incinerator that combusts solid waste (as that term is defined by the Administrator under RCRA in **40 CFR part 240**) and combusts 3 tons per day or less solid waste and is more than 25 miles driving distance to the nearest municipal solid waste landfill.

(61) "Soil treatment unit" means a unit that thermally treats petroleum–contaminated soils for the sole purpose of site remediation. A soil treatment unit may be direct-fired or indirect fired. A soil treatment unit is not an incinerator, waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

(62) "Solid Waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1342), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014).

(63) "Solid Waste Facility" or "Solid Waste Incinerator" means an incinerator that is operated or utilized for the disposal or treatment of solid waste including combustion for the recovery of heat, and that utilizes high temperature thermal destruction technologies.

(64) "Solid waste incineration unit" means a distinct operating unit of any facility which combusts any solid (as that term is defined by the Administrator under the Resource Conservation and Recovery Act in **40 CFR part 240**) waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels and motels). Such term does not include incinerators or other units required to have a permit under section 3005 of the Solid Waste Disposal Act. The term ‘‘solid waste incineration unit’’ does not include (A) materials recovery facilities (including primary or secondary smelters) which combust waste for the primary purpose of recovering metals, (B) qualifying small power production facilities, as defined in section 3(17)(C) of the Federal Power Act (16 U.S.C. 769(17)(C)), or qualifying cogeneration facilities, as defined in section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)), which burn homogeneous waste (such as units which burn tires or used oil, but not including refuse-derived fuel) for the production of electric energy or in the case of qualifying cogeneration facilities which burn homogeneous waste for the production of electric energy and steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating or cooling purposes, or (C) air curtain incinerators provided that such incinerators only burn wood wastes, yard

wastes and clean lumber and that such air curtain incinerators comply with opacity limitations to be established by the Administrator by rule.

(65) "Space heater" means a usually portable appliance for heating a relatively small area.

(66) "Spreader stoker, mixed fuel-fired (coal/refuse-derived fuel) combustion unit" means a municipal waste combustion unit that combusts coal and refuse-derived fuel simultaneously, in which coal is introduced to the combustion zone by a mechanism that throws the fuel onto a grate from above. Combustion takes place both in suspension and on the grate.

(67) "Standard conditions", when referring to units of measure, means a temperature of 68 °F (20 °C) and a pressure of 1 atmosphere (101.3 kilopascals).

(68) "Startup period" means the period of time between the activation of the system and the first charge to the unit.

(69) "Transmissometer" means a device that measures opacity and conforms to EPA Specification Number 1 in **40 CFR part 60**, **appendix B**.

(70) "Waste-burning kiln" means a kiln that is heated, in whole or in part, by combusting solid waste (as that term is defined by the Administrator under the Resource Conservation and Recovery Act pursuant in **40 CFR part 240**).

(71) "Wet scrubber" means an add-on air pollution control device that utilizes an aqueous or alkaline scrubbing liquor to collect particulate matter (including nonvaporous metals and condensed organics) and/or to absorb and neutralize acid gases.

(72) "Wood waste" means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings. Wood waste does not include:

(a) Grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.

(b) Construction, renovation, or demolition wastes.

(c) Clean lumber.

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

Stat. Auth.: ORS 183, 468 & 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 22-1998, f. & cert. ef. 10-21-98; DEQ 9-1990, f. & cert. ef. 3-13-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 27-1996, f. & cert. ef. 12-11-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0750, 340-025-0855, 340-025-0950; DEQ 4-2003, f. & cert. ef. 2-06-03; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 1-2011, f. & cert. ef. 2-24-11

**Commercial and Industrial Solid Waste Incinerators**

**340-230-0500**

**Applicability**

(1) OAR 340-230-0505 through 340-230-0580 apply to each incineration units that meet all three of the following criteria:

(a) Incineration units that commenced construction on or before June 4, 2010.

(b) Incineration units that meet the definition of a CISWI unit as defined in OAR 340-230-0030.

(c) Incineration units not exempt under section (4) of this rule.

(2) If the owner or operator of a CISWI unit makes changes that meet the definition of modification or reconstruction on or after June 1, 2001, the CISWI unit becomes subject to **40 CFR part 60 subpart CCCC** and OAR 340-230-0505 through 340-230-0580 no longer apply to that unit.

(3) If the owner or operator of a CISWI unit makes physical or operational changes to an existing CISWI unit primarily to comply OAR 340-230-0505 through 340-230-0580, **40 CFR part 60 subpart CCCC** does not apply to that unit. Such changes do not qualify as modifications or reconstructions under **40 CFR part 60 subpart CCCC**.

(4) OAR 340-230-0505 through 340-230-0580 does not apply to the following units, but some units are required to provide notifications.

(a) *Pathological waste incineration units.* Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low level radioactive waste, and/or chemotherapeutic waste as defined in OAR 340-230-0030 if the owner or operator meets the following two requirements:

(A) Notify DEQ that the unit meets these criteria.

(B) Keep records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste burned, and the weight of all other fuels and wastes burned in the unit.

(b) *Municipal waste combustion units.* Incineration units that are regulated under **40 CFR part 60 subpart Ea**, **Eb**, or **AAAA**, or OAR 340-230-0300 through 0395.

(c) *Medical waste incineration units.* Incineration units regulated under **40 CFR part 60 subpart Ec**.

(d) *Small power production facilities.* Units that meet the following three requirements:

(A) The unit qualifies as a small power-production facility under section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).

(B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.

(C) The owner or operator submits a request to DEQ for a determination that the qualifying cogeneration facility is combusting homogenous waste as that term is defined in OAR 340-230-0030. The request must include information sufficient to document that the unit meets the criteria of the definition of a small power production facility and that the waste material the unit is proposed to burn is homogeneous.

(e) *Cogeneration facilities.* Units that meet the following three requirements:

(A) The unit qualifies as a cogeneration facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)).

(B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

(C) The owner or operator submits a request to DEQ for a determination that the qualifying cogeneration facility is combusting homogenous waste as that term is defined OAR 340-230-0030. The request must include information sufficient to document that the unit meets the criteria of the definition of a cogeneration facility and that the waste material the unit is proposed to burn is homogeneous.

(f) *Hazardous waste combustion units*. Units for which you are required to get a permit under section 3005 of the Solid Waste Disposal Act.

(g) *Materials recovery units.* Units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters.

(h) *Sewage treatment plants.* Incineration units regulated under **40 CFR part 60 subpart O**.

(i) *Sewage sludge incineration units*. Incineration units combusting sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter that are subject to **40 CFR part 60 subpart LLLL**. Sewage sludge incineration unit designs may include fluidized bed and multiple hearth.

(j) *Chemical recovery units.* Combustion units burning materials to recover chemical constituents or to produce chemical compounds where there is an existing commercial market for such recovered chemical constituents or compounds. The following seven types of units are considered chemical recovery units.

(A) Units burning only pulping liquors (*i.e.,* black liquor) that are reclaimed in a pulping liquor recovery process and reused in the pulping process.

(B) Units burning only spent sulfuric acid used to produce virgin sulfuric acid.

(C) Units burning only wood or coal feedstock for the production of charcoal.

(D) Units burning only manufacturing byproduct streams/residues containing catalyst metals which are reclaimed and reused as catalysts or used to produce commercial grade catalysts.

(E) Units burning only coke to produce purified carbon monoxide that is used as an intermediate in the production of other chemical compounds.

(F) Units burning only hydrocarbon liquids or solids to produce hydrogen, carbon monoxide, synthesis gas, or other gases for use in other manufacturing processes.

(G) Units burning only photographic film to recover silver.

(H) If a chemical recovery unit is not listed above, the owner or operator of the unit can petition the Administrator to add the unit to the list. The petition must contain the following six items. Until the Administrator approves the petition, the incineration unit is covered by OAR 340-230-0505 through 340-230-0580.

(i) A description of the source of the materials being burned.

(ii) A description of the composition of the materials being burned, highlighting the chemical constituents in these materials that are recovered.

(iii) A description (including a process flow diagram) of the process in which the materials are burned, highlighting the type, design, and operation of the equipment used in this process.

(iv) A description (including a process flow diagram) of the chemical constituent recovery process, highlighting the type, design, and operation of the equipment used in this process.

(v) A description of the commercial markets for the recovered chemical constituents and their use.

(vi) The composition of the recovered chemical constituents and the composition of these chemical constituents as they are bought and sold in commercial markets.

(k) *Laboratory analysis units.* Units that burn samples of materials for the purpose of chemical or physical analysis.

**340-230-0505**

**Compliance Schedule**

(1) For CISWI units in the incinerator subcategory that commenced construction after November 30, 1999, but on or before June 4, 2010, and for CISWI units in the energy recovery units, waste-burning kilns, and small remote incinerators subcategories that commenced construction before June 4, 2010, the owner or operator must achieve final compliance as expeditiously as practicable but not later than March 21, 2016.

(2) If planning to achieve compliance more than 1 year following the effective date of State plan approval, the owner or operator of the CISWI unit must meet the following two increments of progress:

(a) Submit a final control plan no later than 1 year following the effective date of approval of the state plan.

(b) Achieve final compliance no later than March 21, 2016.

(3) If closing the CISWI unit, but restarting it prior to the final compliance date, the owner or operator of the CISWI unit must meet the increments of progress specified in section (2) of this rule.

(4) If closing the CISWI unit but restarting it after the final compliance date, the owner or operator of the CISWI unit must complete emission control retrofits and meet the emission limitations and operating limits on the date your unit restarts operation.

(5) If planning to close the CISWI unit rather than comply with OAR 340-230-0505 through 340-230-0580, the owner or operator of the CISWI unit must submit a closure notification, including the date of closure, to DEQ by the date the final control plan is due.

**340-230-0510**

**Increments of Progress Achievement Notifications**

(1) The notification of achievement of increments of progress must include the following three items:

(a) Notification that the increment of progress has been achieved.

(b) Any items required to be submitted with each increment of progress.

(c) Signature of the owner or operator of the CISWI unit.

(2) Notifications for achieving increments of progress must be postmarked no later than 10 business days after the compliance date for the increment.

(3) If failing to meet an increment of progress, the owner or operator of the CISWI unit must submit a notification to DEQ postmarked within 10 business days after the due date for that increment of progress. The owner or operator must inform DEQ that the increment was not met, and must continue to submit reports each subsequent calendar month until the increment of progress is met.

**340-230-0515**

**Compliance with the Increment of Progress**

(1) *Submittal of a Control Plan*. For the control plan increment of progress, the owner or operator of a CISWI unit must satisfy the following two requirements:

(a) Submit the final control plan that includes the following five items

(A) A description of the devices for air pollution control and process changes that will be used to comply with the emission limitations and other requirements of OAR 340-230-0505 through 340-230-0580.

(B) The type(s) of waste to be burned.

(C) The maximum design waste burning capacity.

(D) The anticipated maximum charge rate.

(E) If applicable, the petition for site specific operating limits under OAR 340-230-0535.

(b) Maintain an onsite copy of the final control plan.

(2) *Achieving Final Compliance*. For the final compliance increment of progress, the owner or operator of a CISWI unit must complete all process changes and retrofit construction of control devices, as specified in the final control plan, so that, if the affected CISWI unit is brought online, all necessary process changes and air pollution control devices would operate as designed.

**340-230-0520**

**Waste Management Plan**

(1) A waste management plan is a written plan that identifies both the feasibility and the methods used to reduce or separate certain components of solid waste from the waste stream in order to reduce or eliminate toxic emissions from incinerated waste.

(2) The owner or operator of a CISWI unit must submit a waste management plan no later than the date specified in OAR 340-230-0505(2)(a) for submittal of the final control plan.

(3) A waste management plan must include consideration of the reduction or separation of waste-stream elements such as paper, cardboard, plastics, glass, batteries, or metals; or the use of recyclable materials. The plan must identify any additional waste management measures, and the source must implement those measures considered practical and feasible, based on the effectiveness of waste management measures already in place, the costs of additional measures, the emissions reductions expected to be achieved, and any other environmental or energy impacts they might have.

**340-230-0525**

**Operator Training and Qualification Requirements**

(1) No CISWI unit can be operated unless a fully trained and qualified CISWI unit operator is accessible, either at the facility or can be at the facility within 1 hour. The trained and qualified CISWI unit operator may operate the CISWI unit directly or be the direct supervisor of one or more other plant personnel who operate the unit. If all qualified CISWI unit operators are temporarily not accessible, the owner or operator of the CISWI unit must follow the procedures in section (12) of this rule.

(2) Operator training and qualification must be obtained through a DEQ approved program or by completing the requirements included in section (3) of this rule.

(3) Training must be obtained by completing an incinerator operator training course that includes, at a minimum, the following three elements:

(a) Training on the following eleven subjects:

(A) Environmental concerns, including types of emissions.

(B) Basic combustion principles, including products of combustion.

(C) Operation of the specific type of incinerator to be used by the operator, including proper startup, waste charging, and shutdown procedures.

(D) Combustion controls and monitoring.

(E) Operation of air pollution control equipment and factors affecting performance (if applicable).

(F) Inspection and maintenance of the incinerator and air pollution control devices.

(G) Actions to prevent and correct malfunctions or to prevent conditions that may lead to malfunctions.

(H) Bottom and fly ash characteristics and handling procedures.

(I) Applicable Federal, State, and local regulations, including Occupational Safety and Health Administration workplace standards.

(J) Pollution prevention.

(K) Waste management practices.

(b) An examination designed and administered by the instructor.

(c) Written material covering the training course topics that can serve as reference material following completion of the course.

(4) The operator training course must be completed by the later of the following three dates:

(a) The final compliance date (Increment 2).

(b) Six months after CISWI unit startup.

(c) Six months after an employee assumes responsibility for operating the CISWI unit or assumes responsibility for supervising the operation of the CISWI unit.

(5) The owner or operator of the CISWI unit must obtain operator qualification by completing a training course that satisfies the criteria under section (2) of this rule.

(6) Qualification is valid from the date on which the training course is completed and the operator successfully passes the examination required under subsection (3)(b) of this rule.

(7) To maintain qualification, the owner or operator of the CISWI unit must complete an annual review or refresher course covering, at a minimum, the following five topics:

(a) Update of regulations.

(b) Incinerator operation, including startup and shutdown procedures, waste charging, and ash handling.

(c) Inspection and maintenance.

(d) Prevention and correction of malfunctions or conditions that may lead to malfunction.

(e) Discussion of operating problems encountered by attendees.

(8) The owner or operator of the CISWI unit must renew a lapsed operator qualification by one of the following two methods:

(a) For a lapse of less than 3 years, the owner or operator must complete a standard annual refresher course described in section (7) of this rule.

(b) For a lapse of 3 years or more, the owner or operator must repeat the initial qualification requirements in section (3) of this rule.

(9) Documentation must be available at the facility and readily accessible for all CISWI unit operators that addresses the following ten topics. The owner or operator of the CISWI unit must maintain this information and the training records in a manner that they can be readily accessed and are suitable for inspection upon request.

(a) Summary of the applicable standards under this subpart.

(b) Procedures for receiving, handling, and charging waste.

(c) Incinerator startup, shutdown, and malfunction procedures.

(d) Procedures for maintaining proper combustion air supply levels.

(e) Procedures for operating the incinerator and associated air pollution control systems within the standards established under this subpart.

(f) Monitoring procedures for demonstrating compliance with the incinerator operating limits.

(g) Reporting and recordkeeping procedures.

(h) The waste management plan.

(i) Procedures for handling ash.

(j) A list of the wastes burned during the performance test.

(10) The owner or operator of the CISWI unit must establish a program for reviewing the information listed in section (9) of this rule with each incinerator operator.

(a) The initial review of the information listed in section (9) of this rule must be conducted by the later of the following three dates:

(A) The final compliance date (Increment 2).

(B) Six months after CISWI unit startup.

(C) Six months after being assigned to operate the CISWI unit.

(c) Subsequent annual reviews of the information listed in section (9) of this rule must be conducted no later than 12 months following the previous review.

(11) The owner or operator of the CISWI unit must also maintain the following information:

(a) Records showing the names of CISWI unit operators who have completed review of the information in section (9) of this rule, including the date of the initial review and all subsequent annual reviews.

(b) Records showing the names of the CISWI operators who have completed the operator training requirements, met the criteria for qualification, and maintained or renewed their qualification. Records must include documentation of training, the dates of the initial refresher training, and the dates of their qualification and all subsequent renewals of such qualifications.

(c) For each qualified operator, the phone and/or pager number at which they can be reached during operating hours.

(12) If all qualified operators are temporarily not accessible (i.e., not at the facility and not able to be at the facility within 1 hour), the owner or operator of the CISWI unit must meet one of the following two criteria, depending on the length of time that a qualified operator is not accessible.

(a) When all qualified operators are not accessible for more than 8 hours, but less than 2 weeks, the CISWI unit may be operated by other plant personnel familiar with the operation of the CISWI unit who have completed a review of the information specified in section (9) of this rule within the past 12 months. However, the owner or operator must record the period when all qualified operators were not accessible and include this deviation in the annual report as specified under OAR 340-230-0575(3).

(b) When all qualified operators are not accessible for 2 weeks or more, you must take the following two actions.

(A) Notify DEQ of this deviation in writing within 10 days. In the notice, state what caused this deviation, what you are doing to ensure that a qualified operator is accessible, and when you anticipate that a qualified operator will be accessible.

(B) Submit a status report to DEQ every 4 weeks outlining what the owner or operator is doing to ensure that a qualified operator is accessible, stating when the owner or operator anticipates that a qualified operator will be accessible and requesting approval from DEQ to continue operation of the CISWI unit. The owner or operator must submit the first status report 4 weeks after notifying DEQ of the deviation. If DEQ notifies the owner or operator that the request to continue operation of the CISWI unit is disapproved, the CISWI unit may continue operation for 90 days, then must cease operation. Operation of the unit may resume if the owner or operator meets the following.

(i) A qualified operator is accessible.

(ii) The owner or operator notifies DEQ that a qualified operator is accessible and that you are resuming operation.

**340-230-0530**

**Emission Limitations**

(1) The owner or operator of the CISWI unit must meet the emission limitations for each CISWI unit, including bypass stack or vent, specified in Tables 1 through 5 of this Division by the final compliance date under OAR 340-230-0505. The emission limitations apply at all times the unit is operating including and not limited to startup, shutdown, or malfunction.

(2) Units that do not use wet scrubbers must maintain opacity to less than or equal to the percent opacity (three 1-hour blocks consisting of ten 6-minute average opacity values) specified in Table 1 of this Division, as applicable.

**340-230-0535**

**Operating Limits**

(1) If using a wet scrubber(s) to comply with the emission limitations, the owner or operator must establish operating limits for up to four of the operating parameters as follows during the initial performance test.

(a) Maximum charge rate, calculated using one of the following two different procedures, as appropriate.

(A) For continuous and intermittent units, maximum charge rate is 110 percent of the average charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

(B) For batch units, maximum charge rate is 110 percent of the daily charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

(b) Minimum pressure drop across the wet particulate matter scrubber, which is calculated as the lowest 1-hour average pressure drop across the wet scrubber measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations; or minimum amperage to the fan for the wet scrubber, which is calculated as the lowest 1-hour average amperage to the wet scrubber measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations.

(c) Minimum scrubber liquid flow rate, which is calculated as the lowest 1-hour average liquid flow rate at the inlet to the wet acid gas or particulate matter scrubber measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

(d) Minimum scrubber liquor pH, which is calculated as the lowest 1-hour average liquor pH at the inlet to the wet acid gas scrubber measured during the most recent performance test demonstrating compliance with the HCl emission limitation.

(2) The owner or operator must meet the operating limits established during the initial performance test on the date the initial performance test is required or completed (whichever is earlier). The owner or operator must conduct an initial performance evaluation of each continuous monitoring system and continuous parameter monitoring system within 60 days of installation of the monitoring system.

(3) If using a fabric filter to comply with the emission limitations, the owner or operator must operate each fabric filter system such that the bag leak detection system alarm does not sound more than 5 percent of the operating time during a 6-month period. In calculating this operating time percentage, if inspection of the fabric filter demonstrates that no corrective action is required, no alarm time is counted. If corrective action is required, each alarm shall be counted as a minimum of 1 hour. If taking longer than 1 hour to initiate corrective action, the alarm time must be counted as the actual amount of time taken by you to initiate corrective action.

(4) If using an electrostatic precipitator to comply with the emission limitations, the owner or operator must measure the (secondary) voltage and amperage of the electrostatic precipitator collection plates during the particulate matter performance test. Calculate the average electric power value (secondary voltage × secondary current = secondary electric power) for each test run. The operating limit for the electrostatic precipitator is calculated as the lowest 1-hour average secondary electric power measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations.

(5) If using activated carbon sorbent injection to comply with the emission limitations, the owner or operator must measure the sorbent flow rate during the performance testing. The operating limit for the carbon sorbent injection is calculated as the lowest 1-hour average sorbent flow rate measured during the most recent performance test demonstrating compliance with the mercury emission limitations.

(6) If using selective noncatalytic reduction to comply with the emission limitations, the owner or operator must measure the charge rate, the secondary chamber temperature (if applicable to the CISWI unit), and the reagent flow rate during the nitrogen oxides performance testing. The operating limits for the selective noncatalytic reduction are calculated as the lowest 1-hour average charge rate, secondary chamber temperature, and reagent flow rate measured during the most recent performance test demonstrating compliance with the nitrogen oxides emission limitations.

(7) If not using a wet scrubber, electrostatic precipitator, or fabric filter to comply with the emission limitations, and if not determining compliance with the particulate matter emission limitation with a particulate matter continuous emissions monitoring system, the owner or operator must maintain opacity to less than or equal to ten percent opacity (1-hour block average).

(8) If using an air pollution control device other than a wet scrubber, activated carbon injection, selective noncatalytic reduction, fabric filter, or an electrostatic precipitator or limit emissions in some other manner, including mass balances, to comply with the emission limitations under OAR 340-230-0530, the owner or operator must petition the EPA Administrator for specific operating limits to be established during the initial performance test and continuously monitored thereafter. The owner or operator must not conduct the initial performance test until after the petition has been approved by the Administrator. The petition must include the following five items:

(a) Identification of the specific parameters the owner or operator proposes to use as additional operating limits.

(b) A discussion of the relationship between these parameters and emissions of regulated pollutants, identifying how emissions of regulated pollutants change with changes in these parameters and how limits on these parameters will serve to limit emissions of regulated pollutants.

(c) A discussion of how the owner or operator will establish the upper and/or lower values for these parameters which will establish the operating limits on these parameters.

(d) A discussion identifying the methods the owner or operator will use to measure and the instruments the owner or operator will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments.

(e) A discussion identifying the frequency and methods for recalibrating the instruments the owner or operator will use for monitoring these parameters.

**340-230-0540**

**Affirmative Defense for Emission Limit Exceedances**

In response to an action to enforce the standards set forth in OAR 340-230-0530, the owner or operator of the CISWI unit may assert an affirmative defense to a claim for civil penalties for exceedances of such standards that are caused by malfunction, as defined at **40 CFR 60.2**. Appropriate penalties may be assessed, however, if failing to meet the burden of proving all of the requirements in the affirmative defense. The affirmative defense shall not be available for claims for injunctive relief.

(1) To establish the affirmative defense in any action to enforce such a limit, The owner or operator must timely meet the notification requirements in section (2) of this rule, and must prove by a preponderance of evidence that:

(a) The excess emissions:

(A) Were caused by a sudden, infrequent, and unavoidable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner; and

(B) Could not have been prevented through careful planning, proper design or better operation and maintenance practices; and

(C) Did not stem from any activity or event that could have been foreseen and avoided, or planned for; and

(D) Were not part of a recurring pattern indicative of inadequate design, operation, or maintenance; and

(b) Repairs were made as expeditiously as possible when the applicable emission limitations were being exceeded. Off-shift and overtime labor were used, to the extent practicable to make these repairs; and

(c) The frequency, amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent practicable during periods of such emissions; and

(d) If the excess emissions resulted from a bypass of control equipment or a process, then the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and

(e) All possible steps were taken to minimize the impact of the excess emissions on ambient air quality, the environment and human health; and

(f) All emissions and/or parameter monitoring and systems, as well as control systems, were kept in operation if at all possible, consistent with safety and good air pollution control practices;

(g) All of the actions in response to the excess emissions were documented by properly signed, contemporaneous operating logs; and

(h) At all times, the facility was operated in a manner consistent with good practices for minimizing emissions; and

(i) A written root cause analysis has been prepared, the purpose of which is to determine, correct, and eliminate the primary causes of the malfunction and the excess emissions resulting from the malfunction

event at issue. The analysis shall also specify, using best monitoring methods and engineering judgment, the amount of excess emissions that were the result of the malfunction.

(2) *Notification*. The owner or operator of the facility experiencing an exceedance of its emission limit(s) during a malfunction must notify DEQ by telephone or facsimile (FAX) transmission as soon as possible, but no later than two business days after the initial occurrence of the malfunction, if it wishes to avail itself of an affirmative defense to civil penalties for that malfunction. The owner or operator seeking to assert an affirmative defense must also submit a written report to DEQ within 45 days of the initial occurrence of the exceedance of the standard in OAR 340-230-0530 to demonstrate, with all necessary supporting documentation, that it has met the requirements set forth in section (1) of this rule. The owner or operator may seek an extension of this deadline for up to 30 additional days by submitting a written request to DEQ before the expiration of the 45 day period. Until a request for an extension has been approved by DEQ, the owner or operator is subject to the requirement to submit such report within 45 days of the initial occurrence of the exceedances.

**340-230-0550**

**Demonstrating Initial Compliance**

The owner or operator must conduct a performance test to determine compliance with the emission limitations, to establish compliance with any opacity operating limits, and to establish operating limits. The performance test must be conducted using the test methods listed in Tables 1 through 5 of this Division and the following procedures. The use of the bypass stack during a performance test shall invalidate the performance test. The owner or operator must conduct a performance evaluation of each continuous monitoring system within 60 days of installation of the monitoring system.

(1) The initial performance test must be conducted no later than 180 days after your final compliance date. The final compliance date is specified in OAR 340-230-0505.

(2) If commencing or recommencing combustion of a solid waste at an existing combustion unit and if a test consistent with the provisions of this rule was conducted while combusting the given solid waste within the 6 months preceding the reintroduction of that solid waste in the combustion chamber, the owner or operator does not need to retest until 6 months from the date of reintroducing that solid waste.

(3) If commence combusting or recommence combusting a solid waste at an existing combustion unit and if a performance test consistent with the provisions of this rule was not conducted while combusting the given solid waste within the 6 months preceding the reintroduction of that solid waste in the combustion chamber, the owner or operator must conduct a performance test within 60 days commencing or recommencing solid waste combustion.

(4) All performance tests must consist of a minimum of three test runs conducted under conditions representative of normal operations.

(5) The owner or operator must document that the waste burned during the performance test is representative of the waste burned under normal operating conditions by maintaining a log of the quantity of waste burned and the types of waste burned during the performance test.

(6) All performance tests must be conducted using the minimum run duration specified in Tables 1 through 5 of this Division.

(7) Method 1 of **40 CFR part 60**, **appendix A,** must be used to select the sampling location and number of traverse points.

(8) Method 3A or 3B of **40 CFR part 60**, **appendix A,** must be used for gas composition analysis, including measurement of oxygen concentration. Method 3A or 3B of **40 CFR part 60**, **appendix A,** must be used simultaneously with each method.

(9) All pollutant concentrations, except for opacity, must be adjusted to 7 percent oxygen using Equation 1 of this section:

Cadj = Cmeas (20.9 - 7)/(20.9 - %O2) (Eq. 1)

Where:

Cadj = pollutant concentration adjusted to 7 percent oxygen;

Cmeas = pollutant concentration measured on a dry basis;

(20.9 - 7) = 20.9 percent oxygen - 7 percent oxygen (defined oxygen correction basis);

20.9 = oxygen concentration in air, percent; and

%O2 = oxygen concentration measured on a dry basis, percent.

(10) The owner or operator must determine dioxins/furans toxic equivalency by following the following procedures:

(a) Measure the concentration of each dioxin/furan tetra- through octa-isomer emitted using EPA Method 23 at **40 CFR part 60**, **appendix A**.

(b) For each measured dioxin/furan (tetra-through octa-chlorinated) isomer, multiply the isomer concentration by its corresponding toxic equivalency factor specified in Table 6 of this Division.

(c) Sum the products to obtain the total concentration of dioxins/furans emitted in terms of toxic equivalency.

(11) Method 22 at **40 CFR part 60**, **appendix A–7,** must be used to determine compliance with the fugitive ash emission limit in Tables 1 through 5 of this Division.

(12) If having an applicable opacity operating limit, the owner or operator must determine compliance with the opacity limit using Method 9 at **40 CFR part 60**, **appendix A–4**, based on three 1-hour blocks consisting of ten 6-minute average opacity values, unless required to install a continuous opacity monitoring system.

(13) An initial air pollution control device inspection must be conducted within 60 days after installation of the control device and the associated CISWI unit reaches the charge rate at which it will operate, but no later than 180 days after the final compliance date for meeting the amended emission limitations.

(14) Within 10 operating days following an air pollution control device inspection, all necessary repairs must be completed unless the owner or operator obtains written approval from the state agency establishing a date whereby all necessary repairs of the designated facility must be completed.

**340-230-0560**

**Demonstrating Continuous Compliance**

(1) Compliance with standards.

(a) The emission standards and operating requirements set forth in OAR 340-230-0505 through 340-230-0580 apply at all times.

(b) If ceasing the combustion of solid waste, the owner or operator may opt to remain subject to the provisions of OAR 340-230-0505 through 340-230-0580. Consistent with the definition of CISWI unit, the owner or operator is subject to the requirements of OAR 340-230-0505 through 340-230-0580 at least 6 months following the last date of solid waste combustion. Solid waste combustion is ceased when solid waste is not in the combustion chamber (*i.e.,* the solid waste feed to the combustor has been cut off for a period of time not less than the solid waste residence time).

(c) If ceasing the combustion of solid waste, the owner or operator must be in compliance with any newly applicable standards on the effective date of the waste-to-fuel switch. The effective date of the waste-to-fuel switch is a date selected by the owner or operator, that must be at least 6 months from the date that the combustion of solid waste ceased, consistent with subsection (1)(b) of this rule. The source must remain in compliance with OAR 340-230-0505 through 340-230-0580 until the effective date of the waste-to-fuel switch.

(d) If owning or operating an existing commercial or industrial combustion unit that combusted a fuel or non-waste material, and commencing or recommencing the combustion of solid waste, the owner or operator is subject to the provisions of OAR 340-230-0505 through 340-230-0580 as of the first day the owner or operator introduces or reintroduces solid waste to the combustion chamber, and this date constitutes the effective date of the fuel-to-waste switch. The owner or operator must complete all initial compliance demonstrations for any Section 112 standards that are applicable to the facility before commencing or recommencing the combustion of solid waste. The owner or operator must provide 30 days prior notice of the effective date of the waste-to-fuel switch. The notification must identify:

(A) The name of the owner or operator of the CISWI unit, the location of the source, the emissions unit(s) that will cease burning solid waste, and the date of the notice;

(B) The currently applicable subcategory under OAR 340-230-0505 through 340-230-0580, and any **40 CFR part 63** subpart and subcategory that will be applicable after ceasing the combustion of solid waste;

(C) The fuel(s), non-waste material(s) and solid waste(s) the CISWI unit is currently combusting and has combusted over the past 6 months, and the fuel(s) or non-waste materials the unit will commence combusting;

(D) The date on which the owner or operator became subject to the currently applicable emission limits;

(E) The date upon which the owner or operator will cease combusting solid waste, and the date (if different) that the owner or operator intends for any new requirements to become applicable (*i.e.,* the effective date of the waste-to-fuel switch), consistent with subsections (1)(b) and (c) of this rule.

(e) All air pollution control equipment necessary for compliance with any newly applicable emissions limits which apply as a result of the cessation or commencement or recommencement of combusting solid waste must be installed and operational as of the effective date of the waste-to-fuel, or fuel-to-waste switch.

(f) All monitoring systems necessary for compliance with any newly applicable monitoring requirements which apply as a result of the cessation or commencement or recommencement of combusting solid waste must be installed and operational as of the effective date of the waste-to-fuel, or fuel-to-waste switch. All calibration and drift checks must be performed as of the effective date of the waste-to-fuel, or fuel-to-waste switch. Relative accuracy tests must be performed as of the performance test deadline for PM CEMS. Relative accuracy testing for other CEMS need not be repeated if that testing was previously performed consistent with section 112 monitoring requirements or monitoring requirements under OAR 340-230-0505 through 340-230-0580.

(2) The owner or operator must conduct an annual performance test for the pollutants listed in Tables 1 through 5 of this Division and opacity for each CISWI unit as required under OAR 340-230-0550. The annual performance test must be conducted using the test methods listed in Tables 1 through 5 of this Division and the procedures in OAR 340-230-0550. Annual performance tests are not required if the owner or operator uses continuous emission monitoring systems or continuous opacity monitoring systems to determine compliance.

(3) The owner or operator must continuously monitor the operating parameters specified in OAR 340-230-0535 and as specified in OAR 340-230-0565. Operation above the established maximum or below the established minimum operating limits constitutes a deviation from the established operating limits. Three hour block average values are used to determine compliance (except for baghouse leak detection system alarms) unless a different averaging period is established under OAR 340-230-0535. Operating limits are confirmed or reestablished during performance tests.

(4) The owner or operator must burn only the same types of waste used to establish operating limits during the performance test.

(5) For energy recovery units, incinerators, and small remote units, the owner or operator must perform annual visual emissions test for ash handling.

(6) For energy recovery units, the owner or operator must conduct an annual performance test for the pollutants listed in Table 3 of this Division.

(7) For facilities using a continuous emission monitoring system to demonstrate compliance with the carbon monoxide emission limit, compliance with the carbon monoxide emission limit may be demonstrated by using the continuous emission monitoring system according to the following requirements:

(a) The owner or operator must measure emissions according to **40 CFR 60.13** to calculate 1-hour arithmetic averages, corrected to 7 percent oxygen. The owner or operator must demonstrate initial compliance with the carbon monoxide emissions limit using a 30-day rolling average of the 1-hour arithmetic average emission concentrations, calculated using Equation 19–19 in section 12.4.1 of EPA Reference Method 19 at **40 CFR part 60**, **appendix A–7**.

(b) Operate the carbon monoxide continuous emissions monitoring system in accordance with the applicable requirements of performance specification 4A of **40 CFR part 60**, **appendix B** and the quality assurance procedures of **40 CFR part 60**, **appendix F**.

(8) For energy recovery units with design capacities greater than 250 MMBtu/hr and waste-burning kilns, demonstrate continuous compliance with the particulate matter emissions limit using a particulate matter continuous emissions monitoring system according to the procedures in OAR 340-230-0565(14).

(9) For energy recovery units with design capacities greater than or equal to 10 MMBtu per hour, if having an opacity operating limit, the owner or operator must install, operate, certify and maintain a continuous opacity monitoring system (COMS) according to the procedures in OAR 340-230-0565.

(10) For waste-burning kilns, the owner or operator must conduct an annual performance test for the pollutants (except mercury and particulate matter, and hydrogen chloride if no acid gas wet scrubber is used) listed in Table 4 of this Division. If the waste-burning kiln is not equipped with a wet scrubber, the owner or operator must determine compliance with the hydrogen chloride emission limit using a continuous emission monitoring system as specified in OAR 340-230-0565. The owner or operator must determine compliance with the mercury emissions limit using a mercury continuous emission monitoring system according to the following requirements:

(a) Operate a continuous emission monitoring system in accordance with performance specification 12A at **40 CFR part 60**, **appendix B,** or a sorbent trap based integrated monitor in accordance with performance specification 12B at **40 CFR part 60**, **appendix B**. The duration of the performance test must be a calendar month. For each calendar month in which the waste-burning kiln operates, hourly mercury concentration data and stack gas volumetric flow rate data must be obtained.

(b) Owners or operators using a mercury continuous emissions monitoring systems must install, operate, calibrate and maintain an instrument for continuously measuring and recording the mercury mass emissions rate to the atmosphere according to the requirements of performance specifications 6

and 12A at **40 CFR part 60**, **appendix B** and quality assurance procedure 5 at **40 CFR part 60**, **appendix F**.

(c) The owner or operator of a waste-burning kiln must demonstrate initial compliance by operating a mercury continuous emission monitor while the raw mill of the in-line kiln/raw mill is operating under normal conditions and while the raw mill of the in-line kiln/raw mill is not operating.

(11) If using an air pollution control device to meet the emission limitations in OAR 340-230-0530, the owner or operator must conduct an initial and annual inspection of the air pollution control device. The inspection must include, at a minimum, the following:

(a) Inspect air pollution control device(s) for proper operation.

(b) Develop a site-specific monitoring plan according to the requirements in section (12) of this rule. This requirement also applies if the owner or operator petitions the EPA Administrator for alternative monitoring parameters under **40 CFR 60.13(i)**.

(12) For each continuous monitoring system, the owner or operator must develop and submit to DEQ for approval a site-specific monitoring plan according to the following requirements that addresses paragraphs (12)(a)(A) through (F) of this rule.

(a) The owner or operator must submit this site-specific monitoring plan at least 60 days before the initial performance evaluation of the continuous monitoring system.

(A) Installation of the continuous monitoring system sampling probe or other interface at a measurement location relative to each affected process unit such that the measurement is representative of control of

the exhaust emissions (*e.g.,* on or downstream of the last control device).

(B) Performance and equipment specifications for the sample interface, the pollutant concentration or parametric signal analyzer and the data collection and reduction systems.

(C) Performance evaluation procedures and acceptance criteria (*e.g.,* calibrations).

(D) Ongoing operation and maintenance procedures in accordance with the general requirements of **40 CFR 60.11(d)**.

(E) Ongoing data quality assurance procedures in accordance with the general requirements of **40 CFR 60.13**.

(F) Ongoing recordkeeping and reporting procedures in accordance with the general requirements of **40 CFR 60.7(b)**, **(c)**, **(c)(1)**, **(c)(4)**, **(d)**, **(e)**, **(f)** and **(g)**.

(b) The owner or operator must conduct a performance evaluation of each continuous monitoring system in accordance with the site-specific monitoring plan.

(c) The owner or operator must operate and maintain the continuous monitoring system in continuous operation according to the site-specific monitoring plan.

(13) If having an operating limit that requires the use of a flow monitoring system, the owner or operator must meet the requirements in section (12) of this rule and the following:

(a) Install the flow sensor and other necessary equipment in a position that provides a representative flow.

(b) Use a flow sensor with a measurement sensitivity of no greater than 2 percent of the expected process flow rate.

(c) Minimize the effects of swirling flow or abnormal velocity distributions due to upstream and downstream disturbances.

(d) Conduct a flow monitoring system performance evaluation in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(14) If having an operating limit that requires the use of a pressure monitoring system, the owner or operator must meet the requirements in section (12) of this rule and the following:

(a) Install the pressure sensor(s) in a position that provides a representative measurement of the pressure (*e.g.,* PM scrubber pressure drop).

(b) Minimize or eliminate pulsating pressure, vibration, and internal and external corrosion.

(c) Use a pressure sensor with a minimum tolerance of 1.27 centimeters of water or a minimum tolerance of 1 percent of the pressure monitoring system operating range, whichever is less.

(d) Perform checks at least once each process operating day to ensure pressure measurements are not obstructed (*e.g.,* check for pressure tap pluggage daily).

(e) Conduct a performance evaluation of the pressure monitoring system in accordance with the monitoring plan at the time of each performance test but no less frequently than annually.

(f) If at any time the measured pressure exceeds the manufacturer’s specified maximum operating pressure range, conduct a performance evaluation of the pressure monitoring system in accordance with the monitoring plan and confirm that the pressure monitoring system continues to meet the performance requirements in the monitoring plan. Alternatively, install and verify the operation of a new pressure sensor.

(15) If having an operating limit that requires the use of a pressure monitoring system, the owner or operator must meet the requirements in section (12) of this rule and the following:

(a) Install the pressure sensor(s) in a position that provides a representative measurement of the pressure (*e.g.,* PM scrubber pressure drop).

(b) Minimize or eliminate pulsating pressure, vibration, and internal and external corrosion.

(c) Use a pressure sensor with a minimum tolerance of 1.27 centimeters of water or a minimum tolerance of 1 percent of the pressure monitoring system operating range, whichever is less.

(d) Perform checks at least once each process operating day to ensure pressure measurements are not obstructed (*e.g.,* check for pressure tap pluggage daily).

(e) Conduct a performance evaluation of the pressure monitoring system in accordance with the monitoring plan at the time of each performance test but no less frequently than annually.

(f) If at any time the measured pressure exceeds the manufacturer’s specified maximum operating pressure range, conduct a performance evaluation of the pressure monitoring system in accordance with the monitoring plan and confirm that the pressure monitoring system continues to meet the performance requirements in the monitoring plan. Alternatively, install and verify the operation of a new pressure sensor.

(16) If have an operating limit that requires a secondary electric power monitoring system for an electrostatic precipitator, the owner or operator must meet the requirements in section (12) of this rule and the following:

(a) Install sensors to measure (secondary) voltage and current to the precipitator collection plates.

(b) Conduct a performance evaluation of the electric power monitoring system in accordance with the monitoring plan at the time of each performance test but no less frequently than annually.

(17) If having an operating limit that requires the use of a monitoring system to measure sorbent injection rate (*e.g.,* weigh belt, weigh hopper, or hopper flow measurement device), the owner or operator must meet the requirements in section (12) of this rule and the following:

(a) Install the system in a position(s) that provides a representative measurement of the total sorbent injection rate.

(b) Conduct a performance evaluation of the sorbent injection rate monitoring system in accordance with the monitoring plan at the time of each performance test but no less frequently than annually.

(18) If electing to use a fabric filter bag leak detection system to comply with the requirements of OAR 340-230-0505 through 340-230-0580, the owner or operator must install, calibrate, maintain, and continuously operate a bag leak detection system as specified in section (12) of this rule and the following:

(a) Install a bag leak detection sensor(s) in a position(s) that will be representative of the relative or absolute particulate matter loadings for each exhaust stack, roof vent, or compartment *e.g.*, for a positive pressure fabric filter) of the fabric filter.

(b) Use a bag leak detection system certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter or less.

(c) Conduct a performance evaluation of the bag leak detection system in accordance with the monitoring plan and consistent with the guidance provided in EPA–454/R–98–015 (incorporated by reference, *see* **40 CFR 60.17**).

(d) Use a bag leak detection system equipped with a device to continuously record the output signal from the sensor.

(e) Use a bag leak detection system equipped with a system that will sound an alarm when an increase in relative particulate matter emissions over a preset level is detected. The alarm must be located where it is observed readily by plant operating personnel.

(19) For facilities using a continuous emission monitoring system to demonstrate compliance with the sulfur dioxide emission limit, compliance with the sulfur dioxide emission limit may be demonstrated by

using the continuous emission monitoring system specified in OAR 340-230-0565 to measure sulfur dioxide and calculating a 30-day rolling average emission concentration using Equation 19–19 in section 12.4.1 of EPA Reference Method 19 at **40 CFR part 60**, **appendix A–7**. The sulfur dioxide continuous emission monitoring system must be operated according to performance specification 2 of **40 CFR part 60**, **appendix B** and must follow the procedures and methods specified in this section. For sources that have actual inlet emissions less than 100 parts per million dry volume, the relative accuracy criterion for inlet sulfur dioxide continuous emission monitoring systems should be no greater than 20 percent of the mean value of the reference method test data in terms of the units of the emission standard, or 5 parts per million dry volume absolute value of the mean difference between the reference method and the continuous emission monitoring systems, whichever is greater.

(a) During each relative accuracy test run of the continuous emission monitoring system required by performance specification 2 in **40 CFR part 60**, **appendix B**, collect sulfur dioxide and oxygen (or carbon dioxide) data concurrently (or within a 30- to 60-minute period) with both the continuous emission monitors and the following test methods:

(A) For sulfur dioxide, EPA Reference Method 6 or 6C, or as an alternative ANSI/ASME PTC 19.10–1981 (incorporated by reference, see **40 CFR 60.17**) must be used.

(B) For oxygen (or carbon dioxide), EPA Reference Method 3A or 3B, or as an alternative ANSI/ASME PTC 19.10–1981 (incorporated by reference, see **40 CFR 60.17**), as applicable, must be used.

(b) The span value of the continuous emissions monitoring system at the inlet to the sulfur dioxide control device must be 125 percent of the maximum estimated hourly potential sulfur dioxide emissions of the unit. The span value of the continuous emission monitoring system at the outlet of the sulfur dioxide control device must be 50 percent of the maximum estimated hourly potential sulfur dioxide emissions of the unit.

(c) Conduct accuracy determinations quarterly and calibration drift tests daily in accordance with procedure 1 in **40 CFR part 60**, **appendix F**.

(20) For facilities using a continuous emission monitoring system to demonstrate continuous compliance with the nitrogen oxides emission limit, compliance with the nitrogen oxides emission limit may be demonstrated by using the continuous emission monitoring system specified in OAR 340-230-0565 to measure nitrogen oxides and calculating a 30-day rolling average emission concentration using Equation

19–19 in section 12.4.1 of EPA Reference Method 19 in **40 CFR part 60**, **appendix A–7**. The nitrogen oxides continuous emission monitoring system must be operated according to performance specification 2 in **40 CFR part 60**, **appendix B** and must follow the following procedures and methods:

(a) During each relative accuracy test run of the continuous emission monitoring system required by performance specification 2 in **40 CFR part 60**, **appendix B,** collect nitrogen oxides and oxygen (or carbon dioxide) data concurrently (or within a 30- to 60-minute period) with both the continuous emission monitoring systems and the following test methods:

(A) For nitrogen oxides, EPA Reference Method 7 or 7E at **40 CFR part 60**, **appendix A–4**, must be used.

(B) For oxygen (or carbon dioxide), EPA Reference Method 3A or 3B, or as an alternative ANSI/ASME PTC 19.10–1981 (incorporated by reference, see **40 CFR 60.17**), as applicable, must be used.

(b) The span value of the continuous emission monitoring system must be 125 percent of the maximum estimated hourly potential nitrogen oxide emissions of unit.

(c) Conduct accuracy determinations quarterly and calibration drift tests daily in accordance with procedure 1 in **40 CFR part 60**, **appendix F**.

(d) The owner or operator of an affected facility may request that compliance with the nitrogen oxides emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. If carbon dioxide is selected for use in diluents corrections, the relationship between oxygen and carbon dioxide levels must be established during the initial performance test according to the following procedures and methods. This relationship may be reestablished during performance compliance tests.

(A) The fuel factor equation in Method 3B must be used to determine the relationship between oxygen and carbon dioxide at a sampling location. Method 3A, 3B, or as an alternative ANSI/ASME PTC 19.10–1981 (incorporated by reference, see **40 CFR 60.17**), as applicable, must be used to determine the oxygen concentration at the same location as the carbon dioxide monitor.

(B) Samples must be taken for at least 30 minutes in each hour.

(C) Each sample must represent a 1-hour average.

(D) A minimum of 3 runs must be performed.

(21) For facilities using a continuous emissions monitoring system to demonstrate continuous compliance with any of the emission limits of this subpart, the owner or operator must complete the following:

(a) Demonstrate compliance with the appropriate emission limit(s) using a 30-day rolling average, calculated using Equation 19–19 in section 12.4.1 of EPA Reference Method 19 at **40 CFR part 60**, **appendix A–7**.

(b) Operate all continuous emissions monitoring systems in accordance with the applicable procedures in **40 CFR part 60**, **appendix B**.

(22) Use of the bypass stack at any time is an emissions standards deviation for particulate matter, HCl, Pb, Cd, Hg, NOX, SO2, and dioxin/furans.

(23) For energy recovery units with a heat input capacity of 100 MMBtu per hour or greater that do not use a carbon monoxide continuous emission monitoring system, the owner or operator must operate and maintain the continuous oxygen monitoring system specified in OAR 340-230-0565 according to the following procedures by the compliance date specified in OAR 340-230-0505. The oxygen level shall be monitored at the outlet of the energy recovery unit.

(a) Each monitor must be operated and maintained according to the applicable procedures under performance specification 3 of **40 CFR part 60**, **appendix B** and according to the site-specific monitoring plan developed according to section (12) of this rule.

(b) During each relative accuracy test run of the continuous emission monitoring system required by performance specification 3 of **40 CFR part 60**, **appendix B** oxygen data must be collected concurrently (or within a 30- to 60-minute period) by both the continuous emission monitor and the test methods specified in subsection (23)(c) of this rule.

(c) For oxygen, EPA Reference Method 3A or 3B, or as an alternative ANSI/ASME PTC 19.10–1981 (incorporated by reference, see **40 CFR 60.17**), as applicable, must be used.

(d) The owner or operator must calculate and record a 30-day rolling average oxygen concentration using Equation 19–19 in section 12.4.1 of EPA Reference Method 19 of **40 CFR part 60**, **appendix A–7**.

(24) The owner or operator must conduct annual performance tests between 11 and 13 months of the previous performance test.

(25) On an annual basis (no more than 12 months following the previous annual air pollution control device inspection), the owner or operator must complete the air pollution control device inspection as described in OAR 340-230-0555(13) and (14).

(26) The owner or operator must conduct annual performance tests according to the schedule specified in section (24) of this rule, with the following exceptions:

(a) The owner or operator may conduct a repeat performance test at any time to establish new values for the operating limits to apply from that point forward. DEQ may request a repeat performance test at any time.

(b) The owner or operator must repeat the performance test within 60 days of a process change, as defined in OAR 340-230-0030.

(c) If the initial or any subsequent performance test for any pollutant in Tables 1 through 5 of this Division, as applicable, demonstrates that the emission level for the pollutant is no greater than the following emission level, as applicable, and the owner or operator is not required to conduct a performance test for the pollutant in response to a request by DEQ in subsection (26)(a) of this rule or a process change in subsection (26)(b) of this rule, the owner or operator may elect to skip conducting a performance test for the pollutant for the next 2 years. The owner or operator must conduct a performance test for the pollutant during the third year and no more than 37 months following the previous performance test for the pollutant. For cadmium and lead, both cadmium and lead must be emitted at emission levels no greater than their respective emission levels specified in paragraph (26)(c)(A) of this rule for the owner or operator to qualify for less frequent testing.

(A) For particulate matter, hydrogen chloride, mercury, carbon monoxide, nitrogen oxides, sulfur dioxide, cadmium, lead, and dioxins/furans, the emission level equal to 75 percent of the applicable emission limit in Tables 1 through 5 of this Division, as applicable.

(B) For fugitive emissions, visible emissions (of combustion ash from the ash conveying system) for 2 percent of the time during each of the three 1-hour observations periods.

(d) If conducting less frequent testing for a pollutant as provided in subsection (26)(c) of this rule and a subsequent performance test for the pollutant indicates that your CISWI unit does not meet the emission level specified in paragraph (26)(c)(A) or (B) of this rule, as applicable, the owner or operator must conduct annual performance tests for the pollutant according to the schedule specified in section (26) of this rule until the owner or operator qualifies for less frequent testing for the pollutant as specified in subsection (26)(c) of this rule.

(27) The owner or operator must repeat the performance test if your feed stream is different than the feed streams used during any performance test used to demonstrate compliance.

**340-230-0565**

**Monitoring Equipment and Monitoring Parameters**

(1) If using a wet scrubber to comply with the emission limitation under OAR 340-230-0530, the owner or operator must install, calibrate (to manufacturers’ specifications), maintain, and operate devices (or establish methods) for monitoring the value of the operating parameters used to determine compliance with the operating limits listed in OAR 340-230-0535(1). These devices (or methods) must measure and record the values for these operating parameters at the frequencies indicated in OAR 340-230-0535(1) at all times except as specified in subsection (18)(a) of this rule.

(2) If using a fabric filter to comply with the emission limitation under OAR 340-230-0530, the owner or operator must install, calibrate, maintain, and continuously operate a bag leak detection system as follows:

(a) The owner or operator must install and operate a bag leak detection system for each exhaust stack of the fabric filter.

(b) Each bag leak detection system must be installed, operated, calibrated, and maintained in a manner consistent with the manufacturer’s written specifications and recommendations.

(c) The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter or less.

(d) The bag leak detection system sensor must provide output of relative or absolute particulate matter loadings.

(e) The bag leak detection system must be equipped with a device to continuously record the output signal from the sensor.

(f) The bag leak detection system must be equipped with an alarm system that will alert automatically an operator when an increase in relative particulate matter emission over a preset level is detected. The alarm must be located where it is observed easily by plant operating personnel.

(g) For positive pressure fabric filter systems, a bag leak detection system must be installed in each baghouse compartment or cell. For negative pressure or induced air fabric filters, the bag leak detector must be installed downstream of the fabric filter.

(h) Where multiple detectors are required, the system’s instrumentation and alarm may be shared among detectors.

(3) If using something other than a wet scrubber, activated carbon, selective non-catalytic reduction, or an electrostatic precipitator to comply with the emission limitations under OAR 340-230-0530, the owner or operator must install, calibrate (to the manufacturers’ specifications), maintain and operate the equipment necessary to monitor compliance with the site-specific operating limits established using the procedures in OAR 340-230-0535(8).

(4) If using activated carbon injection to comply with the emission limitations in OAR 340-230-0530, the owner or operator must measure the minimum sorbent flow rate once per hour.

(5) If using selective noncatalytic reduction to comply with the emission limitations, the owner or operator must complete the following:

(a) Following the date on which the initial performance test is completed or is required to be completed, whichever date comes first, ensure that the affected facility does not operate above the maximum charge rate, or below the minimum secondary chamber temperature (if applicable to your CISWI unit) or the minimum reagent flow rate measured as 3-hour block averages at all times.

(b) Operation of the affected facility above the maximum charge rate, below the minimum secondary chamber temperature and below the minimum reagent flow rate simultaneously constitute a violation of the nitrogen oxides emissions limit.

(6) If using an electrostatic precipitator to comply with the emission limits of this subpart, the owner or operator must monitor the secondary power to the electrostatic precipitator collection plates and maintain the 3-hour block averages at or above the operating limits established during the mercury or particulate matter performance test.

(7) For waste-burning kilns not equipped with a wet scrubber, in place of hydrogen chloride testing with EPA Method 321 at **40 CFR part 63**, **appendix A**, an owner or operator must install, calibrate, maintain, and operate a continuous emission monitoring system for monitoring hydrogen chloride emissions discharged to the atmosphere and record the output of the system. To demonstrate continuous compliance with the hydrogen chloride emissions limit for units other than waste-burning kilns not equipped with a wet scrubber, a facility may substitute use of a hydrogen chloride continuous emissions monitoring system for conducting the hydrogen chloride annual performance test, monitoring the minimum hydrogen chloride sorbent flow rate and monitoring the minimum scrubber liquor pH.

(8) To demonstrate continuous compliance with the particulate matter emissions limit, a facility may substitute use of a particulate matter continuous emissions monitoring system for conducting the particulate matter annual performance test and monitoring the minimum pressure drop across the wet scrubber, if applicable.

(9) To demonstrate continuous compliance with the dioxin/furan emissions limit, a facility may substitute use of a continuous automated sampling system for the dioxin/furan annual performance test. The owner or operator must record the output of the system and analyze the sample according to EPA Method 23 at **40 CFR part 60**, **appendix A–7**. The owner or operator may propose alternative continuous monitoring consistent with the requirements in **40 CFR 60.13(i)**. The owner or operator who elects to continuously sample dioxin/furan emissions instead of sampling and testing using EPA Method 23 at **40 CFR part 60**, **appendix A–7**, must install, calibrate, maintain and operate a continuous automated sampling system and must comply with the requirements specified in **40 CFR 60.58b(p)** and **(q)**.

(10) To demonstrate continuous compliance with the mercury emissions limit, a facility may substitute use of a continuous automated sampling system for the mercury annual performance test. The owner or operator must record the output of the system and analyze the sample at set intervals using any suitable determinative technique that can meet performance specification 12B criteria. This option to use a continuous automated sampling system takes effect on the date a final performance specification applicable to mercury from monitors is published in the FEDERAL REGISTER. The owner or operator who elects to continuously sample mercury emissions instead of sampling and testing using EPA Method 29 or 30B at **40 CFR part 60**, **appendix A–8**, ASTM D6784–02 (Reapproved 2008) (incorporated by reference, see **40 CFR 60.17**), or an approved alternative method for measuring mercury emissions, must install, calibrate, maintain and operate a continuous automated sampling system and must comply with the requirements specified in **40 CFR 60.58b(p)** and **(q)**.

(11) To demonstrate continuous compliance with the nitrogen oxides emissions limit, a facility may substitute use of a continuous emissions monitoring system for the nitrogen oxides annual performance test to demonstrate compliance with the nitrogen oxides emissions limits.

(a) Install, calibrate, maintain and operate a continuous emission monitoring system for measuring nitrogen oxides emissions discharged to the atmosphere and record the output of the system. The requirements under performance specification 2 of **40 CFR part 60**, **appendix B**, the quality assurance procedure 1 of **40 CFR part 60**, **appendix F**, and the procedures under 40 CFR 60.13 must be followed for installation, evaluation and operation of the continuous emission monitoring system.

(b) Following the date that the initial performance test for nitrogen oxides is completed or is required to be completed, compliance with the emission limit for nitrogen oxides required under **40 CFR 60.52b(d)** must be determined based on the 30-day rolling average of the hourly emission concentrations using continuous emission monitoring system outlet data. The 1-hour arithmetic averages must be expressed in parts per million by volume (dry basis) and used to calculate the 30-day rolling average concentrations. The 1-hour arithmetic averages must be calculated using the data points required under **40 CFR 60.13(e)(2)**.

(12) To demonstrate continuous compliance with the sulfur dioxide emissions limit, a facility may substitute use of a continuous automated sampling system for the sulfur dioxide annual performance test to demonstrate compliance with the sulfur dioxide emissions limits.

(a) Install, calibrate, maintain and operate a continuous emission monitoring system for measuring sulfur dioxide emissions discharged to the atmosphere and record the output of the system. The requirements under performance specification 2 of **40 CFR part 60**, **appendix B**, the quality assurance requirements of procedure 1 of **40 CFR part 60**, **appendix F**, and the procedures under **40 CFR 60.13** must be followed for installation, evaluation and operation of the continuous emission monitoring system.

(b) Following the date that the initial performance test for sulfur dioxide is completed or is required to be completed, compliance with the sulfur dioxide emission limit may be determined based on the 30-day rolling average of the hourly arithmetic average emission concentrations using continuous emission monitoring system outlet data. The 1-hour arithmetic averages must be expressed in parts per million corrected to 7 percent oxygen (dry basis) and used to calculate the 30-day rolling average emission concentrations. The 1-hour arithmetic averages must be calculated using the data points required under **40 CFR 60.13(e)(2)**.

(13) For energy recovery units that do not use a wet scrubber, fabric filter with bag leak detection system, or particulate matter continuous emission monitoring system, the owner or operator must install, operate, certify and maintain a continuous opacity monitoring system according to the following procedures by the compliance date specified in OAR 340-230-0505. Energy recovery units that use a particulate matter continuous emissions monitoring system to demonstrate initial and continuing compliance according to the procedures in section (14) of this rule are not required to install a continuous opacity monitoring system and must perform the annual performance tests for opacity consistent with OAR 340-230-0560(6).

(a) Install, operate and maintain each continuous opacity monitoring system according to performance specification 1 at **40 CFR part 60, appendix B**.

(b) Conduct a performance evaluation of each continuous opacity monitoring system according to the requirements in **40 CFR 60.13** and according to performance specification 1 at **40 CFR part 60**, **appendix B**.

(c) As specified in **40 CFR 60.13(e)(1)**, each continuous opacity monitoring system must complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

(d) Reduce the continuous opacity monitoring system data as specified in **40 CFR 60.13(h)(1)**.

(e) Determine and record all the 6-minute averages (and 1-hour block averages as applicable) collected.

(14) For energy recovery units with design capacities greater than 250 MMBtu/hr and waste-burning kilns, in place of particulate matter testing with EPA Method 5 at **40 CFR part 60**, **appendix A–3**, an owner or operator must install, calibrate, maintain and operate a continuous emission monitoring system for monitoring particulate matter emissions discharged to the atmosphere and record the output of the system. The owner or operator of an affected facility who continuously monitors particulate matter emissions instead of conducting performance testing using EPA Method 5 at **40 CFR part 60**, **appendix A–3**, must install, calibrate, maintain and operate a continuous emission monitoring system and must comply with the following requirements:

(a) Notify DEQ 1 month before starting use of the system.

(b) Notify DEQ 1 month before stopping use of the system.

(c) The monitor must be installed, evaluated and operated in accordance with the requirements of performance specification 11 of **40 CFR part 60**, **appendix B**, and quality assurance requirements of procedure 2 of **40 CFR part 60**, **appendix F** and **40 CFR 60.13**.

(d) The initial performance evaluation must be completed no later than 180 days after the final compliance date for meeting the emission limitations, as specified under OAR 340-230-0550 or within 180 days of notification to DEQ of use of the continuous monitoring system if the owner or operator was previously determining compliance by Method 5 at **40 CFR part 60**, **appendix A–3**, performance tests, whichever is later.

(e) The owner or operator of an affected facility may request that compliance with the particulate matter emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility must be established according to the procedures and methods specified in OAR 340-230-0560(20)(d)(A) through (D).

(f) The owner or operator of an affected facility must conduct an initial performance test for particulate matter emissions as required under OAR 340-230-0550. Compliance with the particulate matter emission limit must be determined by using the continuous emission monitoring system specified in OAR 340-230-0565(14) of this rule to measure particulate matter and calculating a 30-day rolling average emission concentration using Equation 19–19 in section 12.4.1 of EPA Reference Method 19 at **40 CFR part 60**, **appendix A–7**.

(g) Compliance with the particulate matter emission limit must be determined based on the 30-day rolling average calculated using Equation 19–19 in section 12.4.1 of EPA Reference Method 19 at **40 CFR part 60**, **appendix A–7,** from the 1-hour arithmetic average of the continuous emission monitoring system outlet data.

(h) At a minimum, valid continuous monitoring system hourly averages must be obtained as specified section (18) of this rule.

(i) The 1-hour arithmetic averages required under subsection (14)(g) of this rule must be expressed in milligrams per dry standard cubic meter corrected to 7 percent oxygen (or carbon dioxide) (dry basis) and must be used to calculate the 30-day rolling average emission concentrations. The 1-hour arithmetic averages must be calculated using the data points required under **40 CFR 60.13(e)(2)**.

(j) All valid continuous emission monitoring system data must be used in calculating average emission concentrations even if the minimum continuous emission monitoring system data requirements of subsection (14)(h) of this rule are not met.

(k) The continuous emission monitoring system must be operated according to performance specification 11 in **40 CFR part 60**, **appendix B**.

(l) During each relative accuracy test run of the continuous emission monitoring system required by performance specification 11 in **40 CFR part 60**, **appendix B**, particulate matter and oxygen (or carbon dioxide) data must be collected concurrently (or within a 30-to 60-minute period) by both the continuous emission monitors and the following test methods.

(A) For particulate matter, EPA Reference Method 5 at **40 CFR part 60**, **appendix A–3**, must be used.

(B) For oxygen (or carbon dioxide), EPA Reference Method 3A or 3B at **40 CFR part 60**, **appendix A–2**, as applicable, must be used.

(m) Quarterly accuracy determinations and daily calibration drift tests must be performed in accordance with procedure 2 in **40 CFR part 60**, **appendix F**.

(n) When particulate matter emissions data are missing because of continuous emission monitoring system breakdowns, repairs, calibration checks and zero and span adjustments, the owner or operator must collect emissions data by using other monitoring systems as approved by DEQ or EPA Reference Method 19 at **40 CFR part 60**, **Appendix A–7**, to provide, as necessary, valid emissions data for a minimum of 85 percent of the hours per day, 90 percent of the hours per calendar quarter, and 95 percent of the hours per calendar year that the affected facility is operated and combusting waste.

(15) To demonstrate continuous compliance with the carbon monoxide emissions limit, a facility may substitute use of a continuous automated sampling system for the carbon monoxide annual performance test to demonstrate compliance with the carbon monoxide emissions limits.

(a) Install, calibrate, maintain, and operate a continuous emission monitoring system for measuring carbon monoxide emissions discharged to the atmosphere and record the output of the system. The requirements under performance specification 4B of **40 CFR part 60**, **Appendix B**, the quality assurance procedure 1 of **40 CFR part 60**, **Appendix F**, and the procedures under **40 CFR 60.13** must be followed for installation, evaluation, and operation of the continuous emission monitoring system.

(b) Following the date that the initial performance test for carbon monoxide is completed or is required to be completed, compliance with the carbon monoxide emission limit may be determined based on the 30-day rolling average of the hourly arithmetic average emission concentrations using continuous emission monitoring system outlet data. The 1-hour arithmetic averages must be expressed in parts per million corrected to 7 percent oxygen (dry basis) and used to calculate the 30-day rolling average emission concentrations. The 1-hour arithmetic averages must be calculated using the data points required under **40 CFR 60.13(e)(2)**.

(16) The owner or operator of an affected source with a bypass stack must install, calibrate (to manufacturers’ specifications), maintain and operate a device or method for measuring the use of the bypass stack including date, time and duration.

(17) For energy recovery units with a heat input capacity of 100 MMBtu per hour or greater that do not use a carbon monoxide continuous emission monitoring system, the owner or operator must install, operate and maintain the continuous oxygen monitoring system according to the following procedures by the compliance date specified in OAR 340-230-0505. The oxygen level must be monitored at the outlet of the energy recovery unit.

(a) Each monitor must be installed, operated, and maintained according to the applicable procedures under performance specification 3 of **40 CFR part 60**, **appendix B**, the quality assurance procedure 1 of **40 CFR part 60**, **appendix F**, the procedures under **40 CFR 60.13** and according to the site-specific monitoring plan.

(b) During each relative accuracy test run of the continuous emission monitoring system required by performance specification 3 of **40 CFR part 60**, **appendix B**, oxygen data must be collected concurrently (or within a 30- to 60-minute period) by both the continuous emission monitor and the test methods specified in subsection (17)(c) of this rule.

(c) For oxygen, EPA Reference Method 3A or 3B, or as an alternative ANSI/ASME PTC 19.10–1981 (incorporated by reference, *see* **40 CFR 60.17**), as applicable, must be used.

(d) The owner or operator must calculate and record a 30-day rolling average oxygen concentration using Equation 19–19 in section 12.4.1 of EPA Reference Method 19 of **40 CFR part 60**, **appendix A–7**. The 1-hour arithmetic averages must be calculated using the data points required under **40 CFR 60.13(e)(2)**.

(18) For each continuous monitoring system required or optionally allowed, the owner or operator must monitor and collect data according to this section:

(a) The owner or operator must operate the monitoring system and collect data at all required intervals at all times compliance is required except for periods of monitoring system malfunctions or out-of-control periods, repairs associated with monitoring system malfunctions or out-of-control periods (as specified in OAR 340-230-0575(3)(o)), and required monitoring system quality assurance or quality control activities including, as applicable, calibration checks and required zero and span adjustments. A monitoring system malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring system to provide valid data. Monitoring system failures that are caused in part by poor maintenance or careless operation are not malfunctions. The owner or operator is required to effect monitoring system repairs in response to monitoring system malfunctions or out-of-control periods and to return the monitoring system to operation as expeditiously as practicable.

(b) The owner or operator may not use data recorded during the monitoring system malfunctions, repairs associated with monitoring system malfunctions or out-of control periods, or required monitoring system quality assurance or control activities in calculations used to report emissions or operating levels. The owner or operator must use all the data collected during all other periods in assessing the operation of the control device and associated control system.

(c) Except for periods of monitoring system malfunctions or out-of-control periods, repairs associated with monitoring system malfunctions or out-of-control periods, and required monitoring system quality assurance or quality control activities including, as applicable, calibration checks and required zero and span adjustments, failure to collect required data is a deviation of the monitoring requirements.

**340-230-0570**

**Recordkeeping**

The owner or operator must maintain the following items (as applicable) for a period of at least 5 years:

(1) Calendar date of each record.

(2) Records of the following data:

(a) The CISWI unit charge dates, times, weights, and hourly charge rates.

(b) Liquor flow rate to the wet scrubber inlet every 15 minutes of operation, as applicable.

(c) Pressure drop across the wet scrubber system every 15 minutes of operation or amperage to the wet scrubber every 15 minutes of operation, as applicable.

(d) Liquor pH as introduced to the wet scrubber every 15 minutes of operation, as applicable.

(e) For affected CISWI units that establish operating limits for controls other than wet scrubbers under OAR 340-230-0535(4) through (6) or OAR 340-230-0535(8), the owner or operator must maintain data collected for all operating parameters used to determine compliance with the operating limits.

(f) If a fabric filter is used to comply with the emission limitations, the owner or operator must record the date, time, and duration of each alarm and the time corrective action was initiated and completed, and a brief description of the cause of the alarm and the corrective action taken. The owner or operator must also record the percent of operating time during each 6-month period that the alarm sounds, calculated as specified in OAR 340-230-0535(3).

(3) Identification of calendar dates and times for which data show a deviation from the operating limits in OAR 340-230-0535(1) or a deviation from other operating limits established under OAR 340-230-0535(4) through (6) or OAR 340-230-0535(8) with a description of the deviations, reasons for such deviations, and a description of corrective actions taken.

(4) The results of the initial, annual, and any subsequent performance tests conducted to determine compliance with the emission limits and/or to establish operating limits, as applicable. Retain a copy of the complete test report including calculations.

(5) Records showing the names of CISWI unit operators who have completed review of the information in OAR 340-230-0525(9) as required by OAR 340-230-0525(10), including the date of the initial review and all subsequent annual reviews.

(6) Records showing the names of the CISWI operators who have completed the operator training requirements under OAR 340-230-0525(1) through (3), met the criteria for qualification under OAR 340-230-0525(5) and (6), and maintained or renewed their qualification under OAR 340-230-0525(7) or (8). Records must include documentation of training, the dates of the initial and refresher training, and the dates of their qualification and all subsequent renewals of such qualifications.

(7) For each qualified operator, the phone and/or pager number at which they can be reached during operating hours.

(8) Records of calibration of any monitoring devices as required under OAR 340-230-0565.

(9) Equipment vendor specifications and related operation and maintenance requirements for the incinerator, emission controls, and monitoring equipment.

(10) The information listed in OAR 340-230-0525(9).

(11) On a daily basis, keep a log of the quantity of waste burned and the types of waste burned (always required).

(12) Maintain records of the annual air pollution control device inspections that are required for each CISWI unit subject to the emissions limits in Tables 1 through 5 of this Division, any required maintenance and any repairs not completed within 10 days of an inspection or the timeframe established by DEQ.

(13) For continuously monitored pollutants or parameters, the owner or operator must document and keep a record of the following parameters measured using continuous monitoring systems.

(a) All 6-minute average levels of opacity.

(b) All 1-hour average concentrations of sulfur dioxide emissions.

(c) All 1-hour average concentrations of nitrogen oxides emissions.

(d) All 1-hour average concentrations of carbon monoxide emissions.

(e) All 1-hour average concentrations of particulate matter emissions.

(f) All 1-hour average concentrations of mercury emissions.

(g) All 1-hour average concentrations of hydrogen chloride emissions.

(14) Records indicating use of the bypass stack, including dates, times and durations.

(15) If choosing to stack test less frequently than annually, consistent with OAR 340-230-0560(26), the owner or operator must keep annual records that document that your emissions in the previous stack test(s) were less than 75 percent of the applicable emission limit and document that there was no change in source operations including fuel composition and operation of air pollution control equipment that would cause emissions of the relevant pollutant to increase within the past year.

(16) Records of the occurrence and duration of each malfunction of operation (*i.e.*, process equipment) or the air pollution control and monitoring equipment.

(17) Records of all required maintenance performed on the air pollution control and monitoring equipment.

(18) Records of actions taken during periods of malfunction to minimize emissions in accordance with **40 CFR 60.11(d)**, including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

(19) For operating units that burn materials other than traditional fuels as defined in **40 CFR 241.2**, a description of each material burned, and a record which documents how each material that is not a traditional fuel meets each of the legitimacy criteria in **40 CFR 241.3(d)**. If combusting a material that has been processed from a discarded non-hazardous secondary material pursuant to **40 CFR 241.3(b)(4)**, the owner or operator must keep records as to how the operations that produced the material satisfy the definition of processing in **40 CFR 241.2**. If the material received a non-waste determination pursuant to the petition process submitted under **40 CFR 241.3(c)**, the owner or operator must keep a copy of the nonwaste determination granted by EPA.

(20) For operating units that burn tires, a certification that the shipments of tires that are non-waste per **40 CFR 241.3(b)(2)(i)**, are part of an established tire collection program, consistent with the definition of that term in **40 CFR 241.2**. The certification must document that the tires were not discarded and are handled as valuable commodities in accordance with **40 CFR 241.3(b)(2)(i)**, from the point of removal from the automobile through arrival at the combustion facility. The certification must identify the entity the tires were received from (for example, the name of the state or private collection program), the quantity, volume, or weight of tires received, and the dates received. The certification must be signed by the owner or operator of the combustion unit, or by a responsible official of the established tire collection program, and must include the following certification of compliance, ‘‘The tires from this tire collection program meet the EPA definition of an established tire collection program in 40 CFR Part 241’’ and state the title or position of the person signing the certification. The owner or operator must also keep a record that identifies where on the plant site the tires from each tire collection program are located, and that accounts for all tires at the plant site.

(21) All records must be available onsite in either paper copy or computer-readable format that can be printed upon request, unless an alternative format is approved by DEQ.

**340-230-0575**

**Reporting**

(1) The owner or operator must submit the waste management plan no later than the date specified in OAR 340-230-0505 for submittal of the final control plan.

(2) The owner or operator must submit the following information no later than 60 days following the initial performance test. All reports must be signed by the facilities manager.

(a) The complete test report for the initial performance test results obtained under OAR 340-230-0550, as applicable.

(b) The values for the site-specific operating limits established in OAR 340-230-0535.

(c) If using a fabric filter to comply with the emission limitations, documentation that a bag leak detection system has been installed and is being operated, calibrated, and maintained as required by OAR 340-230-0565(2).

(3) The owner or operator must submit an annual report no later than 12 months following the submission of the information in section (2) of this rule. The owner or operator must submit subsequent reports no more than 12 months following the previous report. (If the unit is subject to Title V permitting requirements, the owner or operator may be required by the permit to submit these reports more frequently.) The annual report must include the following ten items. If having a deviation from the operating limits or the emission limitations, the owner or operator must also submit deviation reports as specified in sections (4) through (8) of this rule.

(a) Company name and address.

(b) Statement by a responsible official, with that official’s name, title, and signature, certifying the accuracy of the content of the report.

(c) Date of report and beginning and ending dates of the reporting period.

(d) The values for the operating limits established pursuant to OAR 340-230-0535.

(e) If no deviation from any emission limitation or operating limit that applies to you has been reported, a statement that there was no deviation from the emission limitations or operating limits during the reporting period.

(f) The highest recorded 3-hour average and the lowest recorded 3-hour average, as applicable, for each operating parameter recorded for the calendar year being reported.

(g) Information recorded under OAR 340-230-0570(2)(f) and (3) through (5) for the calendar year being reported.

(h) If a performance test was conducted during the reporting period, the results of that test.

(i) If meeting the requirements of OAR 340-230-0560(26), and did not conduct a performance test during the reporting period, the owner or operator must state that the requirements of OAR 340-230-0560(26) were met, and, therefore, the owner or operator was not required to conduct a performance test during the reporting period.

(j) Documentation of periods when all qualified CISWI unit operators were unavailable for more than 8 hours, but less than 2 weeks.

(k) If the owner or operator had a malfunction during the reporting period, the compliance report must include the number, duration, and a brief description for each type of malfunction that occurred during the reporting period and that caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with **40 CFR 60.11(d)**, including actions taken to correct a malfunction.

(l) For each deviation from an emission or operating limitation that occurs for a CISWI unit for which the owner or operator is not using a CMS to comply with the applicable emission or operating limitations, the annual report must contain the following information:

(A) The total operating time of the CISWI unit at which the deviation occurred during the reporting period.

(B) Information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.

(m) If there were periods during which the continuous monitoring system, including the continuous emission monitoring system, was out of control as specified in subsection (3)(o) of this rule, the annual report must contain the following information for each deviation from an emission or operating limitation occurring for a CISWI unit for which the owner or operator is using a continuous monitoring system to comply with the applicable emission and operating limitations.

(A) The date and time that each malfunction started and stopped.

(B) The date, time, and duration that each CMS was inoperative, except for zero (low level) and high-level checks.

(C) The date, time, and duration that each continuous monitoring system was out-of-control, including start and end dates and hours and descriptions of corrective actions taken.

(D) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of malfunction or during another period.

(E) A summary of the total duration of the deviation during the reporting period, and the total duration as a percent of the total source operating time during that reporting period.

(F) A breakdown of the total duration of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes, and other unknown causes.

(G) A summary of the total duration of continuous monitoring system downtime during the reporting period, and the total duration of continuous monitoring system downtime as a percent of the total operating time of the CISWI unit at which the continuous monitoring system downtime occurred during that reporting period.

(H) An identification of each parameter and pollutant that was monitored at the CISWI unit.

(I) A brief description of the CISWI unit.

(J) A brief description of the continuous monitoring system.

(K) The date of the latest continuous monitoring system certification or audit.

(L) A description of any changes in continuous monitoring system, processes, or controls since the last reporting period.

(n) If there were periods during which the continuous monitoring system, including the continuous emission monitoring system, was not out of control as specified in subsection (3)(o) of this rule, a statement that there were not periods during which the continuous monitoring system was out of control during the reporting period.

(o) A continuous monitoring system is out of control if any of the following occur.

(A) The zero (low-level), mid-level (if applicable), or high-level calibration drift exceeds two times the applicable calibration drift specification in the applicable performance specification or in the relevant standard.

(B) The continuous monitoring system fails a performance test audit (*e.g.*, cylinder gas audit), relative accuracy audit, relative accuracy test audit, or linearity test audit.

(C) The continuous opacity monitoring system calibration drift exceeds two times the limit in the applicable performance specification in the relevant standard.

(4) The owner or operator must submit a deviation report if any recorded 3-hour average parameter level is above the maximum operating limit or below the minimum established operating limit, if the bag leak detection system alarm sounds for more than 5 percent of the operating time for the 6-month reporting period, or if a performance test was conducted that deviated from any emission limitation.

(5) The deviation report must be submitted by August 1 of that year for data collected during the first half of the calendar year (January 1 to June 30), and by February 1 of the following year for data collected during the second half of the calendar year (July 1 to December 31).

(6) In each report, for any pollutant or parameter that deviated from the emission limitations or operating limits specified in OAR 340-230-0530 and 0535, include the following six items:

(a) The calendar dates and times the unit deviated from the emission limitations or operating limit requirements.

(b) The averaged and recorded data for those dates.

(c) Durations and causes of the following:

(A) Each deviation from emission limitations or operating limits and the corrective actions.

(B) Bypass events and your corrective actions.

(d) A copy of the operating limit monitoring data during each deviation and any test report that documents the emission levels.

(e) The dates, times, number, duration, and causes for monitoring downtime incidents (other than downtime associated with zero, span, and other routine calibration checks).

(f) Whether each deviation occurred during a period of startup, shutdown, or malfunction, or during another period.

(7) If all qualified operators are not accessible for 2 weeks or more, the owner or operator must take the following two actions:

(a) Submit a notification of the deviation within 10 days that includes the following three items:

(A) A statement of what caused the deviation.

(B) A description of what the owner or operator is doing to ensure that a qualified operator is accessible.

(C) The date when the owner or operator anticipates that a qualified operator will be available.

(b) Submit a status report to DEQ every 4 weeks that includes the following three items:

(A) A description of what the owner or operator is doing to ensure that a qualified operator is accessible.

(B) The date when the owner or operator anticipates that a qualified operator will be accessible.

(C) Request approval from DEQ to continue operation of the CISWI unit.

(8) If your unit was shut down by DEQ, under the provisions of OAR 340-230-0525(12)(b)(B), due to a failure to provide an accessible qualified operator, the owner or operator must notify DEQ that operation will resume once a qualified operator is accessible.

(9) You must submit notifications as provided by **40 CFR 60.7**.

(10) If ceasing the combustion of solid waste but continuing to operate, the owner or operator must provide 30 days prior notice of the effective date of the waste-to-fuel switch, consistent with OAR 340-230-0560(1). The notification must identify:

(a) The name of the owner or operator of the CISWI unit, the location of the source, the emissions unit(s) that will cease burning solid waste, and the date of the notice;

(b) The currently applicable subcategory under this subpart, and any **40 CFR part 63** subpart and subcategory that will be applicable after you cease combusting solid waste;

(c) The fuel(s), non-waste material(s) and solid waste(s) the CISWI unit is currently combusting and has combusted over the past 6 months, and the fuel(s) or non-waste materials the unit will commence combusting;

(d) The date on which the owner or operator became subject to the currently applicable emission limits;

(e) The date upon which the owner or operator will cease combusting solid waste, and the date (if different) that the owner or operator intends for any new requirements to become applicable (i.e., the effective date of the waste-to-fuel switch), consistent with subsections (10)(b) and (c) of this rule.

(11) Submit initial, annual and deviation reports electronically or in paper format, postmarked on or before the submittal due dates.

(12) After December 31, 2011, within 60 days after the date of completing each performance evaluation or performance test, as they are defined in **40 CFR 63.2**, conducted to demonstrate compliance with OAR 340-230-0505 through 0580, the owner or operator of the affected facility must submit the relative accuracy test audit data and performance test data, except opacity data, to EPA by successfully submitting the data electronically to EPA’s Central Data Exchange (CDX) by using the Electronic Reporting Tool (ERT) (see *[http://www.epa.gov/ttn/chief/ert/ert](http://www.epa.gov/ttn/chief/ert/ertltool.html)*[l](http://www.epa.gov/ttn/chief/ert/ertltool.html)*[tool.html](http://www.epa.gov/ttn/chief/ert/ertltool.html)*).

(13) If DEQ agrees, the owner or operator may change the semiannual or annual reporting dates. See **40 CFR 60.19(c)** for procedures to seek approval to change your reporting date.

**340-230-0580**

**Title V Operating Permits**

Each CISWI unit subject to standards in OAR 340-230-0505 through 0580 must operate pursuant to a Title V permit.

**DIVISION 238**

**NEW SOURCE PERFORMANCE STANDARDS**

**340-238-0040**

**Definitions**

The definitions in OAR 340-200-0020 and this rule apply to this division. If the same term is defined in this rule and OAR 340-200-0020, the definition in this rule applies to this division.

(1) "Administrator" means the Administrator of the EPA or authorized representative.

(2) “Affected facility” means, with reference to a stationary source, any apparatus to which a standard is applicable.

(3) "Capital expenditures" means an expenditure for a physical or operational change to an existing facility that exceeds the product of the applicable "annual asset guideline repair allowance percentage" specified in **Internal Revenue Service** (**IRS**) **Publication 534** and the existing facility's basis, as defined by section 1012 of the Internal Revenue Code. However, the total expenditure for a physical or operational change to an existing facility must not be reduced by any "excluded additions" as defined in IRS Publication 534, as would be done for tax purposes.

(4) "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2011 edition.

(5) "Closed municipal solid waste landfill" (closed landfill) means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under 40 CFR 60.7(a)(4). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed. A landfill is considered closed after meeting the criteria of 40 CFR 258.60.

(6) "Commenced", with respect to the definition of "new source" in section 111(a)(2) of the federal Clean Air Act, means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(7) "Existing municipal solid waste landfill" (existing landfill) means a municipal solid waste landfill that began construction, reconstruction or modification before 5/30/91 and has accepted waste at any time since 11/08/87 or has additional design capacity available for future waste deposition.

(8) "Existing facility", with reference to a stationary source, means any apparatus of the type for which a standard is promulgated in 40 CFR Part 60, and the construction or modification of which commenced before the date of proposal by EPA of that standard; or any apparatus that could be altered in such a way as to be of that type.

(9) "Fixed capital cost" means the capital needed to provide all the depreciable components.

(10) "Large municipal solid waste landfill" (large landfill) means a municipal solid waste landfill with a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters.

(11) "Modification:"

(a) except as provided in subsection (b) of this section, means any physical change in, or change in the method of operation of, an existing facility that increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or that results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted;

(b) As used in OAR 340-238-0100 means an action that results in an increase in the design capacity of a landfill.

(12) "Municipal solid waste landfill" (landfill) means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. A municipal solid waste landfill may also receive other types of RCRA Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of a municipal solid waste landfill may be separated by access roads and may be publicly or privately owned. A municipal solid waste landfill may be a new municipal solid waste landfill, an existing municipal solid waste landfill, or a lateral expansion (modification).

(13) "New municipal solid waste landfill" (new landfill) means a municipal solid waste landfill that began construction, reconstruction or modification or began accepting waste on or after 5/30/91.

(14) "Reconstruction" means the replacement of components of an existing facility to such an extent that:

(a) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility; and

(b) It is technologically and economically feasible to meet the applicable standards set forth in 40 CFR Part 60.

(15) "Reference method" means any method of sampling and analyzing for an air pollutant as specified in 40 CFR Part 60.

(16) "Small municipal solid waste landfill" (small landfill) means a municipal solid waste landfill with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters.

(17) "Standard" means a standard of performance proposed or promulgated under 40 CFR Part 60.

(18) "State Plan" means a plan developed for the control of a designated pollutant provided under 40 CFR Part 60.

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 97, f. 9-2-75, ef. 9-25-75; DEQ 22-1982, f. & ef. 10-21-82; DEQ 17-1983, f. & ef. 10-19-83; DEQ 16-1984, f. & ef. 8-21-84; DEQ 15-1985, f. & ef. 10-21-85; DEQ 19-1986, f. & ef. 11-7-86; DEQ 17-1987, f. & ef. 8-24-87; DEQ 24-1989, f. & cert. ef. 10-26-89; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 27-1996, f. & cert. ef. 12-11-96; DEQ 8-1997, f. & cert. ef. 5-6-97; DEQ 22-1998, f. & cert. ef. 10-21-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0510; DEQ 22-2000, f. & cert. ef. 12-18-00; DEQ 4-2003, f. & cert. ef. 2-06-03; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 13-2006, f. & cert. ef. 12-22-06; DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 1-2011, f. & cert. ef. 2-24-11

**340-238-0060**

**Federal Regulations Adopted by Reference**

(1) Except as provided in section (2) of this rule, **40 CFR Part 60 Subparts A**, **D through XX**, **BBB through AAAA**, **CCCC**, **EEEE**, **LLLL**, and **KKKK** are by this reference adopted and incorporated herein, and 40 CFR Part 60 Subpart OOO is by this reference adopted and incorporated herein for major sources only.

(2) Where "Administrator" or "EPA" appears in 40 CFR Part 60, "Department" is substituted, except in any section of 40 CFR Part 60 for which a federal rule or delegation specifically indicates that authority must not be delegated to the state.

(3) 40 CFR Part 60 Subparts adopted by this rule are titled as follows:

(a) Subpart A — General Provisions;

(b) Subpart D — Fossil-fuel-fired steam generators for which construction is commenced after August 17, 1971;

(c) Subpart Da — Electric utility steam generating units for which construction is commenced after September 18, 1978;

(d) Subpart Db — Industrial-commercial-institutional steam generating units;

(e) Subpart Dc — Small industrial-commercial-institutional steam generating units;

(f) Subpart E — Incinerators;

(g) Subpart Ea — Municipal waste combustors for which construction is commenced after December 20, 1989 and on or before September 20, 1994;

(h) Subpart Eb — Municipal waste combustors for which construction is commenced after September 20, 1994;

(i) Subpart Ec — Hospital/Medical/Infectious waste incinerators that commenced construction after June 20, 1996, or for which modification is commenced after March 16, 1998;

(j) Subpart F — Portland cement plants;

(k) Subpart G — Nitric acid plants;

(l) Subpart H — Sulfuric acid plants;

(m) Subpart I — Hot mix asphalt facilities;

(n) Subpart J — Petroleum refineries;

(o) Subpart K — Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and before May 19, 1978;

(p) Subpart Ka — Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978, and before July 23, 1984;

(q) Subpart Kb — Volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984;

(r) Subpart L — Secondary lead smelters;

(s) Subpart M — Secondary brass and bronze production plants;

(t) Subpart N — Primary emissions from basic oxygen process furnaces for which construction is commenced after June 11, 1973;

(u) Subpart Na — Secondary emissions from basic oxygen process steelmaking facilities for which construction is commenced after January 20, 1983;

(v) Subpart O — Sewage treatment plants;

(w) Subpart P — Primary copper smelters;

(x) Subpart Q — Primary Zinc smelters;

(y) Subpart R — Primary lead smelters;

(z) Subpart S — Primary aluminum reduction plants;

(aa) Subpart T — Phosphate fertilizer industry: wet-process phosphoric acid plants;

(bb) Subpart U — Phosphate fertilizer industry: superphosphoric acid plants;

(cc) Subpart V — Phosphate fertilizer industry: diammonium phosphate plants;

(dd) Subpart W — Phosphate fertilizer industry: triple superphosphate plants;

(ee) Subpart X — Phosphate fertilizer industry: granular triple superphosphate storage facilities;

(ff) Subpart Y — Coal preparation plants;

(gg) Subpart Z — Ferroalloy production facilities;

(hh) Subpart AA — Steel plants: electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983;

(ii) Subpart AAa — Steel plants: electric arc furnaces and argon-oxygen decarburization vessels constructed after august 7, 1983;

(jj) Subpart BB — Kraft pulp mills;

(kk) Subpart CC — Glass manufacturing plants;

(ll) Subpart DD — Grain elevators.

(mm) Subpart EE — Surface coating of metal furniture;

(nn) Subpart GG — Stationary gas turbines;

(oo) Subpart HH — Lime manufacturing plants;

(pp) Subpart KK — Lead-acid battery manufacturing plants;

(qq) Subpart LL — Metallic mineral processing plants;

(rr) Subpart MM — Automobile and light-duty truck surface coating operations;

(ss) Subpart NN — Phosphate rock plants;

(tt) Subpart PP — Ammonium sulfate manufacture;

(uu) Subpart QQ — Graphic arts industry: publication rotogravure printing;

(vv) Subpart RR — pressure sensitive tape and label surface coating operations;

(ww) Subpart SS — Industrial surface coating: large appliances;

(xx) Subpart TT — Metal coil surface coating;

(yy) Subpart UU — Asphalt processing and asphalt roofing manufacture;

(zz) Subpart VV — Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry;

(aaa) Suppart VVa — Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry;

(bbb) Subpart WW — Beverage can surface coating industry;

(ccc) Subpart XX — Bulk gasoline terminals;

(ddd) Subpart BBB — Rubber tire manufacturing industry;

(eee) Subpart DDD — Volatile organic compound (VOC) emissions for the polymer manufacture industry;

(fff) Subpart FFF — Flexible vinyl and urethane coating and printing;

(ggg) Subpart GGG — Equipment leaks of VOC in petroleum refineries;

(hhh) Subpart GGGa — Equipment leaks of VOC in petroleum refineries;

(iii) Subpart HHH — Synthetic fiber production facilities;

(jjj) Subpart III — Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes;

(kkk) Subpart JJJ — Petroleum dry cleaners;

(lll) Subpart KKK — Equipment leaks of VOC from onshore natural gas processing plants;

(mmm) Subpart LLL — Onshore natural gas processing; SO2 emissions;

(nnn) Subpart NNN — Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations;

(ooo) Subpart OOO — Nonmetallic mineral processing plants (adopted by reference for major sources only);

(ppp) Subpart PPP — Wool fiberglass insulation manufacturing plants;

(qqq) Subpart QQQ — VOC emissions from petroleum refinery wastewater systems;

(rrr) Subpart RRR — Volatile organic compound emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes;

(sss) Subpart SSS — Magnetic tape coating facilities;

(ttt) Subpart TTT — Industrial surface coating: surface coating of plastic parts for business machines;

(uuu) Subpart UUU — Calciners and dryers in mineral industries;

(vvv) Subpart VVV — Polymeric coating of supporting substrates facilities;

(www) Subpart WWW — Municipal solid waste landfills, as clarified by OAR 340-238-0100;

(xxx) Subpart AAAA — Small municipal waste combustion units;

(yyy) Subpart CCCC — Commercial and industrial solid waste incineration units;

(zzz) Subpart EEEE — Other solid waste incineration units;

(aaaa) Subpart LLLL — Sewage sludge incineration units;

(bbbb) Subpart KKKK — Stationary combustion turbines.

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 97, f. 9-2-75, ef. 9-25-75; DEQ 16-1981, f. & ef. 5-6-81; sections (1) thru (12) of this rule renumbered to 340-025-0550 thru 340-025-0605; DEQ 22-1982, f. & ef. 10-21-82; DEQ 17-1983, f. & ef. 10-19-83; DEQ 16-1984, f. & ef. 8-21-84; DEQ 15-1985, f. & ef. 10-21-85; DEQ 19-1986, f. & ef. 11-7-86; DEQ 17-1987, f. & ef. 8-24-87; DEQ 24-1989, f. & cert. ef. 10-26-89; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 27-1996, f. & cert. ef. 12-11-96; DEQ 8-1997, f. & cert. ef. 5-6-97; DEQ 22-1998, f. & cert. ef. 10-21-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0535; DEQ 22-2000, f. & cert. ef. 12-18-00; DEQ 4-2003, f. & cert. ef. 2-06-03; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 13-2006, f. & cert. ef. 12-22-06; DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 1-2011, f. & cert. ef. 2-24-11

**DIVISION 244**

**OREGON FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM**

**General Provisions for Stationary Sources**

**340-244-0030**

**Definitions**

The definitions in OAR 340-200-0020, 340-218-0030 and this rule apply to this division. If the same term is defined in this rule and OAR 340-200-0020 or 340-218-0030, the definition in this rule applies to this division.

(1) "Accidental Release" means an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.

(2) "Annual throughput" means the amount of gasoline transferred into a gasoline dispensing facility during 12 consecutive months.

(3) "Area Source" means any stationary source which has the potential to emit hazardous air pollutants but is not a major source of hazardous air pollutants.

(4) "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2011 edition.

(5) "Construct a major source" means to fabricate, erect, or install at any greenfield site a stationary source or group of stationary sources which is located within a contiguous area and under common control and which emits or has the potential to emit 10 tons per year of any HAPs or 25 tons per year of any combination of HAP, or to fabricate, erect, or install at any developed site a new process or production unit which in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, unless the process or production unit satisfies criteria in paragraphs (a) through (f) of this definition:

(a) All HAP emitted by the process or production unit that would otherwise be controlled under the requirements of 40 CFR Part 63, Subpart B will be controlled by emission control equipment which was previously installed at the same site as the process or production unit;

(b) The Department has determined within a period of 5 years prior to the fabrication, erection, or installation of the process or production unit that the existing emission control equipment represented the best available control technology (BACT), lowest achievable emission rate (LAER) under 40 CFR part 51 or 52, toxics-best available control technology (T-BACT), or MACT based on State air toxic rules for the category of pollutants which includes those HAP to be emitted by the process or production unit; or the Department determines that the control of HAP emissions provided by the existing equipment will be equivalent to that level of control currently achieved by other well-controlled similar sources (i.e., equivalent to the level of control that would be provided by a current BACT, LAER, T-BACT, or State air toxic rule MACT determination).

(c) The Department determines that the percent control efficiency for emission of HAP from all sources to be controlled by the existing control equipment will be equivalent to the percent control efficiency provided by the control equipment prior to the inclusion of the new process or production unit;

(d) The Department has provided notice and an opportunity for public comment concerning its determination that criteria in paragraphs (a), (b), and (c) of this definition apply and concerning the continued adequacy of any prior LAER, BACT, T-BACT, or State air toxic rule MACT determination;

(e) If any commenter has asserted that a prior LAER, BACT, T-BACT, or State air toxic rule MACT determination is no longer adequate, the Department has determined that the level of control required by that prior determination remains adequate; and

(f) Any emission limitations, work practice requirements, or other terms and conditions upon which the above determinations by the Department are predicated will be construed by the Department as applicable requirements under section 504(a) and either have been incorporated into any existing Title V permit for the affected facility or will be incorporated into such permit upon issuance.

(6) “Dual-point vapor balance system” means a type of vapor balance system in which the storage tank is equipped with an entry port for a gasoline fill pipe and a separate exit port for a vapor connection.

(7) "Emissions Limitation" and "Emissions Standard" mean a requirement adopted by the Department or Regional Agency, or proposed or promulgated by the Administrator of the EPA, which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

(8) "Equipment leaks" means leaks from pumps, compressors, pressure relief devices, sampling connection systems, open ended valves or lines, valves, connectors, agitators, accumulator vessels, and instrumentation systems in hazardous air pollutant service.

(9) "Existing Source" means any source, the construction of which commenced prior to proposal of an applicable standard under sections 112 or 129 of the FCAA.

(10) "Facility" means all or part of any public or private building, structure, installation, equipment, or vehicle or vessel, including but not limited to ships.

(11) “Gasoline” means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals (4.0 psi) or greater, which is used as a fuel for internal combustion engines.

(12) “Gasoline cargo tank” means a delivery tank truck or railcar which is loading or unloading gasoline, or which has loaded or unloaded gasoline on the immediately previous load.

(13) “Gasoline dispensing facility (GDF)” means any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine, including a nonroad vehicle or nonroad engine used solely for competition. These facilities include, but are not limited to, facilities that dispense gasoline into on- and off-road, street, or highway motor vehicles, lawn equipment, boats, test engines, landscaping equipment, generators, pumps, and other gasoline fueled engines and equipment. In Clackamas, Multnomah and Washington Counties, the Medford-Ashland Air Quality Maintenance Area, and the Salem-Keizer Area Transportation Study area, “gasoline dispensing facility” includes any stationary facility which dispenses gasoline into the fuel tank of an airplane.

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

(15) "Major Source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. The EPA may establish a lesser quantity, or in the case of radionuclides different criteria, for a major source on the basis of the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors.

(16) "Maximum Achievable Control Technology (MACT)" means an emission standard applicable to major sources of hazardous air pollutants that requires the maximum degree of reduction in emissions deemed achievable for either new or existing sources.

(17) “Monthly throughput” means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each GDF during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12.

(18) “Motor vehicle” means any self-propelled vehicle designed for transporting persons or property on a street or highway.

(19) “Nonroad engine” means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards promulgated under section 7411 of this title or section 7521 of this title.

(20) “Nonroad vehicle” means a vehicle that is powered by a nonroad engine, and that is not a motor vehicle or a vehicle used solely for competition.

(21) "New Source" means a stationary source, the construction of which is commenced after proposal of a federal MACT or January 3, 1993 of this Division, whichever is earlier.

(22) "Potential to Emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the EPA. This section does not alter or affect the use of this section for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations promulgated thereunder. Secondary emissions shall not be considered in determining the potential to emit of a source.

(23) "Reconstruct a Major Source" means the replacement of components at an existing process or production unit that in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, whenever: the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable process or production unit; and; it is technically and economically feasible for the reconstructed major source to meet the applicable maximum achievable control technology emission limitation for new sources established under 40 CFR Part 63 Subpart B.

(24) "Regulated Air Pollutant" as used in this Division means:

(a) Any pollutant listed under OAR 340-200-0400 or 340-244-0230; or

(b) Any pollutant that is subject to a standard promulgated pursuant to Section 129 of the Act.

(25) "Section 112(n)" means that subsection of the FCAA that includes requirements for the EPA to conduct studies on the hazards to public health prior to developing emissions standards for specified categories of hazardous air pollutant emission sources.

(26) "Section 112(r)" means that subsection of the FCAA that includes requirements for the EPA promulgate regulations for the prevention, detection and correction of accidental releases.

(27) "Solid Waste Incineration Unit" as used in this Division shall have the same meaning as given in Section 129(g) of the FCAA.

(28) "Stationary Source":

(a) As used in OAR 340 division 244 means any building, structure, facility, or installation which emits or may emit any regulated air pollutant;

(b) As used in OAR 340-244-0230 means any buildings, structures, equipment, installations, or substance emitting stationary activities:

(A) That belong to the same industrial group;

(B) That are located on one or more contiguous properties;

(C) That are under the control of the same person (or persons under common control); and

(D) From which an accidental release may occur.

(29) “Submerged filling” means, for the purposes of this subpart, the filling of a gasoline storage tank through a submerged fill pipe whose discharge is no more than the applicable distance specified in OAR 340-244-0240(3) from the bottom of the tank. Bottom filling of gasoline storage tanks is included in this definition.

(30) “Topping off” means, in the absence of equipment malfunction, continuing to fill a gasoline tank after the nozzle has clicked off.

(31) “Vapor balance system” means a combination of pipes and hoses that create a closed system between the vapor spaces of an unloading gasoline cargo tank and a receiving storage tank such that vapors displaced from the storage tank are transferred to the gasoline cargo tank being unloaded.

(32) “Vapor-tight” means equipment that allows no loss of vapors. Compliance with vapor-tight requirements can be determined by checking to ensure that the concentration at a potential leak source is not equal to or greater than 100 percent of the Lower Explosive Limit when measured with a combustible gas detector, calibrated with propane, at a distance of 1 inch from the source.

(33) “Vapor-tight gasoline cargo tank” means a gasoline cargo tank which has demonstrated within the 12 preceding months that it meets the annual certification test requirements in 40 CFR 63.11092(f).

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

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.040
Hist.: DEQ 13-1993, f. & cert. ef. 9-24-93; DEQ 18-1993, f. & cert. ef. 11-4-93; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 20-1997, f. & cert. ef. 9-25-97; DEQ 18-1998, f. & cert. ef. 10-5-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0120; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 13-2006, f. & cert. ef. 12-22-06; DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 1-2011, f. & cert. ef. 2-24-11

**Emission Standards**

**340-244-0210**

**Emissions Limitation for Existing Sources**

(1) Federal MACT. Existing major and area sources must comply with the applicable emissions standards for existing sources promulgated by the EPA pursuant to section 112(d), section 112(n), or section 129 of the FCAA and adopted by rule within this Division.

(2) State MACT. If the EPA fails to meet its schedule for promulgating a MACT standard for a source category or subcategory, the Department must approve HAP emissions limitations for existing major sources within that category or subcategory according to 40 CFR Part 63, Subpart B.

(a) The owner or operator of each existing major source within that category will file permit applications in accordance with OAR 340-218-0040 and 40 CFR Part 63, Subpart B.

(b) If, after a permit has been issued, the EPA promulgates a MACT standard applicable to a source that is more stringent than the one established pursuant to this section, the Department must revise the permit upon the next renewal to reflect the standard promulgated by the EPA. The source will be given a reasonable time to comply, but no longer than 8 years after the standard is promulgated;

(c) The Department will not establish a case-by-case State MACT:

(A) For existing solid waste incineration units where an emissions standard will be established for these units by the EPA pursuant to section 111 of the FCAA. These sources are subject to applicable emissions standards under OAR chapter 340, division 230; or

(B) For existing major HAP sources where an emissions standard or alternative control strategy will be established by the EPA pursuant to section 112(n) of the FCAA.

(3) Compliance schedule:

(a) The owner or operator of the source must comply with the emission limitation:

(A) Within the time frame established in the applicable Federal MACT standard, but in no case later than three years from the date of federal promulgation of the applicable MACT requirements; or

(B) Within the time frame established by the Department where a state-determined MACT has been established or a case-by-case determination has been made.

(b) Notwithstanding the requirements of this section, no existing source that has installed Best Available Control Technology or has been required to meet Lowest Achievable Emission Rate before the promulgation of a federal MACT applicable to that emissions unit is required to comply with such MACT standard until 5 years after the date on which such installation or reduction has been achieved, as determined by the Department.

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.310
Hist.: DEQ 13-1993, f. & cert. ef. 9-24-93; DEQ 7-1998, f. & cert. ef. 5-5-98; DEQ 18-1998, f. & cert. ef. 10-5-98, Renumbered from 340-032-2500; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0505; DEQ 4-2003, f. & cert. ef. 2-06-03; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 15-2008, f. & cert. ef 12-31-08

**340-244-0220**

**Federal Regulations Adopted by Reference**

(1) Except as provided in sections (2) and (3) of this rule, **40 CFR Part 61, Subparts A, C through F, J, L, N through P, V, and Y through FF and 40 CFR Part 63, Subparts A, F through YYYY, AAAAA through TTTTTT, and VVVVVV through DDDDDDD** are adopted by reference and incorporated herein.

(2) Where "Administrator" or "EPA" appears in 40 CFR Part 61 or 63, "Department" is substituted, except in any section of 40 CFR Part 61 or 63, for which a federal rule or delegation specifically indicates that authority will not be delegated to the state.

(3) 40 CFR Part 63 Subpart M -- Dry Cleaning Facilities using Perchloroethylene: The exemptions in 40 CFR 63.320(d) and (e) do not apply.

(4) 40 CFR Part 63 Subpart HHHHHH -- Area Sources: Paint Stripping and Miscellaneous Surface Coating Operations: Any facility that receives an exemption in accordance with 40 CFR 63.11170(a)(2), and subsequently violates the terms of the exemption, will not be allowed to repetition for an exemption for three years following the violation and will be required to comply with the 40 CFR Part 63 Subpart HHHHHH until the facility successfully repetitions.

(5) 40 CFR Part 61 Subparts adopted by this rule are titled as follows:

(a) Subpart A -- General Provisions;

(b) Subpart C -- Beryllium;

(c) Subpart D -- Beryllium Rocket Motor Firing;

(d) Subpart E -- Mercury;

(e) Subpart F -- Vinyl Chloride;

(f) Subpart J -- Equipment Leaks (Fugitive Emission Sources) of Benzene;

(g) Subpart L -- Benzene Emissions from Coke By-Product Recovery Plants;

(h) Subpart N -- Inorganic Arsenic Emissions from Glass Manufacturing Plants;

(i) Subpart O -- Inorganic Arsenic Emissions from Primary Copper Smelters;

(j) Subpart P -- Inorganic Arsenic Emissions from Arsenic Trioxide and Metal Arsenic Facilities;

(k) Subpart V -- Equipment Leaks (Fugitive Emission Sources);

(l) Subpart Y -- Benzene Emissions from Benzene Storage Vessels;

(m) Subpart BB -- Benzene Emissions from Benzene Transfer Operations; and

(n) Subpart FF -- Benzene Waste Operations.

(6) 40 CFR Part 63 Subparts adopted by this rule are titled as follows:

(a) Subpart A -- General Provisions;

(b) Subpart F -- SOCMI;

(c) Subpart G -- SOCMI -- Process Vents, Storage Vessels, Transfer Operations, and Wastewater;

(d) Subpart H -- SOCMI -- Equipment Leaks;

(e) Subpart I -- Certain Processes Subject to the Negotiated Regulation for Equipment Leaks;

(f) Subpart J -- Polyvinyl Chloride and Copolymers Production;

(g) Subpart L -- Coke Oven Batteries;

(h) Subpart M -- Perchloroethylene Air Emission Standards for Dry Cleaning Facilities;

(i) Subpart N -- Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks;

(j) Subpart O -- Ethylene Oxide Emissions Standards for Sterilization Facilities;

(k) Subpart Q -- Industrial Process Cooling Towers;

(l) Subpart R -- Gasoline Distribution (Bulk Gasoline Terminals and Pipeline Breakout Stations);

(m) Subpart S -- Pulp and Paper Industry;

(n) Subpart T -- Halogenated Solvent Cleaning;

(o) Subpart U -- Group I Polymers and Resins;

(p) Subpart W -- Epoxy Resins and Non-Nylon Polyamides Production;

(q) Subpart X -- Secondary Lead Smelting;

(r) Subpart Y -- Marine Tank Vessel Loading Operations;

(s) Subpart AA -- Phosphoric Acid Manufacturing Plants;

(t) Subpart BB -- Phosphate Fertilizer Production Plants;

(u) Subpart CC -- Petroleum Refineries;

(v) Subpart DD -- Off-Site Waste and Recovery Operations;

(w) Subpart EE -- Magnetic Tape Manufacturing Operations;

(x) Subpart GG -- Aerospace Manufacturing and Rework Facilities;

(y) Subpart HH -- Oil and Natural Gas Production Facilities;

(z) Subpart II -- Shipbuilding and Ship Repair (Surface Coating);

(aa) Subpart JJ -- Wood Furniture Manufacturing Operations;

(bb) Subpart KK -- Printing and Publishing Industry;

(cc) Subpart LL -- Primary Aluminum Reduction Plants;

(dd) Subpart MM -- Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite and Stand-Alone Semi-Chemical Pulp Mills;

(ee) Subpart OO -- Tanks -- Level 1;

(ff) Subpart PP -- Containers;

(gg) Subpart QQ -- Surface Impoundments;

(hh) Subpart RR -- Individual Drain Systems;

(ii) Subpart SS -- Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process;

(jj) Subpart TT -- Equipment Leaks -- Control Level 1;

(kk) Subpart UU -- Equipment Leaks -- Control Level 2;

(ll) Subpart VV -- Oil-Water Separators and Organic-Water Separators;

(mm) Subpart WW -- Storage Vessels (Tanks) -- Control Level 2;

(nn) Subpart XX -- Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations;

(oo) Subpart YY -- Generic Maximum Achievable Control Technology Standards;

(pp) Subpart CCC -- Steel Pickling -- HCl Process Facilities and Hydrochloric Acid Regeneration Plants;

(qq) Subpart DDD -- Mineral Wool Production;

(rr) Subpart EEE -- Hazardous Waste Combustors;

(ss) Subpart GGG -- Pharmaceuticals Production;

(tt) Subpart HHH -- Natural Gas Transmission and Storage Facilities;

(uu) Subpart III -- Flexible Polyurethane Foam Production;

(vv) Subpart JJJ -- Group IV Polymers and Resins;

(ww) Subpart LLL -- Portland Cement Manufacturing Industry;

(xx) Subpart MMM -- Pesticide Active Ingredient Production;

(yy) Subpart NNN -- Wool Fiberglass Manufacturing;

(zz) Subpart OOO -- Manufacture of Amino/Phenolic Resins;

(aaa) Subpart PPP -- Polyether Polyols Production;

(bbb) Subpart QQQ -- Primary Copper Smelting;

(ccc) Subpart RRR -- Secondary Aluminum Production;

(ddd) Subpart TTT -- Primary Lead Smelting;

(eee) Subpart UUU -- Petroleum Refineries -- Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units;

(fff) Subpart VVV -- Publicly Owned Treatment Works;

(ggg) Subpart XXX -- Ferroalloys Production: Ferromanganese and Silicomanganese;

(hhh) Subpart AAAA -- Municipal Solid Waste Landfills;

(iii) Subpart CCCC -- Manufacturing of Nutritional Yeast;

(jjj) Subpart DDDD -- Plywood and Composite Wood Products;

(kkk) Subpart EEEE -- Organic Liquids Distribution (non-gasoline);

(lll) Subpart FFFF -- Miscellaneous Organic Chemical Manufacturing;

(mmm) Subpart GGGG -- Solvent Extraction for Vegetable Oil Production;

(nnn) Subpart HHHH -- Wet Formed Fiberglass Mat Production;

(ooo) Subpart IIII -- Surface Coating of Automobiles and Light-Duty Trucks;

(ppp) Subpart JJJJ -- Paper and Other Web Coating;

(qqq) Subpart KKKK -- Surface Coating of Metal Cans;

(rrr) Subpart MMMM -- Surface Coating of Miscellaneous Metal Parts and Products;

(sss) Subpart NNNN -- Surface Coating of Large Appliances;

(ttt) Subpart OOOO -- Printing, Coating, and Dyeing of Fabrics and Other Textiles;

(uuu) Subpart PPPP -- Surface Coating of Plastic Parts and Products;

(vvv) Subpart QQQQ -- Surface Coating of Wood Building Products;

(www) Subpart RRRR -- Surface Coating of Metal Furniture;

(xxx) Subpart SSSS -- Surface Coating of Metal Coil;

(yyy) Subpart TTTT -- Leather Finishing Operations;

(zzz) Subpart UUUU -- Cellulose Production Manufacturing;

(aaaa) Subpart VVVV -- Boat Manufacturing;

(bbbb) Subpart WWWW -- Reinforced Plastics Composites Production;

(cccc) Subpart XXXX -- Rubber Tire Manufacturing;

(dddd) Subpart YYYY -- Stationary Combustion Turbines;

(eeee) Subpart AAAAA -- Lime Manufacturing;

(ffff) Subpart BBBBB -- Semiconductor Manufacturing;

(gggg) Subpart CCCCC -- Coke Ovens: Pushing, Quenching & Battery Stacks;

(hhhh) Subpart DDDDD -- Industrial, Commercial, and Institutional Boilers;

(iiii) Subpart EEEEE -- Iron and Steel Foundries;

(jjjj) Subpart FFFFF -- Integrated Iron and Steel Manufacturing Facilities;

(kkkk) Subpart GGGGG -- Site Remediation;

(llll) Subpart HHHHH -- Misc. Coating Manufacturing;

(mmmm) Subpart IIIII -- Mercury Cell Chlor-Alkali Plants;

(nnnn) Subpart JJJJJ -- Brick and Structural Clay Products Manufacturing;

(oooo) Subpart KKKKK -- Clay Ceramics Manufacturing;

(ppppp) Subpart LLLLL -- Asphalt Processing & Asphalt Roofing Manufacturing;

(qqqq) Subpart MMMMM -- Flexible Polyurethane Foam Fabrication Operations;

(rrrr) Subpart NNNNN -- Hydrochloric Acid Production;

(ssss) Subpart PPPPP -- Engine Tests Cells/Stands;

(tttt) Subpart QQQQQ -- Friction Materials Manufacturing Facilities;

(uuuu) Subpart RRRRR -- Taconite Iron Ore Processing;

(vvvv) Subpart SSSSS -- Refractory Products Manufacturing;

(wwww) Subpart TTTTT -- Primary Magnesium Refining;

(xxxx) Subpart WWWWW -- Area Sources: Hospital Ethylene Oxide Sterilization;

(yyyy) Subpart YYYYY -- Area Sources: Electric Arc Furnace Steelmaking Facilities;

(zzzz) Subpart ZZZZZ -- Area Sources: Iron and Steel Foundries;

(aaaaa) Subpart BBBBBB -- Area Sources: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities;

(bbbbb) Subpart DDDDDD -- Area Sources: Polyvinyl Chloride and Copolymers Production;

(ccccc) Subpart EEEEEE -- Area Sources: Primary Copper Smelting;

(ddddd) Subpart FFFFFF -- Area Sources: Secondary Copper Smelting;

(eeeee) Subpart GGGGGG -- Area Sources: Primary Nonferrous Metals -- Zinc, Cadmium, and Beryllium;

(fffff) Subpart HHHHHH -- Area Sources: Paint Stripping and Miscellaneous Surface Coating Operations;

(ggggg) Subpart JJJJJJ – Area Sources: Industrial, Commercial, and Institutional Boilers;

(hhhhh) Subpart LLLLLL -- Area Sources: Acrylic and Modacrylic Fibers Production;

(iiiii) Subpart MMMMMM -- Area Sources: Carbon Black Production;

(jjjjj) Subpart NNNNNN -- Area Sources: Chemical Manufacturing: Chromium Compounds;

(kkkkk) Subpart OOOOOO -- Area Sources: Flexible Polyurethane Foam Production;

(lllll) Subpart PPPPPP -- Area Sources: Lead Acid Battery Manufacturing;

(mmmmm) Subpart QQQQQQ -- Area Sources: Wood Preserving;

(nnnnn) Subpart RRRRRR -- Area Sources: Clay Ceramics Manufacturing;

(ooooo) Subpart SSSSSS -- Area Sources: Glass Manufacturing;

(ppppp) Subpart TTTTTT -- Area Sources: Secondary Nonferrous Metals Processing;

(qqqqq) Subpart VVVVVV – Area Sources: Chemical Manufacturing;

(rrrrr) Subpart WWWWWW -- Area Source: Plating and Polishing Operations;

(sssss) Subpart XXXXXX -- Area Source: Nine Metal Fabrication and Finishing Source Categories;

(ttttt) Subpart YYYYYY -- Area Sources: Ferroalloys Production Facilities;

(uuuuu) Subpart ZZZZZZ -- Area Sources: Aluminum, Copper, and Other Nonferrous Foundries;

(vvvvv) Subpart AAAAAAA – Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing;

(wwwww) Subpart BBBBBBB -- Area Sources: Chemical Preparations Industry;

(xxxxx) Subpart CCCCCCC -- Area Sources: Paints and Allied Products Manufacturing;

(yyyyy) Subpart DDDDDDD -- Area Sources: Prepared Feeds Manufacturing;

(zzzzz) Subpart EEEEEEE -- Area Sources: Gold Mine Ore Processing and Production.

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: [DEQ 16-1995, f. & cert. ef. 6-21-95; DEQ 28-1996, f. & cert. ef. 12-19-96; DEQ 18-1998, f. & cert. ef. 10-5-98]; [DEQ 18-1993, f. & cert. ef. 11-4-93; DEQ 32-1994, f. & cert. ef. 12-22-94]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0510, 340-032-5520; DEQ 11-2000, f. & cert. ef. 7-27-00; DEQ 15-2001, f. & cert. ef. 12-26-01; DEQ 4-2003, f. & cert. ef. 2-06-03; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 1-2011, f. & cert. ef. 2-24-11

**Emission Standards for Gasoline Dispensing Facilities**

**340-244-0234**

**Affected Sources**

(1) The affected source to which the emission standards apply is each GDF. The affected source includes each gasoline cargo tank during the delivery of product to a GDF and also includes each storage tank.

(2) The emissions standards in OAR 340-244-0236 through 0252 do not apply to agricultural operations as defined in ORS 468A.020. Agricultural operations are however required to comply with the Gasoline Dispensing NESHAP, if applicable (40 CFR part 63 subpart CCCCCC).

(3) All GDFs must comply with the requirements of OAR 340-244-0240.

(4) The owner or operator of a GDF must comply with the requirements of OAR 340-244-0242 for the following gasoline storage tanks:

(a) All tanks with a capacity of 250 gallons or more located at GDFs:

(A) Whose annual throughput exceeds 480,000 gallons of gasoline or more;

(B) Whose average monthly throughput exceeds 100,000 gallons of gasoline or more; or

(C) In Clackamas, Multnomah, or Washington County whose annual throughput exceeds 120,000 gallons of gasoline or more.

(b) All tanks with a capacity of 1,500 gallons or more located at GDFs in the Portland AQMA, Medford AQMA, or Salem SKATS.

(5) The owner or operator of a GDF must comply with the requirements of OAR 340-244-0242(4) for any gasoline storage tank equipped with a vapor balance system.

(6) An affected source must, upon request by the Department, demonstrate their annual or monthly throughput. For new or reconstructed affected sources, as specified in OAR 340-244-0236(2) and (3), recordkeeping to document monthly throughput must begin upon startup of the affected source. For existing sources, as specified in OAR 340-244-0236(4), recordkeeping to document monthly throughput must begin on January 10, 2008. For existing sources that are subject only because they load gasoline into fuel tanks other than those in motor vehicles, as defined in OAR 340-244-0030, recordkeeping to document monthly throughput must begin on January 24, 2011. Records required under this section must be kept for a period of 5 years.

(7) The owner or operator of an affected source, as defined in section (1) of this rule, is not required to obtain a Title V Operating Permit. However, the owner or operator must still apply for and obtain a Title V Operating Permit if meeting one or more of the applicability criteria found in OAR 340-218-0020.

(8) The loading of aviation gasoline storage tanks at airports, and the subsequent transfer of aviation gasoline within the airport, is not subject to OAR 340-244-0236 through 0252, except in the Portland AQMA, Medford AQMA, Salem SKATS, and Clackamas, Multnomah, and Washington Counties. In these geographic areas, aviation gasoline is subject to OAR 340-244-0236 through 0252.

(9) Monthly throughput is the total volume of gasoline loaded into, or dispensed from, all the gasoline storage tanks located at a single affected GDF. If an area source has two or more GDFs at separate locations within the area source, each GDF is treated as a separate affected source.

(10) If the affected source’s throughput ever exceeds an applicable throughput threshold, the affected source will remain subject to the requirements for sources above the threshold, even if the affected source throughput later falls below the applicable throughput threshold.

(11) The dispensing of gasoline from a fixed gasoline storage tank at a GDF into a portable gasoline tank for the on-site delivery and subsequent dispensing of the gasoline into the fuel tank of a motor vehicle or other gasoline-fueled engine or equipment used within the area source is only subject to OAR 340-244-0240(1).

(12) For any affected source subject to the provisions of OAR 340-244-0232 through 0252 and another federal rule, the owner or operator may elect to comply only with the more stringent provisions of the applicable rules. The owner or operator must consider all provisions of the rules, including monitoring, recordkeeping, and reporting. The owner or operator must identify the affected source and provisions with which the owner or operator will comply in the Notification of Compliance Status required under OAR 340-244-0246. The owner or operator also must demonstrate in the Notification of Compliance Status that each provision with which the owner or operator will comply is at least as stringent as the otherwise applicable requirements in OAR 340-244-0232 through 0252. The owner or operator is responsible for making accurate determinations concerning the more stringent provisions, and noncompliance with this rule is not excused if it is later determined that your determination was in error, and, as a result, the owner or operator is violating OAR 340-244-0232 through 0252. Compliance with this rule is the owner’s or operator’s responsibility and the Notification of Compliance Status does not alter or affect that responsibility.

**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 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 1-2011, f. & cert. ef. 2-24-11

**340-244-0238**

**Compliance Dates**

(1) For a new or reconstructed affected source, the owner or operator must comply with the standards in OAR 340-244-0240 and 0242, as applicable, no later than January 10, 2008 or upon startup, whichever is later, except as follows:

(a) The owner or operator of a new or reconstructed GDF must comply with OAR 340-244-0240(1)(b) and (c) no later than July 1, 2009 or upon startup, whichever is later.

(b) For tanks located at a GDF with average monthly throughput less than 100,000 gallons of gasoline and not listed in OAR 340-244-0234(4)(a)(C) or (4)(b) must comply with OAR 340-244-0242, as applicable, no later than December 13, 2009 or upon startup, whichever is later.

(c) The owner or operator of a GDF subject to Table 4 of this division must comply no later than September 23, 2008 or upon startup, whichever is later.

(2) For an existing affected source, the owner or operator must comply with the standards in OAR 340-244-0240 and 0242, as applicable, by no later than January 10, 2011, except as follows:

(a) For tanks with a capacity between 1,500 and 40,000 gallons and located in the Portland AQMA, Medford AQMA, or Salem SATS, the owner or operator must comply with the standards in OAR 340-244-0240(3) and 0242 no later than December 13, 2008.

(b) For tanks located at an affected source located in Clackamas, Multnomah, or Washington County, whose annual throughput exceeds 120,000 gallons, the owner or operator must comply with the standards in OAR 340-244-0240(3) and 0242 no later than December 13, 2008.

(c) The owner or operator of an existing GDF must comply with OAR 340-244-0240(1)(b) and (c) no later than July 1, 2009 or upon startup, whichever is later.

(3) For an existing affected source that becomes subject to the control requirements in OAR 340-244-0242 because of an increase in the monthly throughput, as specified in OAR 340-244-0234(4), the owner or operator must comply with the standards OAR 340-244-0242 no later than 3 years after the affected source becomes subject to the control requirements in OAR 340-244-0242.

(4) The initial compliance demonstration test required under OAR 340-244-0244(1)(a) and (b) must be conducted as specified in subsections (4)(a) and (b) of this rule.

(a) For a new or reconstructed affected source, the owner or operator must conduct the initial compliance test upon installation of the complete vapor balance system.

(b) For an existing affected source, the owner or operator must conduct the initial compliance test as specified in paragraph (4)(b)(A) or (B) of this rule.

(A) For vapor balance systems installed on or before December 15, 2009 at a GDF whose average monthly throughput is 100,000 gallons of gasoline or more, the owner or operator must test no later than 180 days after the applicable compliance date specified in section (2) or (3) of this rule.

(B) For vapor balance systems installed after December 15, 2009, the owner or operator must test upon installation of a complete vapor balance system or a new gasoline storage tank.

(C) For a GDF whose average monthly throughput is less than or equal to 100,000 gallons of gasoline, the owner or operator is only required to test upon installation of a complete vapor balance system or a new gasoline storage tank.

(5) If the GDF is subject to the control requirements in OAR 340-244-0232 through 0252 only because it loads gasoline into fuel tanks other than those in motor vehicles, as defined in OAR 340-244-0030, the owner or operator must comply with the standards in OAR 340-244-0232 through 0252 as specified in subsections (5)(a) and (b) of this rule.

(a) If the GDF is an existing facility, the owner or operator must comply by January 24, 2014.

(b) If the GDF is a new or reconstructed facility, the owner or operator must comply by the dates specified in paragraphs (5)(b)(A) and (B) of this rule.

(A) If startup of the GDF is after December 15, 2009, but before January 24, 2011, the owner or operator must comply no later than January 24, 2011.

(B) If startup of the GDF is after January 24, 2011, the owner or operator must comply upon startup of the GDF.

**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 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 1-2011, f. & cert. ef. 2-24-11

**Emission Limitations and Management Practices**

**340-244-0239**

**General Duties to Minimize Emissions**

Each owner or operator of an affected source must comply with the requirements of sections (1) and (2) of this rule.

(1) The owner or operator must, at all times, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Department which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(2) The owner or operator must keep applicable records and submit reports as specified in OAR 340-244-0248(3) and 340-244-0250(2).

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

**340-244-0240**

**Work Practice and Submerged Fill Requirements**

(1) The owner or operator of a GDF must not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following:

(a) Minimize gasoline spills;

(b) Do not top off or overfill vehicle tanks. If a person can confirm that a vehicle tank is not full after the nozzle clicks off (such as by checking the vehicle’s fuel tank gauge), the person may continue to dispense fuel using best judgment and caution to prevent a spill;

(c) Post a sign at the GDF instructing a person filling up a motor vehicle to not top off the vehicle tank;

(d) Clean up spills as expeditiously as practicable;

(e) Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use;

(f) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

(g) Ensure that cargo tanks unloading at the GDF comply with subsections (1)(a) through (e) of this rule.

(2) Any cargo tank unloading at a GDF equipped with a functional vapor balance system must connect to the vapor balance system whenever gasoline is being loaded.

(3) Except as specified in section (4) of this rule, the owner or operator must only load gasoline into storage tanks at the facility by utilizing submerged filling, as defined in OAR 340-244-0030, and as specified in subsection (3)(a), (3)(b), or (3)(c) of this rule.

(a) Submerged fill pipes installed on or before November 9, 2006, must be no more than 12 inches from the bottom of the storage tank.

(b) Submerged fill pipes installed after November 9, 2006, must be no more than 6 inches from the bottom of the storage tank.

(c) Submerged fill pipes not meeting the specifications of subsection (3)(a) or (3)(b) of this rule are allowed if the owner or operator can demonstrate that the liquid level in the tank is always above the entire opening of the fill pipe. Documentation providing such demonstration must be made available for inspection by the Department during the course of a site visit.

(4) Gasoline storage tanks with a capacity of less than 250 gallons are not required to comply with the submerged fill requirements in section (3) of this rule.

(5) The owner or operator must submit the applicable notifications as required under OAR 340-244-0246.

(6) The owner or operator must have records available within 24 hours of a request by the Department to document gasoline throughput.

(7) The owner or operator must comply with the requirements of this rule by the applicable dates specified in OAR 340-244-0238.

(8) Portable gasoline containers that meet the requirements of 40 CFR part 59 subpart F are considered acceptable for compliance with subsection (1)(e) of this rule.

**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 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09

**340-244-0244**

**Testing and Monitoring Requirements**

(1) Each owner or operator, at time of installation, as specified in OAR 340-244-0238(4), of a vapor balance system required under OAR 340-244-0242(1)(a), and every 3 years thereafter at a GDF with monthly throughput of 100,000 gallons of gasoline or more, must comply with the requirements in subsections (1)(a) and (b) of this rule.

(a) The owner or operator must demonstrate compliance with the leak rate and cracking pressure requirements, specified in item 1(g) of Table 4 of this division, for pressure-vacuum vent valves installed on gasoline storage tanks using the test methods identified in paragraph (1)(a)(A) or (B) of this rule.

(A) California Air Resources Board Vapor Recovery Test Procedure TP–201.1E,—Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, adopted October 8, 2003 (incorporated by reference, see 40 CFR 63.14).

(B) Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR 63.7(f).

(b) The owner or operator must demonstrate compliance with the static pressure performance requirement, specified in item 1(h) of Table 4 of this division, for the vapor balance system by conducting a static pressure test on the gasoline storage tanks using the test methods identified in paragraph (1)(b)(A), (1)(b)(B), or (1)(b)(C) of this rule.

(A) California Air Resources Board Vapor Recovery Test Procedure TP–201.3,—Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, adopted April 12, 1996, and amended March 17, 1999 (incorporated by reference, see 40 CFR 63.14).

(B) Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR 63.7(f).

(C) Bay Area Air Quality Management District Source Test Procedure ST–30—Static Pressure Integrity Test—Underground Storage Tanks, adopted November 30, 1983, and amended December 21, 1994 (incorporated by reference, see 40 CFR 63.14).

(2) Each owner or operator of a GDF, choosing, under the provisions of 40 CFR 63.6(g), to use a vapor balance system other than that described in Table 4 of this division, must demonstrate to the Department the equivalency of their vapor balance system to that described in Table 4 of this division using the procedures specified in subsections (2)(a) through (c) of this rule.

(a) The owner or operator must demonstrate initial compliance by conducting an initial performance test on the vapor balance system to demonstrate that the vapor balance system achieves 95 percent reduction using the California Air Resources Board Vapor Recovery Test Procedure TP-201.1, -- Volumetric Efficiency for Phase I Vapor Recovery Systems, adopted April 12, 1996, and amended February 1, 2001, and October 8, 2003, (incorporated by reference, see 40 CFR 63.14).

(b) The owner or operator must, during the initial performance test required under subsection (2)(a) of this rule, determine and document alternative acceptable values for the leak rate and cracking pressure requirements specified in item 1(g) of Table 4 of this division and for the static pressure performance requirement in item 1(h) of Table 4 of this division.

(c) The owner or operator must comply with the testing requirements specified in section (1) of this rule.

(3) Conduct of performance tests. Performance tests must be conducted under such conditions as the Department specifies to the owner or operator based on representative performance (i.e., performance based on normal operating conditions) of the affected source. Upon request, the owner or operator must make available to the Department such records as may be necessary to determine the conditions of performance tests.

(4) Owners and operators of gasoline cargo tanks subject to the provisions of Table 5 to this division must conduct annual certification testing according to the vapor tightness testing requirements found in 40 CFR 63.11092(f).

**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 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 1-2011, f. & cert. ef. 2-24-11

**340-244-0246**

**Notifications**

(1) Each owner or operator subject to the control requirements in OAR 340-244-0240(3) must comply with subsections (1)(a) through (c) of this rule.

(a) The owner or operator must submit an Initial Notification that the owner or operator is subject to the Gasoline Dispensing Facilities NESHAP by May 9, 2008, or at the time the owner or operator becomes subject to the control requirements in OAR 340-244-0240(3), unless the owner or operator meets the requirements in subsection (1)(c) of this rule. If the owner or operator is subject to the control requirements in OAR 340-244-0240(3) only because the owner or operator loads gasoline into fuel tanks other than those in motor vehicles, as defined on OAR 340-244-0030, the owner or operator must submit the initial notification by May 24, 2011. The Initial Notification must contain the information specified in paragraphs (1)(a)(A) through (C) of this rule. The notification must be submitted to EPA’s Region 10 Office and the Department as specified in 40 CFR 63.13.

(A) The name and address of the owner and the operator.

(B) The address (i.e., physical location) of the GDF.

(C) A statement that the notification is being submitted in response to the Gasoline Dispensing Facilities NESHAP and identifying the requirements in OAR 340-244-0240(1) through (3) that apply to the owner or operator.

(b) The owner or operator must submit a Notification of Compliance Status to EPA’s Region 10 Office and the Department, as specified in 40 CFR 63.13, within 60 days of the applicable compliance date specified in OAR 340-244-0238, unless the owner or operator meets the requirements in subsection (1)(c) of this rule. The Notification of Compliance Status must be signed by a responsible official who must certify its accuracy, must indicate whether the source has complied with the requirements of OAR 340-244-0232 through 0252, and must indicate whether the facility’s monthly throughput is calculated based on the volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks. If the facility is in compliance with the requirements of OAR 340-244-0232 through 0252 at the time the Initial Notification required under subsection (1)(a) of this rule is due, the Notification of Compliance Status may be submitted in lieu of the Initial Notification provided it contains the information required under subsection (1)(a) of this rule.

(c) If, prior to January 10, 2008, the owner or operator is operating in compliance with an enforceable State rule or permit that requires submerged fill as specified in OAR 340-244-0240(3), the owner or operator is not required to submit an Initial Notification or a Notification of Compliance Status under subsection (1)(a) or (b) of this rule.

(2) Each owner or operator subject to the control requirements in OAR 340-244-0242 must comply with subsections (2)(a) through (e) of this rule.

(a) The owner or operator must submit an Initial Notification that the owner or operator is subject to the Gasoline Dispensing Facilities NESHAP by May 9, 2008, or at the time the owner or operator becomes subject to the control requirements in OAR 340-244-0242. If the owner or operator is subject to the control requirements in OAR 340-244-0242 only because the owner or operator loads gasoline into fuel tanks other than those in motor vehicles, as defined on OAR 340-244-0030, the owner or operator must submit the initial notification by May 24, 2011. The Initial Notification must contain the information specified in paragraphs (2)(a)(A) through (C) of this rule. The notification must be submitted to EPA’s Region 10 Office and the Department as specified in 40 CFR 63.13.

(A) The name and address of the owner and the operator.

(B) The address (i.e., physical location) of the GDF.

(C) A statement that the notification is being submitted in response to the Gasoline Dispensing Facilities NESHAP and identifying the requirements in OAR 340-244-0242 that apply to the owner or operator.

(b) The owner or operator must submit a Notification of Compliance Status to EPA’s Regional 10 Office and the Department, as specified in 40 CFR 63.13, in accordance with the schedule specified in 40 CFR 63.9(h). The Notification of Compliance Status must be signed by a responsible official who must certify its accuracy, must indicate whether the source has complied with the requirements of OAR 340-244-0232 through 0252, and must indicate whether the facility’s monthly throughput is calculated based on the volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks. If the facility is in compliance with the requirements OAR 340-244-0232 through 0252 at the time the Initial Notification required under subsection (2)(a) of this rule is due, the Notification of Compliance Status may be submitted in lieu of the Initial Notification provided it contains the information required under subsection (2)(a) of this rule.

(c) If, prior to January 10, 2008, the owner or operator satisfies the requirements in both paragraphs (2)(c)(A) and (B) of this rule, the owner or operator is not required to submit an Initial Notification or a Notification of Compliance Status under subsections (2)(a) or (b) of this rule.

(A) The owner or operator operates a vapor balance system at the gasoline dispensing facility that meets the requirements of either subparagraphs (2)(c)(A)(i) or (ii) of this rule.

(i) Achieves emissions reduction of at least 90 percent.

(ii) Operates using management practices at least as stringent as those in Table 4 of this division.

(B) The GDF is in compliance with an enforceable State rule or permit that contains requirements of subparagraphs (2)(c)(A)(i) and (ii) of this rule.

(d) The owner or operator must submit a Notification of Performance Test, as specified in 40 CFR 63.9(e), prior to initiating testing required by OAR 340-244-0244(1) and (2).

(e) The owner or operator must submit additional notifications specified in 40 CFR 63.9, as applicable.

**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 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09

**340-244-0248**

**Recordkeeping Requirements**

(1) Each owner or operator must keep the following records:

(a) Records of all tests performed under OAR 340-244-0244(1) and (2);

(b) Records related to the operation and maintenance of vapor balance equipment required under OAR 340-244-0242. Any vapor balance component defect must be logged and tracked by station personnel using forms provided by the Department or a reasonable facsimile.

(c) Records of total throughput volume of gasoline, in gallons, for each calendar month.

(d) Records of permanent changes made at the GDF and vapor balance equipment which may affect emissions.

(2) Records required under section (1) of this rule must be kept for a period of 5 years and must be made available for inspection by the Department during the course of a site visit.

(3) Each owner or operator of a gasoline cargo tank subject to the management practices in Table 5 of this division must keep records documenting vapor tightness testing for a period of 5 years. Documentation must include each of the items specified in **40 CFR 63.11094(b)(2)(i) through (viii)**. Records of vapor tightness testing must be retained as specified in either subsection (3)(a) or (b) of this rule.

(a) The owner or operator must keep all vapor tightness testing records with the cargo tank.

(b) As an alternative to keeping all records with the cargo tank, the owner or operator may comply with the requirements of paragraphs (3)(a)(A) and (B) of this rule.

(A) The owner or operator may keep records of only the most recent vapor tightness test with the cargo tank and keep records for the previous 4 years at their office or another central location.

(B) Vapor tightness testing records that are kept at a location other than with the cargo tank must be instantly available (e.g., via e-mail or facsimile) to the Department during the course of a site visit or within a mutually agreeable time frame. Such records must be an exact duplicate image of the original paper copy record with certifying signatures.

(4) The owner or operator must keep records as specified in subsections (4)(a) and (b) of this rule.

(a) Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment.

(b) Records of actions taken during periods of malfunction to minimize emissions in accordance with

OAR 340-244-0239(1), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

**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 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 1-2011, f. & cert. ef. 2-24-11

**340-244-0250**

**Reporting Requirements**

(1) Each owner or operator subject to the management practices in OAR 340-244-0242 must report to the Department the results of all volumetric efficiency tests required under OAR 340-244-0244(1) and (2). Reports submitted under this rule must be submitted within 180 days of the completion of the performance testing.

(2) Annual report. Each owner or operator must report, by March 15 of each year, the following information:

(a) The total throughput volume of gasoline, in gallons, for each calendar month.

(b) A summary of changes made at the facility on vapor recovery equipment which may affect emissions.

(c) List of all major maintenance performed on pollution control equipment.

(d) The number, duration, and a brief description of each type of malfunction which occurred during the previous calendar year and which caused or may have caused any applicable emission limitation to be exceeded.

(e) A description of actions taken by the owner or operator during a malfunction to minimize emissions in accordance with OAR 340-244-0239(1), including actions taken to correct a malfunction.

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