

From: [BAILEY Mark](#)
To: [ROOT Jenny](#)
Subject: RE: Div 12 Rules
Date: Wednesday, April 17, 2013 2:27:35 PM
Attachments: [Div12 3 15 13 \(2\).AQdrft2.docx](#)

Here you go Jenny

From: ROOT Jenny
Sent: Wednesday, April 17, 2013 11:57 AM
To: BAILEY Mark
Subject: RE: Div 12 Rules

Hi Mark,

Thank you again for looking at this and trying to make the selected actually useful and reflective of our current AQ program priorities. I've added a few comments and questions below.

From: BAILEY Mark
Sent: Wednesday, April 17, 2013 9:02 AM
To: ROOT Jenny
Subject: FW: Div 12 Rules

This is what I sent to Mark Fisher to review. Any preliminary comments?

From: BAILEY Mark
Sent: Tuesday, April 16, 2013 2:03 PM
To: FISHER Mark
Subject: Div 12 Rules

If you get the chance can you review the following section from Division 12? I added 1(c) and 1(d), and modified 1(e). I tried to capture our recent discussions regarding these rules that pertain to magnitudes. Thanks Mark.

340-012-0135

Selected Magnitude Categories

(1) Magnitudes for selected Air Quality violations will be determined as follows:

(a) Opacity limitation violations:

(A) Major -- Opacity measurements or readings of 20 percent opacity or more over the applicable limitation, or an

opacity violation by a federal major source as defined in OAR 340-200-0020;

(B) Moderate -- Opacity measurements or readings greater than 10 percent opacity and less than 20 percent opacity over the applicable limitation; or

(C) Minor -- Opacity measurements or readings of 10 percent opacity or less over the applicable limitation.

(b) Operation of a major source, as defined in OAR 340-200-0020, without first obtaining the required permit:

Major -- The Lowest Achievable Emission Rate (LAER) or [\[mb1\]](#) Best Achievable Control Technology (BACT) analysis shows need for additional controls and/or if offsets are required.

(c) Exceeding an emission limit that was established pursuant to New Source Review/Prevention of Significant Deterioration (NSR/PSD): Major -- exceeding the emission limit as established by NSR/PSD by an amount greater than [\[mb2\]](#) 50 percent of the standard.

(d) Exceeding an emission limitation established pursuant to federal Maximum Achievable Control Technology [\[mb3\]](#) (MACT) regulations: Major -- exceeding an emission limit for a directly measured Hazardous Air Pollutant (HAP) as established by MACT regulations.

(e) Air contaminant emission limitation violations for selected air pollutants unless otherwise classified: Magnitude determinations under this subsection shall be made based upon significant emission rate (SER) amounts listed in OAR 340-200-0020 (Tables 2 and 3).

(A) Major:

(i) Exceeding the annual emission limit as established by permit, rule or order by more than the annual SER;

(ii) Exceeding the short-term (less than 1 year) emission limit as established by permit, rule or order by more than the applicable [\[mb4\]](#) short-term SER;

(B) Minor:

(i) Exceeding the annual emission limit as established by permit, rule or order by an amount less than 50 percent of the annual SER;

(ii) Exceeding the short-term (less than 1 year) emission limit as established by permit, rule or order by an amount less than [\[mb5\]](#) 50 percent of the applicable short-term SER;

Q- Just curious, did you want to add a selected magnitude for moderate or were you thinking that emission exceedances are either a big deal (major), or not (minor) and just want to leave it at that? Magnitude helps determine the base penalty.