| **Current** | | **Proposed** | | **Suggested change** | **Reason/Issues** | **SIP** |
| --- | --- | --- | --- | --- | --- | --- |
| **Division** | **Rule** | **Division** | **Rule** |
| ALL | ALL | NA | NA | Replace “the Department” with “DEQ” | Simplification | NA |
| ALL | ALL | NA | NA | Replace “the Commission” or “the Environmental Quality Commission” with “the EQC” | Simplification | NA |
| ALL | ALL | NA | NA | Replace “Environmental Protection Agency” with “EPA” | Simplification | NA |
| ALL | ALL | NA | NA | Replace “Plant Site Emission Limit” with PSEL | Simplification | NA |
| ALL | ALL | NA | NA | Replace “Prevention of Significant Deterioration” with “PSD” | Simplification | NA |
| ALL | ALL | NA | NA | Replace “Regional Authority” or “Regional Agency” with “LRAPA” | Simplification | NA |
| ALL | ALL | NA | NA | Replace “Act” with “FCAA” | Simplification | NA |
| ALL | ALL | NA | NA | Replace “air pollutant” or “pollutant” or “regulated air pollutant” with “regulated pollutant” where appropriate | Clarification/simplification. The defined terms are “regulated air pollutant” and “regulated pollutant” but use “regulated pollutant” | NA |
| ALL | ALL | NA | NA | Delete CFR date | CFR date is included in Reference Materials rule, OAR 340-200-0035 | NA |
| ALL | ALL | NA | NA | Replace “control equipment” with “control device” | Clarification. The defined term is control device | NA |
| ALL | ALL | NA | NA | Replace “Division” with “division” | correction | NA |
| ALL | ALL | NA | NA | Replace “shall” with “must” | Shall imposes an obligation on a person, not a thing | NA |
| ALL | ALL | NA | NA | Replace “source” with “major source” where appropriate | Clarification/correction | NA |
| ALL | ALL | NA | NA | Replace “modification” with “major modification” where appropriate | Clarification/correction | NA |
| ALL | ALL | NA | NA | Replace “significant emission rate” with “SER” | Simplification | NA |
| ALL | ALL | NA | NA | Replace “State Implementation Plan” with “SIP” | Simplification | NA |
| ALL | ALL | NA | NA | Delete “national” from “ambient air quality standard” | DEQ has some ambient air quality standards that are different than federal standards | NA |
| ALL | ALL | NA | NA | Delete “stationary” from “stationary source” | Some portable sources require permits under division 216 | NA |
| ALL | ALL | NA | NA | Delete “of this rule” or “of this section” or “of this subsection” or “of this paragraph” | Plain language | NA |
| ALL | ALL | NA | NA | Capitalize the first word of every rule, section, subsection, paragraph, or subparagraph | Correction | NA |
| ALL | ALL | NA | NA | Remove all bold font | Not necessary | NA |
| ALL | ALL | NA | NA | Add “OAR” before rule citations if not already included and delete “chapter” | Clarification | NA |
| ALL | ALL | NA | NA | Do not capitalize defined terms | Not necessary | NA |
| ALL | ALL | NA | NA | Move tables to their own rule number | Pull out tables from rule and make the tables their own rule. Consistent with Water Quality Division. | NA |
| ALL | ALL | NA | NA | Regulate in the singular and remove (s) | Clarification | NA |
| ALL | ALL | NA | NA | Remove brackets from SIP note | Not necessary | NA |
| 200 |  |  |  | General Air Pollution Procedures and Definitions |  |  |
| 200 | ALL | NA | NA | Capitalize only the first word in the defined term | Correction | SIP |
| 200 | 0010(3) | NA | NA | Add:  “Subject to the requirements in these divisions and ORS 468A.100 through 468A.180, the Lane Regional Air Protection Agency is designated by the EQC as the Agency to implement these divisions within its area of jurisdiction. LRAPA must apply the requirements and procedures contained OAR 340 divisions 200, 202, 204, 206, 208, 210, 212, 214, 215, 218, 220, 222, 224, 225, 226, 228, 230, 234, 236, 238, 244, 246, 248, 250, 252, 253, 254, 256, 257, 258, 259, 260, 262, 264, 266, and 268, except that if LRAPA has adopted or adopts a rule or rules that are at least as strict as a requirement or procedure in such divisions, then LRAPA will apply its rule or rules in lieu of such requirement or procedure.” | Give LRAPA the ability to implement DEQ rules until they adopt their own rules. | SIP |
| NA | NA | 200 | 0010 | Add SIP note:  “**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.” | This rule was last approved into the SIP by EPA on 12/27/11. The note was inadvertently omitted from the rule. | SIP |
| 200 | 0020(1) | NA | NA | Add “§§” | Clarification | SIP |
| 200 | 0020(3) | NA | NA | Add a cross reference to divisions 214, 220, and 222 for determining actual emissions | Clarification. Move procedural requirements out of definitions. Establishing and resetting actual emissions should be in division 214 for Emission Statements, division 220 for Title V Operating Permit Fees and division 222 Plant Site Emission Limits. | SIP |
| 200 | 0020(3)(a) – (c) | 222 | 0051 | Move (a) through (c) for determining actual emissions to division 222 | Move procedural requirements out of definitions. Establishing and resetting actual emissions should be in division 222 Plant Site Emission Limits. | SIP |
| 200 | 0020(3)(d) | 214 | 0210(1)(c)(A) | Move the definition of actual emissions for emission statements to division 214 | The part of the definition of actual emissions for emission statements should be included in the rules for emission statements in division 214 | SIP |
| 200 | 0020(3)(d) | 220 | 0120(1) | Move the definition of actual emissions for Title V operating permit fees to division 220 | The part of the definition of actual emissions for Title V operating permit fees should be included in the rules for Title V operating permit fees in division 220 | NA |
| 200 | 0020(3)(e) | 220 | 0120(2) | Move the method of measuring actual emissions for Title V operating permit fees to division 220 | The part of the definition of actual emissions for Title V operating permit fees should be included in the rules for Title V operating permit fees in division 220 | NA |
| 200 | 0020(7)(c) | NA | NA | Change “fluoride” to “fluorides” | Correction | SIP |
| 200 | 0020(8) | NA | NA | Add “regulated pollutant” to the definition of “air contaminant” | Clarification | SIP |
| 200 | 0020(10) | NA | NA | Add “that the proposed method complies with the intent of the rules, is at least equivalent to the uniform recognized procedures in objectivity and reliability, and is demonstrated to be reproducible, selective, sensitive, accurate, applicable to the program and” to the definition of “alternative method” | Clarification. This language comes from division 340-212-0140(2) and is more descriptive than the existing definition. | SIP |
| NA | NA | 200 | 0020(13) | Add definition of “attainment area” or “unclassified area”  “Attainment area” or “unclassified area” means an area that has not otherwise been designated by EPA as nonattainment with ambient air quality standards for a particular regulated pollutant. Attainment areas or unclassified areas may also be referred to as sustainment or maintenance areas as designated in division 204. Any particular location may be part of an attainment area or unclassified area for one regulated pollutant while also being in a different type of designated area for another regulated pollutant. | Clarification. EPA recognizes only two areas, nonattainment or attainment. DEQ’s designated maintenance and sustainment areas would be considered attainment areas by EPA. | SIP |
| NA | NA | 200 | 0020(14) | Add definition of “attainment pollutant”  “Attainment pollutant” means a pollutant for which an area is designated an attainment or unclassifiable area.” | Clarification. | SIP |
| 200 | 0020(13) | 200 | 0020(15) | Add a cross reference to division 222 for determining baseline emission rate | Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in Division 222 Plant Site Emission Limits | SIP |
| 200 | 0020(13) | NA | NA | Delete the language “Baseline emission rate does not include increases due to voluntary fuel switches or increased hours of operation that occurred after that baseline period.” | This language is not necessary. The baseline emission rate obviously would not include these changes that occurred after the baseline period. | SIP |
| 200 | 0020(13)(a) | 222 | 0048(2) | Move part of (a) for establishing the baseline emission rate for regulated air pollutants | Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in division 222 Plant Site Emission Limits | SIP |
| 200 | 0020(13)(a) | 222 | 0048(3) | Move part of (a) that states a baseline emission rate will not be established for PM2.5 | Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in division 222 Plant Site Emission Limits | SIP |
| 200 | 0020(13)(b) | 222 | 0048(4) | Move (b) for establishing the baseline emission rate for GHG. | Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in division 222 Plant Site Emission Limits | SIP |
| 200 | 0020(13)(c) | 222 | 0048(5) | Move (c) for establishing the baseline emission rate for new regulated pollutants | Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in division 222 Plant Site Emission Limits | SIP |
| 200 | 0020(13)(d) | 222 | 0048(6) | Move (d) for recalculating the baseline emission rate and further clarify when the baseline emission rate will be recalculated | Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in division 222 Plant Site Emission Limits | SIP |
| 200 | 0020(13)(e) | 222 | 0048(6) | Move (e) and further clarify when the baseline emission rate will be recalculated | Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in division 222 Plant Site Emission Limits | SIP |
| 200 | 0020(14) | 200 | 0020(16) | Add a cross reference to division 222 for determining baseline period | Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in division 222 Plant Site Emission Limits | SIP |
| 200 | 0020(14)(a) | 222 | 0048(1)(a) | Move (a) for determining baseline period for non-GHG | Move procedural requirements out of definitions. Establishment of the baseline period should be in division 222 Plant Site Emission Limits | SIP |
| 200 | 0020(14)(b) | 222 | 0048(1)(b) | Move (b) for determining baseline period for GHG | Move procedural requirements out of definitions. Establishment of the baseline period should be in division 222 Plant Site Emission Limits | SIP |
| NA | NA | 200 | 0020(20) | Add definition of “capture efficiency”  “Capture Efficiency” means the amount of regulated pollutant collected and routed to an air pollution control device divided by the amount of total emissions generated by the process being controlled. | Clarification. There has been confusion among the terms “capture efficiency,” “collection efficiency,” “removal efficiency,” and “control efficiency.” “Collection efficiency” is the only term currently defined in divisions 236 and 240. “Removal efficiency” is replacing “collection efficiency.” The definitions of “capture efficiency,” “destruction efficiency,” and “control efficiency” are being added to help clarify the differences among the terms. | SIP |
| 200 | 0020(20)(c) | 200 | 0020(23)(c) | Change to:  “(c) Distillate oil, kerosene, or gasoline fuel burning equipment; unless one or both of the following conditions is met, then all of this equipment is no longer categorically insignificant:  (A) the aggregate emissions are greater than the de minimis level for any regulated pollutant; or  (B) any individual equipment is rated at greater than 0.4 million Btu/hour;” | Change the exemption for distillate oil, kerosene, and gasoline fuel burning equipment to exemptions for aggregate emissions and the size threshold. If a source has multiple distillate¸ oil, kerosene or gasoline burning equipment, their aggregate emissions could be greater than de minimis levels and would require permitting. | SIP |
| 200 | 0020(20)(d) | 200 | 0020(23)(d) | Change to:  “(d) Natural gas or propane burning equipment; unless one or both of the following conditions is met, then all of this equipment is no longer categorically insignificant:  (A) the aggregate emissions are greater than the de minimis level for any regulated pollutant; or  (B) any individual equipment is rated at greater than 2.0 million Btu/hour;” | Change the exemption for natural gas and propane burning equipment to exemptions for aggregate emissions and the size threshold. If a source has multiple natural gas or propane burning equipment, their aggregate emissions could be greater than de minimis levels and would require permitting. | SIP |
| 200 | 0020(20)(ss) | 200 | 0020(23)(ss) | Change “of fugitive dust” to “in fugitive dust” | Correction | SIP |
| 200 | 0020(20)(uu) | 200 | 0020(23)(uu) | Change to:  “(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; unless one or both of the following conditions is met, then all of this equipment is no longer categorically insignificant:  (A) the aggregate emissions from stationary emergency generators and pumps are greater than the de minimis level for any regulated pollutant based on the readiness and testing hours of operation allowed by NSPS or NESHAP requirements or some other hours of operation specified in a permit; or  (B) Any individual stationary emergency generator or pump is rated at 500 horsepower or more;” | If a source has multiple emergency generators/pumps, their aggregate emissions could be greater than de minimis levels and would require permitting.  DEQ will require permits for stationary generators and pump rated at 500 horsepower or more because of RICE NESHAP requirements. Even though institutional and commercial emergency generators are exempt from RICE NESHAP requirements, if their aggregate emissions are equal to or greater than 10 tpy, a permit will be required. | SIP |
| 200 | 0020(20)(bbb) | 200 | 0020(23)(bbb) | Change to:  “(bbb) Uncontrolled oil/water separators in effluent treatment systems with a throughput of less than 400,000 gallons per year;” | DEQ learned that emissions from an oil/water separator at a bulk gasoline terminal of almost 2 tons/year based on emission factors from the Petroleum Refinery section (EPA’s AP 42 Section 5.1). 400,000 gal/year (33,333 gal/month) throughput to an oil/water separator equates to 1 tpy of uncontrolled emissions so this throughput will be added to the categorically insignificant activity. | SIP |
| 200 | 0020(22) | NA | NA | Delete the definition of CFR. | DEQ is adding a rule OAR 340-200-0035 titled “Reference Materials.”  As used in divisions 200 through 268, the following materials refer to the versions listed below.  (1) "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2014 edition.  (2) DEQ's **Source Sampling Manual** refers to the October 2014 edition.  (3) DEQ's **Continuous Monitoring Manual** refers to the October 2014 edition. | SIP |
| 200 | 0020(23) | 200 | 0020(25) | Change to:  "Class I area" or “PSD Class I area” means any Federal, State or Indian reservation land which is classified or reclassified as a Class I area under OAR 340-204-0050 and OAR 340-204-0060. | Clarification | SIP |
| NA | NA | 200 | 0020(26) | Add definition of Class II Area:  “Class II area” or “PSD Class II area’ means any land which is classified or reclassified as a Class II area under OAR 340-204-0050 and 340-204-0060. | Clarification | SIP |
| NA | NA | 200 | 0020(27) | Add definition of Class III Area:  “Class III area” or “PSD Class III area’ means any land which is reclassified as a Class III area under OAR 340-204-0060. | Clarification | SIP |
| 200 | 0020(29) | 200 | 0020(33) | Change “in accordance with” to “as specified in” in the definition of continuous monitoring systems | Plain language | SIP |
| NA | NA | 200 | 0020(35) | Add definition of “control efficiency”  “Control Efficiency” means the product of the capture and removal efficiencies. | Clarification. There has been confusion among the terms “capture efficiency,” “collection efficiency,” “removal efficiency,” and “control efficiency.” “Collection efficiency” is the only term currently defined in divisions 236 and 240. “Removal efficiency” is replacing “collection efficiency.” The definitions of “capture efficiency,” “destruction efficiency,” and “control efficiency” are being added to help clarify the differences among the terms. | SIP |
| 200 | 0020(31) | 200 | 0020(36) | Change to:  "Criteria Pollutant" means any of the following regulated pollutants: nitrogen oxides, volatile organic compounds, particulate matter, PM10, PM2.5, sulfur dioxide, carbon monoxide, and lead. | Clarification | SIP |
| 232 | 0030(17) | 200 | 0020(38) | Add definition of “day”  “Day” means a 24-hour period beginning at 12:00 a.m. midnight. | Move from division 232 and add 12:00 a.m. | SIP |
| 200 | 0020(33) | 200 | 0020(39) | Change to:  "De minimis emission level" mean the level for the regulated pollutants listed below: | Clarification. | SIP |
| 200 | 0020  Table 4 | 200 | 0020(39) | Move Table 4 De Minimis Emission Levels into text | Clarification. Tables are hard to find on DEQ website. | SIP |
| 200 | 0020  Table 4 | 200 | 0020(39) | Delete PM2.5 from the short term de minimis PSEL | The short term PM10 de minimis level is only for Medford AQMA and is based on the maintenance plan. PM2.5 was incorrectly added. | SIP |
| 200 | 0020(33) | NA | NA | Delete NOTE: De minimis is compared to all increases that are not included in the PSEL. | De minimis is used in division 210 and 222. De minimis in relation to the PSEL was clarified so this note is unnecessary. | SIP |
| 200 | 0020(34) | 200 | 0020(40) | Add “or DEQ” to the definition of “Department” and add “(LRAPA)” at the end of subsection (b) | Simplification. Replace “the Department” with “DEQ” throughout | SIP |
| NA | NA | 200 | 0020(41) | Add definition of “DEQ Method [#]”  “DEQ method [#]” means the sampling method and protocols for measuring a regulated pollutant as described in the DEQ Source Sampling Manual. | Clarification | SIP |
| NA | NA | 200 | 0020(42) | Add definition of “designated area”  “Designated area” means an area that has been designated as an attainment, unclassified, sustainment, nonattainment, reattainment, or maintenance area under OAR 340 division 204 or applicable provisions of the FCAA. | Clarification | SIP |
| NA | NA | 200 | 0020(43) | Add definition of “destruction efficiency”  “Destruction Efficiency” means “removal efficiency.” | Clarification. There has been confusion among the terms “capture efficiency,” “collection efficiency,” “removal efficiency,” and “control efficiency.” “Collection efficiency” is the only term currently defined in divisions 236 and 240. “Removal efficiency” is replacing “collection efficiency.” The definitions of “capture efficiency,” “destruction efficiency,” and “control efficiency” are being added to help clarify the differences among the terms. | SIP |
| 230  240  208  226  228 | 0030(8)  0030(9)  0010(13)  0010(6)  0020(7) | 200 | 0020(48) | Add definition of “dry standard cubic foot”  "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. | Move from division 230 and 240; change all references to “dry” standard cubic food; and delete definition of “standard cubic foot” from other divisions  340-208-0010(13) "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 fuel, "standard cubic foot" also implies adjustment of gas volume to that which would result at a concentration of 12% carbon dioxide or 50% excess air.  340-226-0010(6) "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 fuel or refuse burning, "standard cubic foot" also implies adjustment of gas volume to that which would result at a concentration of 12% carbon dioxide or 50% excess air.  340-228-0020 (7) "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 fuel or refuse burning, "standard cubic foot" also implies adjustment of gas volume to that which would result at a concentration of 12% carbon dioxide or 50% excess air.  340-230-0030(8) "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.  340-236-0010(28) "Standard Dry Cubic Foot of Gas" means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at a pressure of 14.7 P.S.I.A. and a temperature of 68° F.  340-240-0030(9) "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. | SIP |
| 200 | 0020(44)(a) | 200 | 0020(54) | Move “Emission Limitation” and “Emission Standard” and “Emission Limitation or Standard” to the section instead of the subsection | This change will make it easier to find the defined term and includes all variations of the terms used. | SIP |
| 200 | 0020(44)(a) | 200 | 0020(54)(a) | Do not capitalize state | Correction | SIP |
| 200 | 0020(44)(b) | 200 | 0020(49)(b) | Replace “in accordance with” with “using” in definition of “emission limitation” and “emission standard” and delete the extra “to” | Plain language | SIP |
| 200 | 0020(47)(d) | 200 | 0020(57)(d) | Change the range of rules cross reference in divisions 224 and 210 to OAR “340 divisions 210 and 224” in the definition of “emissions unit” | Update. State New Source Review rules in division 224 should also be included for determining emission increases and grouping of parts and activities in an emissions unit. | SIP |
| 234  240 | 0010(15)  0030(11) | 200 | 0020(59) | Add definition of “EPA Method 9”  "EPA Method 9" means the method for Visual Determination of the Opacity of Emissions From Stationary Sources described 40 CFR Part 60, Appendix A–4. | Move from division 234 and 240 and change reference to 40 CFR Part 60 Appendix A-4 since opacity will be a six-minute average rather than an aggregate in one hour.  340-234-0010(15) "EPA Method 9" means the method for Visual Determination of the Opacity of Emissions From Stationary Sources described as Method 9 (average of 24 consecutive observations) in the Department Source Sampling Manual (January, 1992).  340-240-0030(11) "EPA Method 9" means the method for Visual Determination of the Opacity of Emissions From Stationary Sources described as Method (average of 24 consecutive observations) in the Department Source Sampling Manual (January, 1992). | SIP |
| 200 | 0020(55)(a) | 200 | 0020(66)(a) | Change definition of “federal major source” to include any source listed in subsections (a), (b), (c), or (f) below:  “(a) a source located in a nonattainment, reattainment, or maintenance area with potential to emit 100 tons per year or more of the regulated pollutant for which the area is designated nonattainment, reattainment or maintenance.” | DEQ is regulating major sources at the federal major thresholds under the Major New Source Review program. Sources emitting at the significant emission rate up to the federal major thresholds will be regulated under the State New Source Review program. | SIP |
| 200 | 0020(55) | 200 | 0020(66)(b) | Change definition of “federal major source” to include:  “(b) A source located in an attainment, unclassified, or sustainment area with potential to emit 100 tons per year or more of any individual regulated pollutant, excluding hazardous air pollutants listed in OAR 340 division 244 if in a source category listed in subsection (e), or with potential to emit 250 tons per year or more of any individual regulated pollutant, excluding hazardous air pollutants listed in OAR 340 division 244, if not in a source category listed in subsection (e).” | See above | SIP |
| 200 | 0020(55)(b) | 200 | 0020(66)(c) | Separate greenhouse gas major sources for into a separate subsection | Clarification. The current structure could be interpreted to mean that if a source has GHGs, it wouldn’t be a federal major source unless it had 100,000 tpy, even if it had over 250 tpy of criteria pollutant | SIP |
| 200 | 0020(55)(b) | 200 | 0020(66)(c) | Change to:  “(c) For greenhouse gases, a source with the potential to emit 100,000 tons per year or more of CO2e.” | Clarification | SIP |
| 200 | 0020(55) | 200 | 0020(66)(d) | Separate what emissions should be included in the calculations for determining a source’s potential to emit to determine whether a source is a federal major source or not.  “(d) Calculations for determining a source’s potential to emit for purposes of subsections (a) and (b) must include the following:” | Clarification | SIP |
| 200 | 0020(55) | 200 | 0020(66)(d)(A) | Clarify that fugitive emissions from insignificant activities must be included in the determination of a federal major source  “(A) Fugitive emissions and insignificant activity emissions; and” | Clarification | SIP |
| 200 | 0020(55) | 200 | 0020(66)(d)(B) | Simplify wording for emission increases and decreases  "(B) Increases or decreases due to a new or modified source.” | Clarification | SIP |
| 200 | 0020(55) | 200 | 0020(66)(e) | Add a heading for source categories | Clarification | SIP |
| 200 | 0020(55)(w) | 200 | 0020(66)(e)(W) | Add “excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140” to “chemical process plants” | Correction. In May 2007 EPA changed the NSR/PSD definition of Chemical Process Plants to exclude ethanol manufacturing from triggering subjectivity at the 100 ton threshold. They have revised their definition in 40 CFR Parts 51 and 52. | SIP |
| 200 | 0020(55) | 200 | 0020(66)(f) | Add the different levels defining a major stationary source due to the severity of the nonattainment area | Clarification. These levels are included in the definition of “major source” and are being moved to in the definition of “federal major source” since the definition of “major source” points to “federal major source” | SIP |
| 208  228  240 | 0010(4)  0020(4)  0030(13) | 200 | 0020(69) | Add the definition of “fuel burning equipment”  “Fuel burning equipment” means any type of equipment that burns fuel, except internal combustion engines, and includes but is not limited to boilers, dryers, and process heaters. | Move definition of fuel burning equipment from divisions 208, 228, and 240 to division 200 and clarify. There has been confusion over the definition of “fuel burning equipment” so DEQ is adding definition of “internal combustion engine” and clarifying the definition of “fuel burning equipment.”  340-208-0010(4) "Fuel Burning Equipment" means a boiler or process heater that burns a solid, liquid, or gaseous fuel, the principal purpose of which is to produce heat or power by indirect heat transfer.  340-228-0020(4) "Fuel burning equipment" means equipment, other than internal combustion engines, the principal purpose of which is to produce heat or power by indirect heat transfer.  340-240-0030(13) "Fuel Burning Equipment" means a device that burns a solid, liquid, or gaseous fuel, the principal purpose of which is to produce heat or power by indirect heat transfer. All stationary gas turbines are considered Fuel Burning Equipment. Marine installations and internal combustion engines are not considered Fuel Burning Equipment. | SIP |
| 200 | 0020(60) | 200 | 0020(72) | Move Table 5 Generic PSELs into text | Clarification. Tables are hard to find on DEQ website. | SIP |
| 200 | 0020  Table 5 | 200 | 0020(72)(h) | Delete PM2.5 from the short term generic PSEL | The short term PM10 generic level is only for Medford AQMA and is based on the maintenance plan. PM2.5 was incorrectly added. | SIP |
| 200 | 0020  Table 5 | 200 | 0020(72)(i) | Delete “Direct” from PM2.5 from the generic PSEL | Correction. Should be total PM2.5 | SIP |
| 200 | 0020(60) | 200 | 0020(72) | Delete the note from the definition of generic PSEL | The requirements included in the note are covered in the generic PSEL rules in division 222. | SIP |
| 200 | 0020(61)(a) | 200 | 0020(73) | Change “aggregate group of six greenhouse gases” to “aggregate group of the following six gases” in the definition of greenhouse gases | Clarification | SIP |
| 200 | 0020(61)(b) | NA | NA | Change to:  “(b) From May 1, 2011 through July 20, 2014, the definition of greenhouse gases in subsection (a) did not include, for purposes of division 216, 218, and 224, carbon dioxide emissions from the combustion or decomposition of biomass. As a result, carbon dioxide emissions from the combustion or decomposition of biomass was not a regulated air pollutant and was not subject to division 216, 218, and 224 during that time period.” | EPA’s biomass deferral, the deferral of CO2 emissions from bioenergy and other biogenic sources under the Prevention of Significant Deterioration and Title V programs, ends on July 20, 2014.  If a new or modified biomass GHG source was constructed during the deferral period, and had emissions high enough that it would have triggered PSD without the deferral, it would not have been subject to PSD because of the deferral. Once the deferral is gone, DEQ will not go back and re-review it and retroactively make them subject to PSD. Therefore, the deferral should not simply disappear from the rules because in the future it will be hard to explain why the source was not subject to PSD. | SIP |
| 200 | 0020(62) | 200 | 0020(74) | Delete “major” from sources and modifications in the definition of growth allowance | Correction. Growth allowances can apply to non-major sources and modifications | SIP |
| 232  234  240 | 0030(31)  0010(18)  0030(18) | 200 | 0020(75) | Add definition of “hardboard”  "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure. | Move from division 234 and 240. Definition of hardboard same in divisions 234 and 240 but different from division 232.  340-232-0030(31) "Hardboard" is a panel manufactured primarily from inter-felted ligno-cellulosic fibers which are consolidated under heat and pressure in a hot press.  340-234-0010(18) "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.  (340-240-0030(18) "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure. | SIP |
| NA | NA | 200 | 0020(76) | Add definition of “hazardous air pollutant”  “Hazardous Air Pollutant” or “HAP” means an air contaminant listed by the EPA pursuant to section 112(b) of the FCAA or determined by the EQC to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment. | Clarification. Same definition in division 244. | SIP |
| 202 | 0010(5) | 200 | 0020(78) | Add definition of “Indian governing body”  "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government. | Move from division 202. Defined in division 202 but used in divisions 204 and 209.  340-202-0010(5) "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government. | SIP |
| 202 | 0010(6) | 200 | 0020(79) | Add definition of “Indian reservation”  "Indian Reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress. | 340-202-0010(6) "Indian Reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.  Used in division 200 and 204 but defined in division 202. Move to division 200. | SIP |
| NA | NA | 200 | 0020(83) | Add definition of “internal combustion source”  “Internal Combustion Engine” means stationary gas turbines and reciprocating internal combustion engines. | Clarification. There has been confusion over the definition of “fuel burning equipment” so DEQ is adding definitions of “external combustion device” and “internal combustion engine” and clarifying the definition of “fuel burning equipment.” | SIP |
| 240 | 0030(23) | 200 | 0020(85) | Add definition of “liquefied petroleum gas”  "Liquefied petroleum gas" has the meaning given by the American Society for Testing and Materials in ASTM D1835-82, "Standard Specification for Liquid Petroleum Gases." | Move from division 240.  340-240-0030(21) "Liquefied petroleum gas" has the meaning given by the American Society for Testing and Materials in ASTM D1835-82, "Standard Specification for Liquid Petroleum Gases." | SIP |
| 200  204 | 0020(69)  0010(15) | 200 | 0020(87) | Delete the definition of “maintenance area” and use the definition from division 204 with clarifications.  "Maintenance Area" means any area that was formerly nonattainment for a criteria pollutant but has since met the ambient air quality standard, and EPA has approved a maintenance plan to stay within the standards pursuant to 40 CFR 51.110. | Move from division 204 with clarifications. The definition in division 204 is more comprehensive.  340-200-0010(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.  340-204-0010(15) “Maintenance Area” means any area that was formerly nonattainment for a criteria pollutant but has since met EPA promulgated standards and has had a maintenance plan to stay within the standards approved by the EPA pursuant to 40 CFR 51.110 (July, 1993). | SIP |
| 200 | 0020(71) | 200 | 0020(89) | Add a cross reference to division 224 for determining whether a source makes a major modification to the definition of “major modification” | Move procedural requirements out of definitions. Determination of whether a source makes a major modification should be in division 224 New Source Review | SIP |
| 200 | 0020(71) | 224 | 0025 | Move (a) through (e) for determining whether a source makes a major modification to division 224 | Move procedural requirements out of definitions. Determination of whether a source makes a major modification should be in division 224 New Source Review | SIP |
| NA | NA | 200 | 0020(90) | Add definition of “Major New Source Review”  “Major New Source Review” or “Major NSR” means the new source review process and requirements for federal major sources under OAR 340-224-0010 through 340-224-0070 based on the location and regulated pollutants emitted. | Clarification to differentiate between Major New Source Review and State New Source Review | SIP |
| 200 | 0020(72) | 200 | 0020(91) | Change tpy to tons per year throughout the whole definition of major source | Clarification | SIP |
| 200 | 0020(72)(a) | 200 | 0020(91)(a) | Change the definition of “major source” by referring to the definition of “federal major source” | DEQ is regulating major sources at the federal major thresholds under the Major New Source Review program. Sources emitting at the significant emission rate up to the federal major thresholds will be regulated under the State New Source Review program. | SIP |
| 200 | 0020(72)(b) | 200 | 0020(91)(b) | Delete “rules applicable to sources required to have” and delete parentheses. Do not capitalize major group | Simplification and correction | SIP |
| 200 | 0020(72)(b)(A)(i) | 200 | 0020(91)(b)(A)(i) | Add “hazardous air” to pollutants” | Correction | SIP |
| 200 | 0020(72)(b)(B) | 200 | 0020(91)(b)(B) | Change “source” to “sources” | Correction | SIP |
| 200 | 0020(72)(b)(B)(xx) | 200 | 0020(91)(b)(B)(xx) | Add “excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140” to “chemical process plants” | Correction. In May 2007 EPA changed the NSR/PSD definition of Chemical Process Plants to exclude ethanol manufacturing from triggering subjectivity at the 100 ton threshold. They have revised their definition in 40 CFR Parts 51 and 52. | SIP |
| 200 | 0020(72)(b)(D) | 200 | 0020(66)(f) | Move paragraph (D) to the definition of “federal major source” | Clarification | SIP |
| 200 | 0020(74) | 200 | 0020(93) | Change to:  "Modification," except as used in the term "major modification," means any physical change to, or change in the method of operation of, a source or part of a source that results in an increase in the source or part of the source's potential to emit any regulated pollutant on an hourly basis. Modifications do not include the following: | Clarification | SIP |
| 200 | 0020(74) | 200 | 0020(93) | Change “stationary source” to “source or part of a source” throughout the whole definition | Clarification | SIP |
| 200 | 0020(75) | 200 | 0020(94) | Delete parentheses | Correction | SIP |
| 240 | 0030(26) | 200 | 0020(95) | Add definition of “natural gas”  "Natural gas" means a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal component is methane. | Move from division 240. This term is used throughout many divisions.  340-240-0030(26) "Natural gas" means a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal component is methane. | SIP |
| 200 | 0020(76) | 200 | 0020(96) | Add a cross reference to division 222 for determining how to calculate netting basis in the definition of “netting basis” | Move procedural requirements out of definitions. Calculating netting basis should be in Division 222 Plant Site Emission Limits | SIP |
| 200 | 0020(76) | 222 | 0046 | Move the definition of netting basis | Move procedural requirements out of definitions. Calculating netting basis should be in Division 222 Plant Site Emission Limits | SIP |
| 200 | 0020(80) | 200 | 0020(100) | Change “operations which do not” to “operation that does not” in the definition of normal source operation | Correction | SIP |
| 208  240 | 0010(8)  0030(28) | 200 | 0020(101) | Add definition of “odor”  "Odor" means that property of an air contaminant that affects the sense of smell. | 340-208-0010(8) "Odor" means that property of an air contaminant that affects the sense of smell.  340-240-0030(28) "Odor" means that property of an air contaminant that affects the sense of smell.  Move from divisions 208 and 240 | SIP |
| 200  240 | 0020(82)  0030(30) | 200 | 0020(103) | Reference EPA Method 9 or other method, as specified in each applicable rule rather than the Source Sampling Manual in OAR 340-212-0120 and 212-014 or the Continuous Monitoring Manual in the definition of “opacity.”  "Opacity" means the degree to which emissions, excluding uncombined water, reduce the transmission of light and obscure the view of an object in the background as measured by EPA Method 9 or other method(s), as specified in each applicable rule. | Opacity defined in divisions 200 and 240. Move from division 240 and change reference method to EPA Method 9. Change limit to a 6-minute average instead of a 3-minute aggregate so omit language about observation periods. COMS will be specified in rules.  340-200-0020(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 DEQ'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.  340-240-0030(30) "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 the Department's Source Sampling Manual (January, 1992). Unless otherwise specified by rule, opacity must be measured in accordance with EPA Method 9. For all standards, the minimum observation period must 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 exceed the opacity percentage in the standard, whether or not the readings are consecutive. Alternatives to EPA Method 9, such as a continuous opacity monitoring system (COMS), alternate Method 1 (LIDAR), or EPA Methods 22, or 203, may be used if approved in advance by the Department, in accordance with the Source Sampling Manual. | SIP |
| 200 | 0020(83) | 200 | 0020(104) | Change to:  "Oregon Title V Operating Permit" means any written permit that is issued, renewed, amended, or revised pursuant to OAR 340 division 218. | Change to parallel the ACDP definition | SIP |
| 200 | 0020(84) | 200 | 0020(105) | Change to:  "Oregon Title V Operating Permit program" means the Oregon program described in OAR 340 division 218 and approved by the Administrator under 40 CFR Part 70. | Clarification | SIP |
| 200 | 0020(86) | 200 | 0020(107) | Delete “as measured by an applicable reference method in accordance with DEQ'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” from the definition of ozone precursor | Test methods for nitrogen oxides and volatile organic compounds are not necessary in the definition of ozone precursor since they do not need to be measured. They are used to define ozone precursor. | SIP |
| 234  240 | 0010(27)  0030(32) | 200 | 0020(109) | Add definition of “particleboard”  "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder. | Move from divisions 234 and 240  340-234-0010(27) "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.  340-240-0030(32) "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binders. | SIP |
| 200 | 0020(88) | 200 | 0020(110) | Add “as measured by the test method specified in each applicable rule, or where not specified by rule, in the permit.” to the definition of particulate matter | Clarifies that the test methods are now included in the rule or permit, if not, they should be specified in the rule. | SIP |
| 200 | 0020(88) | 200 | 0020(110) | Delete test methods from definition of particulate matter | The change makes the definition closer to the EPA definition. Include test methods with limit in specific rules. | SIP |
| 200 | 0020(93) | 200 | 0020(115) | Change to:  "Permittee" means the owner or operator of a source, authorized to emit regulated pollutants under an ACDP or Oregon Title V Operating Permit. | Clarification | SIP |
| 200  232  234  240  242 | 0020(94)  0030(54)  0010(30)  0030(34)  0610(9) | 200 | 0020(116) | Use the definition of “person” in division 200 and delete the definition from divisions 232, 234 240, and 242  "Person" means the federal government, any state, individual, public or private corporation, political subdivision, governmental agency, municipality, industry, co-partnership, association, firm, trust, estate, or any other legal entity whatsoever. | Delete the definition from divisions 232, 234, 240, and 242  340-200-0020(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.  340-232-0030(54) "Person" means the federal government, any state, individual, public or private corporation, political subdivision, governmental agency, municipality, industry, co-partnership, association, firm, trust, estate, or any other legal entity whatsoever.  340-234-0010(30) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the Federal Government and any agencies thereof.  340-240-0030(34) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the federal government and any agencies thereof.  340-242-0610(9) "Person" means the federal government, any state, individual, public or private corporation, political subdivision, governmental agency, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever.  USC › Title 42 › Chapter 85 › Subchapter III › § 7602  42 USC § 7602 - Definitions  (e) The term “person” includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof. | SIP |
| 200 | 0020(95) | 200 | 0020(117) | Add “for purposes of Title V operating permit fees in division 220” to the definition of Plant Site Emission Limit | Clarification | SIP |
| 234 | 0010(31) | 200 | 0020(118) | Move definition of “plywood” to division 200 since it is used in multiple divisions.  “Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it. | Move from division 234.  340-234-0010(31) "Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it. | SIP |
| 200 | 0020(96)(a) | 200 | 0020(119)(a) | Change the definition of PM10 to:  “(a) When used in the context of emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 10 micrometers, emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit;” | Include test methods with limit in specific rules or permits. Delete the reference to DEQ’s Source Sampling Manual. | SIP |
| 200 | 0020(96)(b) | 200 | 0020(119)(b) | Change the definition of PM10 to:  “(b) When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured under 40 CFR Part 50, Appendix J or an equivalent method designated under 40 CFR Part 53.” | Plain language. 40 CFR Part 53 may designate a method for measuring ambient PM10 concentrations. | SIP |
| 200 | 0020(97)(a) | 200 | 0020(120)(a) | Change the definition of PM2.5 to:  “(a) When used in the context of direct PM2.5 emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit.” | Include test methods with limit in specific rules or permits. Delete the reference to EPA reference methods 201A and 202 in 40 CFR Part 51, appendix M. | SIP |
| 200 | 0020(97(b) | 200 | 0020(120)(b) | Change the definition of PM2.5 to:  “(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 the test method specified in each applicable rule or, where not specified by rule, in each individual permit.” | Include test methods with limit in specific rules or permits. Delete the reference to EPA reference methods in 40 CFR Part 60, appendix A. | SIP |
| 200 | 0020(97)(c) | 200 | 0020(120)(c) | Change the definition of PM2.5 to:  “(c) When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured under 40 CFR Part 50, Appendix L, or an equivalent method designated under 40 CFR Part 53.” | This change more closely matches the definition of PM10 ambient concentration. Plain language | SIP |
| 200 | 0020(98) | 200 | 0020(121) | Add “in relation” when talking about the “PM2.5 fraction” of PM10 | Clarification | SIP |
| 200 | 0020(100)(a) | 200 | 0020(123)(a) | Change to:  “(a) The regulated pollutant emissions capacity of a stationary source; or” in the definition of “potential to emit” | Clarification | SIP |
| 200 | 0020(100)(b) | 200 | 0020(123)(b) | Change to:  “(b) The maximum allowable regulated pollutant emissions taking into consideration any physical or operational limitation, including use of control devices and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, if the limitation is enforceable by the Administrator.” | Clarification | SIP |
| 202 | 0010(8) | 200 | 0020(124) | Add definition of “ppm”  "ppm" means parts per million by volume unless otherwise specified in the applicable rule or an individual permit. It is a dimensionless unit of measurement for gases that expresses the ratio of the volume of one component gas to the volume of the entire sample mixture of gases. | Move definition of “ppm” to division 200.  Definition in division 234 different division 202. Clarify division 202 definition and move to division 200  340-202-0010(8) "PPM" means parts per million by volume. It is a dimensionless unit of measurement for gases that expresses the ratio of the volume of one component gas to the volume of the entire sample mixture of gases.  340-234-0010(29) "Parts Per Million (ppm)" means parts of a contaminant per million parts of gas by volume on a dry-gas basis (1 ppm equals 0.0001% by volume). | SIP |
| 200 | 0020(101) | 200 | 0020(125) | Delete parentheses around PEMS and add quotation marks instead | Clarification | SIP |
| 234  240 | 0010(32)  0030(35) | 200 | 0020(126) | Add definition of “press/cooling vent”  "Press/Cooling Vent" means any opening through which particulate and gaseous emissions from plywood, particleboard, or hardboard manufacturing are exhausted, either by natural draft or powered fan, from the building housing the process. Such openings are generally located immediately above the board press, board unloader, or board cooling area. | Move from division 234 and 240  340-234-0010(32) "Press/Cooling Vent" means any opening through which particulate and gaseous emissions from plywood, particleboard, or hardboard manufacturing are exhausted, either by natural draft or powered fan, from the building housing the process. Such openings are generally located immediately above the board press, board unloader, or board cooling area.  340-240-0030(35) "Press/Cooling Vent" means any opening through which particulate and gaseous emissions from plywood, particleboard, or hardboard manufacturing are exhausted, either by natural draft or powered fan, from the building housing the process. Such openings are generally located immediately above the board press, board unloader, or board cooling area. | SIP |
| NA | NA | 200 | 0020(129) | Add definition of “reattainment area”  “Reattainment area” means an area that is designated as nonattainment and has three consecutive years of monitoring data that shows the area is meeting the ambient air quality standard for the regulated pollutant for which the area was designated a nonattainment area, but a formal redesignation by EPA has not yet been approved. | Define new area for New Source Review. Reattainment areas are those that were nonattainment areas but have monitoring data that shows 3 years of compliance with the NAAQS but are not yet designated as maintenance by EPA. It takes time to develop maintenance plans for nonattainment areas before EPA can redesignate the area to maintenance. After DEQ has three consecutive years of data showing that the area is meeting the NAAQS but before the maintenance plan can be developed, DEQ wants to designate these areas as reattainment areas. This will give source more flexibility in permitting requirements before the area is redesignated as maintenance. | SIP |
| NA | NA | 200 | 0020(130) | Add definition of “reattainment pollutant”  “Reattainment pollutant” means a regulated pollutant for which an area is designated a reattainment area. | Clarification. See above | SIP |
| 200 | 0020(106)(a)(B) | 200 | 0020(133)(a)(B) | Delete “national” from ambient air quality standard | DEQ’s SO2 ambient air quality standards are different than those of EPA | SIP |
| 200 | 0020(106)(b) | 200 | 0020(133)(b) | Change to:  “(b) As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, regulated pollutant means particulate matter, volatile organic compounds, oxides of nitrogen and sulfur dioxide.” | Clarification and correction | SIP |
| 200 | 0020(106)(c) | 200 | 0020(133)(c) | Change to:  “(c) As used in OAR 340 division 222 Plant Site Emission Limits and division 224, New Source Review, regulated pollutant does not include any pollutant listed in OAR 340 divisions 244 and 246.” | Clarification and correction. Hazardous air pollutants are not included in the PSEL or NSR applicability unless they are otherwise included in the definition of a regulated pollutant. | SIP |
| NA | NA | 200 | 0020(134) | Add definition of “removal efficiency”  “Removal Efficiency” means the performance of an air pollution control device in terms of the ratio of the amount of the regulated pollutant removed from the airstream to the total amount of material that enters the air pollution control device. | Clarification. There has been confusion among the terms “capture efficiency,” “collection efficiency,” “removal efficiency,” and “control efficiency.” “Collection efficiency” is the only term currently defined in divisions 236 and 240. “Removal efficiency” is replacing “collection efficiency.” The definitions of “capture efficiency,” “destruction efficiency,” and “control efficiency” are being added to help clarify the differences among the terms. | SIP |
| 200 | 0020(110) through (128), (130), (131) | 200 | 0020(138) through (156), (158), (159) | Add office U.S. Code citations | The Act is properly referenced by its office U.S. Code citation, not by its unofficial numbering. | SIP |
| 200 | 0020(112) | 200 | 0020(140) | Delete (HAP) after hazardous air pollutants | This acronym is not necessary | SIP |
| 200 | 0020(123) | 200 | 0020(151) | Change “subsection 182” to “subsection 183” | Correction | SIP |
| 200 | 0020(129) | 200 | 0020(157) | Add “FCAA” to Title I modification | Clarification | SIP |
| 200 | 0020(133) | 200 | 0020(160) | Move definition of “significant emission rate” to before definition of “significant impact” | Changing the definition of “significant air quality impact” to “significant impact” makes it out of alphabetic order | SIP |
| 200 | 0020(133) | 200 | 0020(160) | Change to:  "Significant emission rate" or "SER," except as provided in subsections (v) and (w), means an emission rate equal to or greater than the rates specified for the regulated pollutants below: | Clarification | SIP |
| 200 | 0020  Table 2 | 200 | 0020(160) | Move Table 2 Significant Emission Rates into text except for the Volatile Organic Compound SER of 40 tons per year | Clarification. Tables are hard to find on DEQ website. VOC is an ozone precursor, which already includes the SERs for VOC and NOx. | SIP |
| NA | NA | 200 | 0020(160)(b) | Add significant emission rates for different categories of nonattainment areas for CO | Update to match EPA rules | SIP |
| NA | NA | 200 | 0020(160)(i) | Add significant emission rates for different categories of nonattainment areas for ozone | Update to match EPA rules | SIP |
| NA | NA | 200 | 0020(160)(t) | Add significant emission rate for ozone depleting substances of 100 tons per year in aggregate | On July 23, 1996, EPA proposed a significance level of 100 tons per year (TPY) for ozone depleting substances (ODS) but never finalized it. EPA has since issued guidance telling States that they can add it to their PSD rules so that not every new or modified major source that emits ODS would have to get a PSD permit. EPA has approved numerous PSD SIPs with the 100 tpy SER for ODS. | SIP |
| 200 | 0020(133)(a) | 200 | 0020(160)(u) | Move Table 3 Significant Emission Rates for the Medford-Ashland Air Quality Maintenance Area  into text | Clarification. Tables are hard to find on DEQ website. | SIP |
| 200 | 0020(133)(b) | 200 | 0020(160)(v) | Change to:  “(v) For regulated pollutants not listed in subsections (a) through (u), the significant emission rate is zero unless DEQ determines the rate that constitutes a significant emission rate.” | Clarification | SIP |
| 200 | 0020(133)(c) | 200 | 0020(160)(w) | Change to:  “(w) Any new source or modification with an emissions increase less than the rates specified above and that is located within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m3 (24 hour average) is emitting at a significant emission rate. This subsection does not apply to greenhouse gas emissions.” | Clarification | SIP |
| 200 | 0020(132) | 200 | 0020(161) | Change the definition of “significant air quality impact” to “significant impact” or “significant impact level” | EPA defines “significant impact levels” or SILs. | SIP |
| 200 | 0020(132) | 200 | 0020(161) | Change to:  "Significant impact" or “Significant impact level” means an additional ambient air quality concentration equal to or greater than the concentrations listed below. The threshold concentrations listed below are used for comparison against the ambient air quality standards and PSD increments, but do not apply for protecting 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 division 225. | The part of the sentence about protecting PSD Class I increments is from a September 10, 1991 EPA memo regarding Class I Area Significant Impact Levels and were never intended to be used for evaluating impacts on the Class I increments (43 FR 26380, June 19, 1978). The memo also states that “use of such significant impact levels for the purpose of Class I increment analyses does not include their use for determining whether a source should conduct an adverse impact analysis for any air quality-related value (AQRV) in a Class I area, or whether a source would have an adverse impact on an AQRV.”  The definition of ozone precursor distance has been moved from the definition section of division 225. | SIP |
| 200 | 0020  Table 1 | 200 | 0020(161) | Move Table 1 Significant Air Quality Impact into text | Clarification. Tables are hard to find on DEQ website. | SIP |
| 200 | 0020(136) | 200 | 0020(164) | Change “all pollutant emitting activities” to “all air contaminant emitting activities” | Correction | SIP |
| 200 | 0020(138) | 200 | 0020(166) | Change “in accordance with” to “under” in the definition of source test | Plain language and correction | SIP |
| 208  226  228  240 | 0010(12)  0010(5)  0020(6)  0030(43) | 200 | 0020(167) | Add definition of “standard conditions”  "Standard Conditions" means a temperature of 68° Fahrenheit (20° Celsius) and a pressure of 14.7 pounds per square inch absolute (1.03 Kilograms per square centimeter). | Move from division 208, 226, and 228. The definition of standard conditions in division in 240 needs correction for temperature.  340-208-0010(12) "Standard conditions" means a temperature of 68° Fahrenheit and a pressure of 14.7 pounds per square inch absolute.  340-226-0010(5) "Standard conditions" means a temperature of 68° Fahrenheit and a pressure of 14.7 pounds per square inch absolute.  340-228-0020(6) "Standard conditions" means a temperature of 68° Fahrenheit and a pressure of 14.7 pounds per square inch absolute.  340-240-0030(43) "Standard Conditions" means a temperature of 60° Fahrenheit (15.6° Celsius) and a pressure of 14.7 pounds per square inch absolute (1.03 Kilograms per square centimeter). | SIP |
| 200 | 0020(139) | 200 | 0020(168) | Change to:  "Startup" and "shutdown" means that time during which a source or control device is brought into normal operation or normal operation is terminated, respectively. | Plain language and correction | SIP |
| NA | NA | 200 | 0020(170) | Add definition of “State New Source Review”  “State New Source Review” or “State NSR” means the new source review process and requirements applicable to sources that are not subject to Major NSR. The requirements for State NSR are provided in OAR 340-224-0010 and 340-224-0200 through 340-224-0270.” | DEQ is regulating major sources at the federal major thresholds under the Major New Source Review program. Sources emitting at the significant emission rate up to the federal major thresholds will be regulated under the State New Source Review program. | SIP |
| 200 | 0020(141) | 200 | 0020(171) | Add:  “Stationary source includes portable sources that are required to have permits under division 216” to the definition of “stationary source” | DEQ permits some portable sources so all requirements apply to stationary sources and the permitted portable sources. | SIP |
| 200 | 0020(142) | 200 | 0020(172) | Change to “10 percent” and delete (10%) | Correction | SIP |
| NA | NA | 200 | 0020(173) | Add definition of “sustainment area”  “Sustainment Area” means a geographical area of the state for which DEQ has ambient air quality monitoring data that shows an attainment or unclassified area could become a nonattainment area but a formal redesignation by EPA has not yet been approved. The presumptive geographic boundary of a sustainment area is the applicable Urban Growth Boundary in effect on the date this rule was last approved by the EQC, unless superseded by rule. | Define new area for New Source Review. Sustainment areas are those that have monitoring data close to or over the NAAQS but are not yet designated nonattainment by EPA. Sources in these areas would fall under the requirements for attainment or unclassified areas rather than nonattainment areas. DEQ is creating requirements for sources in these “sustainment areas” in order to improve air quality and to enable the source to construct or modify. Without these rules, sources would not be able to construct or modify because they would never be able to show compliance with the NAAQS since the background concentration is already close to or above the NAAQS. | SIP |
| NA | NA | 200 | 0020(174) | Add definition of “sustainment pollutant”  “Sustainment pollutant” means a regulated pollutant for which an area is designated a sustainment area. | Clarification. See above | SIP |
| 200 | 0020(143) | 200 | 0020(175) | Change to:  "Synthetic minor source" means a source that would be classified as a major source under OAR 340-200-0020, but for limits on its potential to emit regulated pollutants contained in an ACDP or Oregon Title V permit issued by DEQ. | Clarification | SIP |
| 200 | 0020(144)(a) | 200 | 0020(176)(a) | Change the definition of Title I modification to:  “(a) A major modification subject to OAR 340-224-0050, Requirements for Sources in Nonattainment Areas and OAR 340-224-0055 Requirements for Sources in Reattainment Areas;” | DEQ has defined two new areas for New Source Review: sustainment and reattainment areas. | SIP |
| 200 | 0020(144)(c) | 200 | 0020(176)(c) | Change to:  “(c) A major modification subject to OAR 340-224-0070, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas or OAR 340-224-0045 Requirements for Sources in Sustainment Areas;” | DEQ has defined two new areas for New Source Review: sustainment and reattainment areas. | SIP |
| 200 | 0020(146) | 200 | 0020(178) | Change “in accordance with” to “under” in the definition of “Typically Achievable Control Technology” | Plain language | SIP |
| 200 | 0020(146) | 226 | 0130 | Delete the following from the definition of TACT:  “For existing sources, the emission limit established will be typical of the emission level achieved by emissions units similar in type and size. For new and modified sources, the emission limit established will be typical of the emission level achieved by well controlled new or modified emissions units similar in type and size that were recently installed. TACT determinations will be based on information known to DEQ while considering pollution prevention, impacts on other environmental media, energy impacts, capital and operating costs, cost effectiveness, and the age and remaining economic life of existing emission control equipment. DEQ may consider emission control technologies typically applied to other types of emissions units where such technologies could be readily applied to the emissions unit. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required.” | Move the procedural requirements for TACT from the definition to division 226 | SIP |
| 200 | 0020(148) | 200 | 0020(180) | Delete “poor or inadequate” from “design” in the definition of “unavoidable” | Not necessary. If an event was caused entirely or in part by the design, operation, maintenance, or other preventable condition, then it was avoidable. | SIP |
| 234  240 | 0010(45)  0030(39) | 200 | 0020(182) | Add definition of “veneer”  "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log. | Move from division 234 and 240  340-234-0010(45) "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.  340-240-0030(39) "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log. | SIP |
| 240 | 0030(40) | 200 | 0020(183) | Add definition of “veneer dryer”  "Veneer Dryer" means equipment in which veneer is dried. | Move from division 240  340-240-0030(40) "Veneer Dryer" means equipment in which veneer is dried. | SIP |
| 200 | 0020(151)(a) | 200 | 0020(185)(a) | Update the definition of Volatile Organic Compounds | EPA changed the definition of VOCs in the June 22, 2012 Federal Register. This revision adds *trans*-1,3,3,3-tetrafluoropropene (also known as HFO-1234ze) and trans 1-chloro-3,3,3-trifluoroprop-1-ene (also known as SolsticeTM 1233zd(E)) to the list of compounds excluded from the definition of VOC on the basis that these compounds makes a negligible contribution to tropospheric ozone formation. As a result, if one is subject to certain federal regulations limiting emissions of VOCs, emissions of HFO-1234ze may not be regulated for some purposes.  EPA changed the definition of VOCs in the October 22, 2013 Federal Register. This revision adds 2,3,3,3-tetrafluoropropene (also known as HFO–1234yf) to the list of compounds excluded from the regulatory definition of VOCs on the basis that this compound makes a negligible contribution to tropospheric ozone formation.  Replace the whole list of organic compound which have been determined to have negligible photochemical reactivity with the list from 40 CFR 50.100 Definitions to ensure DEQ’s definition matches EPA’s definition. | SIP |
| 200 | 0020(151)(a) | 200 | 0020(185)(a) | Restructure the list of VOCs with negligible photochemical reactivity into paragraphs for easier reading. | Clarification | SIP |
| 200 | 0020(151)(b) | 200 | 0020(185)(b) | Delete “accordance with” and delete the date of the Source Sampling Manual | Plain language and clarification | SIP |
| 234 | 0010(47) | 200 | 0020(186) | Add definition of “wood fired veneer dryer”  "Wood Fired Veneer Dryer" means a veneer dryer that is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam or natural gas or propane combustion. | Move from division 234  340-234-0010(47) "Wood Fired Veneer Dryer" means a veneer dryer, which is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam or natural gas or propane combustion. | SIP |
| NA | NA | 200 | 0020(187) | Add definition of “wood fuel-fired device”  “Wood Fuel-Fired Device” means a device or appliance designed for wood fuel combustion, including cordwood stoves, woodstoves and fireplace stove inserts, fireplaces, wood fuel-fired cook stoves, pellet stoves and combination fuel furnaces or boilers, that burn wood fuels. | Term not defined and used in multiple divisions | SIP |
| 200 | 0020 ED. NOTE | NA | NA | Delete the note about the referenced tables not being included in the rule text. | Clarification. All the tables have been moved into the text. | SIP |
| NA | NA | 200 | 0025(6) | Add “AQRV” | Clarification | SIP |
| NA | NA | 200 | 0025(13) | Add “BART” | Clarification | SIP |
| 200 | 0025(81) | 200 | 0025(83) | Change the acronym from “PCDE” to “PCDCE” | Correction. The term used is “pollution control device collection efficiency” | SIP |
| NA | NA | 200 | 0025(90) | Add “ppm” means parts per million | Add ppm to division 200 abbreviations and acronyms because it is used in other divisions | SIP |
| 200 | 0025(94) | 200 | 0025(102) | Alphabetize “SKATS” | Correction | SIP |
| NA | NA | 200 | 0025(100) | Add “SERP” means source emission reduction plan | Add SERP to Division 200 abbreviations and acronyms because it is used in other divisions | SIP |
| NA | NA | 200 | 0025(103) | Add “SLAMS” meansState or Local Air Monitoring Stations | Add SLAMS to Division 200 abbreviations and acronyms because it is used in other divisions | SIP |
| NA | NA | 200 | 0025(107) | Add “SPMs” means **“**special purpose monitors” | Add SPMs to Division 200 abbreviations and acronyms because it is used in other divisions | SIP |
| 200 | 0025 | NA | NA | Add SIP note:  “**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.” | 340-200-0025 was approved in the SIP in 2003. | SIP |
| 200 | 0030(1)(d) | NA | NA | Change to:  “(d) Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families, except woodstoves which shall be subject to regulation under OAR 340 division 262.” | Correction and clarification. Division 262 contains the requirements in the Oregon Revised Statutes. | SIP |
| NA | NA | 200 | 0035 | DEQ is adding a rule OAR 340-200-0035 titled “Reference Materials.  As used in divisions 200 through 268, the following materials refer to the versions listed below.  (1) "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2014 edition.  (2) The DEQ Source Sampling Manual refers to the October 2014 edition.  (3) The DEQ Continuous Monitoring Manual refers to the October 2014 edition.” | Clarification. This rule will include these reference materials and the dated version of these documents that are adopted. People can check this single rule to see which version they should be using. The dates of these reference materials will be deleted throughout the other divisions.  The Continuous Monitoring Manual and the Source Sampling Manual Volume I have been totally rewritten. Only minor corrections to the Source Sampling Manual Volume II have been made and that document is available in redline/strikeout. All three manuals are included as part of this rulemaking package. | SIP |
| 200 | 0040 | NA | NA | Change the date for the State Implementation Plan modification | The proposed changes are part of the SIP which will be revised as a result of the proposed changes. | SIP |
| 200 | 0040(3)(a) | NA | NA | Delete CFR date | CFR date is included in Reference Materials rule, OAR 340-200-0035 | SIP |
| 200 | 0020  Table 1 | 200 | 0020(154) | Move Table 1 Significant Air Quality Impact into text | Clarification. Tables are hard to find on DEQ website. DEQ repealed the PM10 NAAQS in 2011 so there is no need for a PM10 annual SIL. | SIP |
| 200 | 0020  Table 2 | 200 | 0020(153) | Move Table 2 Significant Emission Rates into text | Clarification. Tables are hard to find on DEQ website. | SIP |
| 200 | 0020  Table 3 | 200 | 0020(153)(u) | Move Table 3 Significant Emission rates for the Medford-Ashland Air Quality Maintenance Area into text | Clarification. Tables are hard to find on DEQ website. | SIP |
| 200 | 0020(33)  Table 4 | 200 | 0020(36) | Move Table 4 De Minimis Emission Levels into text | Clarification. Tables are hard to find on DEQ website. | SIP |
| 200 | 0020(60)  Table 5 | 200 | 0020(68) | Move Table 5 Generic PSELs into text | Clarification. Tables are hard to find on DEQ website. | SIP |
| 202 |  |  |  | Ambient Air Quality Standards and PSD Increments |  |  |
| 202 | 0010 | NA | NA | Add Division 204 as another division that has definitions that would apply to this division | Add reference to division 204 definitions | SIP |
| 202 | 0010(1) | NA | NA | Delete definition of “ambient air” | Definition already in division 200. | SIP |
| 202 | 0010(2) | NA | NA | Delete definition of “ambient air monitoring site criteria” | Definition not used in this division or any other division | SIP |
| 202 | 0010(3) | 202 | 0010(1) | Delete second sentence in definition of “approved method” about methods being approved by DEQ. | This sentence is not needed. DEQ doesn’t need to approve methods that are in 40 CFR 50 and appendices. | SIP |
| 202 | 0010(4) | NA | NA | Delete definition of “Baseline Concentration” | Definition already in Division 225, delete and use definition in Division 225 | SIP |
| 202 | 0010(5) | 200 | 0020(78) | Move definition of “Indian Governing Body” to division 200 | Definition not used in this division but used in divisions 204 and 209 so move to division 200 | SIP |
| 202 | 0010(6) | 200 | 0020(79) | Move definition of “Indian Reservation” to division 200 | Definition not used in this division but used in divisions 204 and 209 so move to division 200 | SIP |
| 202 | 0010(7) | 202 | 0010(2) | Change to:  "Oregon Standard Method" means any method of sampling and analyzing for an air contaminant approved by DEQ. Oregon standard methods are kept on file by DEQ and include all methods described in the DEQ Source Sampling Manual and the DEQ Continuous Monitoring Manual referenced in OAR 340-200-0035(2) and (3), respectively. | Clarification | SIP |
| 202 | 0010(8) | 200 | 0020(124) | Delete definition of “ppm”  "ppm" means parts per million by volume unless otherwise specified in the applicable rule or permit. It is a dimensionless unit of measurement for gases that expresses the ratio of the volume of one component gas to the volume of the entire sample mixture of gases. | See discussion above in division 200. Definition different from division 202. Clarify division 202 definition and move to division 200 | SIP |
| 202 |  |  |  | Ambient Air Quality Standards |  |  |
| 202 | 0050(2) | NA | NA | Correct the cross reference to the Notice of Construction and Approval of Plans rules. | Correction | SIP |
| 202 | 0050(2) | NA | NA | Add “No source may cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level.” | Clarification. This language is also being added to division 224. | SIP |
| 202 | 0070 | NA | NA | Delete “(effective upon EQC adoption October 16, 2013)” | Not necessary. The date of the CFR in effect at the time of rule adoption is in OAR 340-200-0035. | SIP |
| 202 | 0070(4) | NA | NA | Delete “(as of” | Correction | SIP |
| 202 | 0100 | NA | NA | Delete “(effective upon EQC adoption October 16, 2013)” | Not necessary. The date of the CFR in effect at the time of rule adoption is in OAR 340-200-0035. | SIP |
| 202 | 0130 | NA | NA | Delete “(effective upon EQC adoption October 16, 2013)” | Not necessary. The date of the CFR in effect at the time of rule adoption is in OAR 340-200-0035. | SIP |
| 202 |  |  |  | Prevention of Significant Deterioration Increments |  |  |
| 202 | 0210(1) | NA | NA | Change to:  “(1) This rule defines significant deterioration. In areas designated as Class I, II or III, emissions from new or modified sources must be limited such that aggregate increases in regulated pollutant concentration over the baseline concentration, as defined in OAR 340-225-0020, are less than the following PSD increments or maximum allowable increases:” | Clarification. Since the definition of baseline concentration is being deleted from this division, a reference to division 225 is needed | SIP |
| 202 | 0210(1) | NA | NA | Add “the PSD increments or maximum allowable increases listed below:” | Clarification. | SIP |
| 202 | 0210(2) | NA | NA | Add “or PSD increment” | Clarification. “Maximum allowable increase” is not used in Division 224 or 225 but only in Division 202. The “maximum allowable increase” is also known as the “PSD increment.” | SIP |
| 202 | 0210  Table 1 | 202 | 0210(1) | Add the increments from Table 1 to the text except for the PM10 annual increments. | Clarification. Tables are hard to find on DEQ website. DEQ repealed the PM10 NAAQS in 2011. | SIP |
| 202 | 0210  Table 1 | 202 | 0210(1) | Delete footnote about PM2.5 Increments will become effective on October 20, 2011 | No longer needed | SIP |
| 202 | 0210 | NA | NA | Delete footnote [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/340-202-0210%208%3A31.pdf)] | No longer needed | SIP |
| 224 | 0060(2)(c) and (d) | 202 | 0225 | Move Ambient Air Quality Thresholds for CO and PM10 Maintenance Areas (e.g., Klamath Falls and Grants Pass PM10 maintenance standards) from OAR 340-224-0060 | Division 202 will contain all ambient standards and thresholds intended to protect ambient air quality | SIP |
| NA | NA | 202 | 0225 | Change title of rule , use “Limits” instead of “Thresholds” | Clarification | SIP |
| NA | NA | 202 | 0225 | Add a paragraph explaining the purpose of the ambient air quality limits for maintenance areas. | Clarification | SIP |
| 204 |  |  |  | Designation of Air Quality Areas |  |  |
| 204 | 0010(1) | 200 | 0025(5) | Delete definition of “AQCR” | Delete and use division 200 acronym | SIP |
| 204 | 0010 | NA | NA | Change division to divisions | Correction | SIP |
| 204 | 0010(2) | 200 | 0025(6) | Delete definition of “AQMA” | Delete and use division 200 acronym | SIP |
| 204 | 0010(3) | 200 | 0025(25) | Delete definition of “CO” | Delete and use division 200 acronym | SIP |
| 204 | 0010(4) | 200 | 0025(17) | Delete definition of “CBD” | Delete and use division 200 acronym | SIP |
| 204 | 0010(5) | 200 | 0020(36) | Delete definition of criteria pollutant. | Delete and use division 200 definition | SIP |
| 204 | 0010(10) | 204 | 0010(5) | Add quotation marks around Klamath Falls Control Area | Correction | SIP |
| 204 | 0010(13) | 204 | 0010(8) | Change “LaGrande” to “La Grande” | Correction | SIP |
| 204 | 0010(15) | 200 | 0020(87) | Move definition of “Maintenance area” to division 200 with clarifications | See discussion above in division 200. Move from division 204 to division 200 with clarifications and delete the CFR date. The definition in division 204 is more comprehensive. | SIP |
| 204 | 0010(18) | 204 | 0010(17) | Change “Rossanley” to “Rossanely” | Correction | SIP |
| 204 | 0010(19) | 200 | 0020(98) | Delete the definition of “nonattainment area” and use the division 200 definition | The definition in division 200 is more comprehensive. The cross referenced 40 CFR 51.52 does not exist. | SIP |
| 204 | 0010(20) | 200 | 0025(77) | Delete definition of “O3” | Delete and use division 200 acronym | SIP |
| 204 | 0010(22) | 200 | 0020(110) | Delete definition of “particulate matter” which references the division 200 definition and use the following:  "Particulate Matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by the test method(s) specified in each applicable rule or permit. | Definition different from division 200, 226, 234, 236, 238, 240. Delete and use division 200 definition with clarification. Move specific test requirements to the rule with the standard. Create a testing and monitoring section in 340-234-0540.  340-200-0010(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.  340-204-0010(21) “Particulate Matter” has the meaning given that term in OAR 340-200-0020(82).  340-226-0010(2) "Particulate matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by an applicable reference method in accordance with OAR 340-212-0120 and 212-0140. 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 must be tested with DEQ Method 7; indirect heat transfer combustion sources and all other non-fugitive emissions sources not listed above must be tested with DEQ Method 5 or an equivalent method approved by the Department;  340-234-0010(28) "Particulate Matter:"  (a) As used in OAR 340-234-0200 through 340-234-0350 means all solid or liquid material, other than uncombined water, emitted to the ambient air as measured by EPA Method 5 or an equivalent test method in accordance with the Department Source Sampling Manual. Particulate matter emission determinations by EPA Method 5 shall use water as the cleanup solvent instead of acetone, and consist of the average of three separate consecutive runs having a minimum sampling time of 60 minutes each, a maximum sampling time of eight hours each, and a minimum sampling volume of 31.8 dscf each;  (b) As used in OAR 340-234-0400 through 340-234-0430 means a small, discrete mass of solid matter, including the solids dissolved or suspended in liquid droplets but not including uncombined water;  (c) As used in OAR 340-234-0500 through 340-234-0530 means all solid or liquid material, other than uncombined water, emitted to the ambient air as measured in accordance with the Department Source Sampling Manual (January, 1992). Particulate matter emission determinations shall consist of the average of three separate consecutive runs. For sources tested using DEQ Method 7, each run shall have a minimum sampling time of one-hour, a maximum sampling time of eight hours, and a minimum sampling volume of 31.8 dscf. For sources tested using DEQ Method 8, each run shall have a minimum sampling time of 15 minutes and shall collect a minimum particulate sample of 100 mg. Veneer dryers, wood particle dryers, fiber dryers and press/cooling vents shall be tested with DEQ Method 7; and air conveying systems shall be tested with DEQ Method 8.  340-236-0010(21) "Particulate Matter" means:  (a) As used in OAR 340-236-0100 through 340-236-0150 a small discrete mass of solid or liquid matter, but not including uncombined water emitted to the ambient air as measured by EPA Method 5 in accordance with the Department's Source Sampling Manual.  (b) As used in OAR 340-236-0200 through 340-236-0230 and 340-236-0400 through 340-236-0440 a small, discrete mass of solid or liquid matter, but not including uncombined water.  340-240-0030(33) "Particulate Matter" means all solid or liquid material, other than uncombined water, emitted to the ambient air as measured in accordance with the Department Source Sampling Manual. Particulate matter emission determinations must consist of the average of three separate consecutive runs. For sources tested using DEQ Method 5 or DEQ Method 7, each run must have a minimum sampling time of one hour, a maximum sampling time of eight hours, and a minimum sampling volume of 31.8 dscf. For sources tested using DEQ Method 8, each run must have a minimum sampling time of 15 minutes and must collect a minimum particulate sample of 100 mg. Wood waste boilers and charcoal producing plants must be tested with DEQ Method 5; veneer dryers, wood particle dryers, fiber dryers and press/cooling vents must be tested with DEQ Method 7; and air conveying systems must be tested with DEQ Method 8 (January, 1992). | SIP |
| 204 | 0010(23) | 200 | 0020(119) | Delete definition of “PM10” which references the division 200 definition | Delete and use division 200 definition | SIP |
| 204 | 0010(24) | 200 | 0020(120) | Delete definition of “PM2.5” which references the division 200 definition | Delete and use division 200 definition | SIP |
| 204 | 0010(30) | 200 | 0025(116) | Delete definition of “UGB” | Delete and use division 200 acronym | SIP |
| 204 | 0020(5)(j) | NA | NA | Correct spelling of Wheeler County | Correction | SIP |
| 204 | 0020 NOTE: | NA | NA | Delete “NOTE: The AQCRs should not be confused with the recent DEQ reorganization that split the state into three DEQ regions: Northwest, West and East.” | NOTE no longer needed. DEQ reorganization occurred many years ago so there is no longer any confusion. | SIP |
| 204 | 0030(2) | NA | NA | Change designation of Klamath Falls Nonattainment Area for PM2.5 to reference the Klamath Falls Nonattainment area defined in division 204-0010. | Already defined in division 204 | SIP |
| 204 | 0040 | NA | NA | Remove NOTEs regarding pending approval of areas by EPA | There have been problems with the inconsistency of these notes. Therefore, DEQ is deleting the notes. People can call DEQ to find out the status of EPA plan approval and pending redesignations. | SIP |
| 204 | 0060(1)(b) | NA | NA | Delete “or Indian Governing Bodies” | DEQ does not regulate Indian Governing Bodies | SIP |
| 204 | 0060(2)(b) | NA | NA | Do not capitalize state | Correction | SIP |
| 204 | 0060(2)(d) | NA | NA | Do not capitalize federal | Correction | SIP |
| 204 | 0060(4) | NA | NA | Delete the second sentence and (a) and (b) regarding lands within the boundaries of Indian Reservations. | DEQ does not regulate Indian Governing Bodies | SIP |
| 204 | 0060(6) | NA | NA | Delete “or Indian Governing Body, as appropriate,” | DEQ does not regulate Indian Governing Bodies | SIP |
| 204 | 0090 | NA | NA | Change to:  “The requirement to use oxygenated fuel may be triggered in the future by the contingency plan provisions of one of DEQ’s CO maintenance plans adopted by the EQC.” | The October 31, 2007 date has past. DEQ’s 2004 CO maintenance plan states that Section 175A(d) of the Clean Air Act provides that any control strategies removed upon redesignation to attainment must be reinstated if the area violates the air quality standard. The provisions of this section of the Contingency Plan are dictated by that Clean Air Act requirement.  If the Portland area violates the NAAQS for CO, the requirement to use wintertime oxygenated fuel in Clackamas, Multnomah, Washington, and Yamhill Counties will be reinstated. | SIP |
| 204 |  |  |  | Designation of Areas |  |  |
| NA | NA | 204 | 0300 | Add rules that explain how sustainment areas will be designated | DEQ has defined two new areas for New Source Review: sustainment and reattainment areas. These new areas will provide options for sources when constructing or modifying in these areas. Designation of sustainment area does not need to go through EPA for approval. Only procedures need to be approved by EPA so no SIP revision is needed to designate areas. | SIP |
| NA | NA | 204 | 0300(2) | Add rules to designate Lakeview as a sustainment area | Lakeview currently exceeds the ambient air quality standard for PM2.5 but is not designated as a nonattainment area by EPA. DEQ is working with Lakeview in the PM Advance program to reduce PM2.5 emissions so the area can meet the PM2.5 NAAQS. Designation as a sustainment area will also help reduce emissions and allow sources to construct or modify if air quality is protected. | SIP |
| NA | NA | 204 | 0300 | Add:  “[**NOTE**: This rule, except sections (2) and (3), is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]” | Clarification. Designation of sustainment area does not need to go through EPA for approval. | SIP |
| NA | NA | 204 | 0310 | Add rules that explain how reattainment areas will be designated | DEQ has defined two new areas for New Source Review: sustainment and reattainment areas. These new areas will provide options for sources when constructing or modifying in these areas. Designation of sustainment area does not need to go through EPA for approval. Only procedures need to be approved by EPA so no SIP revision is needed to designate areas. | SIP |
| NA | NA | 204 | 0310 | Add:  “[**NOTE**: This rule, except sections (2) and (3), is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]” | Clarification. Designation of reattainment area does not need to go through EPA for approval. | SIP |
| NA | NA | 204 | 0320 | Add language to define priority sources | Priority sources will be identified based on emissions inventory information and modeling results of the sources located in a designated area | SIP |
| 206 |  |  |  | Air Pollution Emergencies | None |  |
| 206 | all | NA | NA | Delete “total suspended” from particulate | DEQ no longer has a total suspended particulate matter standard and doesn’t monitor for TSP | SIP |
| 206 | 0020 | NA | NA | Add division 204 as another division that has definitions that would apply to this division | Add reference to division 204 definitions | SIP |
| 206 | 0040(4) | NA | NA | Change to:  “Action: Municipal and county governments or other governmental agency having jurisdiction in areas affected by an air pollution alert, warning or emergency for particulate from volcanic fallout or windblown dust must place into effect the actions pertaining to such episodes which are described in Table 4 Air pollution episode conditions due to particulate which is primarily fallout from volcanic activity or windblown dust. Ambient particulate control measures to be taken as appropriate in episode area.” | Clarification. Add title of Table 4. | SIP |
| 206 | 0050(2) | NA | NA | Delete “Air Quality Maintenance Area” and parentheses around AQMA and Do not capitalize emits | AQMA is already included. Correction | SIP |
| 206 | 0070 | NA | NA | Do not capitalize emergency action or operations manual | Correction | SIP |
| 206 | 0070(3)(a) | NA | NA | Do not capitalize Standby | Correction | SIP |
| 208 |  |  |  | Visible Emissions and Nuisance Requirements |  |  |
| 208 | 0010 | NA | NA | Add division 204 as another division that has definitions that would apply to this division | Add reference to division 204 definitions | SIP |
| 208 | 0010(2) | 200 | 0020(8) | Delete definition of “air contaminant” and use definition in division 200  "Air Contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid or particulate matter, or any combination thereof. | Already defined in division 200 and 240. Delete and use definition in division 200  340-208-0010(2) "Air Contaminant" means a dust, fume, gas, mist, odor, smoke, pollen, vapor, soot, carbon, acid or particulate matter, or any combination thereof.  340-240-0030(1) "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid or particulate matter, or any combination thereof. | SIP |
| 208 | 0010(3) | 200 | 0020(51) | Delete definition of “emission” and use definition in division 200  "Emission" means a release into the atmosphere of any regulated pollutant or any air contaminant. | Already defined in division 200 and 240. Delete and use definition in division 200  340-208-0010(3) "Emission" means a release into the outdoor atmosphere of air contaminants.  340-240-0030 (10) "Emission" means a release into the outdoor atmosphere of air contaminants. | SIP |
| 208  228  240 | 0010(4)  0020(4)  0030(14) | 200 | 0020(69) | Delete definition of “fuel burning equipment” and move to division 200 with clarifications | See discussion above in division 200. Move definition of fuel burning equipment from divisions 208, 228, and 240 to division 200 and clarify. | SIP |
| 208 | 0010(5) | 200 | 0020(70) | Delete definition of “fugitive emissions” and use division 200 definition  "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. | Delete and use definition in division 200 since it is more comprehensive  340-208-0010(5) "Fugitive Emissions" means emissions of any air contaminant that escape to the atmosphere from any point or area not identifiable as a stack, vent, duct, or equivalent opening.  340-234-0010 (17) "Fugitive Emissions" means dust, fumes, gases, mist, odorous matter, vapors or any combination thereof not easily given to measurement, collection, and treatment by conventional pollution control methods.  340-236-0010(17) "Fugitive emissions" means emissions of any air contaminant that escapes to the atmosphere from any point or area that is not identifiable as a stack, vent, duct, or equivalent opening.  340-240-0030(17) "Fugitive Emissions" means dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof not easily given to measurement, collection and treatment by conventional pollution control methods. | SIP |
| 208 | 0010(6) | NA | NA | Delete definition of “new source” | Definition no longer needed since dates are included in the rule | SIP |
| 208 | 0010(8) | 200 | 0020(101) | Move definition of “odor” to division 200  "Odor" means that property of an air contaminant that affects the sense of smell. | Same definition as division 240 definition so move to division 200  340-208-0010(8) "Odor" means that property of an air contaminant that affects the sense of smell.  340-240-0030(30) "Odor" means that property of an air contaminant that affects the sense of smell. | SIP |
| 208 | 0010(12) | 200 | 0020(167) | Delete definition of “standard conditions,” use division 240 definition and move to division 200  "Standard Conditions" means a temperature of 68° Fahrenheit (20° Celsius) and a pressure of 14.7 pounds per square inch absolute (1.03 Kilograms per square centimeter). | See discussion above in division 200 | SIP |
| 208 | 0010(13) | 200 | 0020(42) | Delete definition of “standard cubic foot” and use definition of “dry standard cubic foot” from division 240 and move to division 200  "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. | See discussion above in division 200 | SIP |
| 208 |  |  |  | Visible Emissions |  |  |
| 208 | 0100 | NA | NA | Repeal this rule regarding applicability for visible emissions | This requirement applied everywhere, while the fugitive emissions requirement in OAR 340-208-0210 applied in only some areas, so the distinction may have made sense. Since both 340-208-0100 and 340-208-0210 both apply throughout the whole state, this rule language is unnecessary. | SIP |
| 208 | 0110 | NA | NA | Replace 340-208-0110 with the sections below. | DEQ is proposing the changes for the following reasons:   * EPA’s adoption of a new PM2.5 24-hour NAAQS has resulted in 2 nonattainment areas, with a third meeting the definition but not legally designated as such. This proposed rule change will reduce opacity in all areas and will help prevent future problems. * More and more areas of the state are special control areas due to population increases. * Phased compliance will give sources that cannot meet the new standards time to comply. | SIP |
| NA | NA | 208 | 0110(1) | Add:  “(1) The emissions standards in this rule do not apply to fugitive emission sources.” | Clarify that 20% opacity does not apply to non-fugitive emission sources. It is very difficult to read opacity from fugitive emission sources. Instead DEQ will require sources to abate fugitive escaping from an air contaminant source. See 340-208-0210. | SIP |
| NA | NA | 208 | 0110(2) | Add:  “(2) The visible emissions standards in this rule are based on a 6-minute average as measured by:  (a) EPA Method 9,  (b) a continuous opacity monitoring system (COMS) installed and operated in accordance with the DEQ Continuous Monitoring Manual or 40 CFR Part 60; or  (c) An alternative monitoring method approved by DEQ that is equivalent to EPA Method 9, such as EPA’s ALT Method 082.” | Change the averaging time period for compliance from 3 minutes in an hour to a 6-minute average and add a reference method for determining compliance with the opacity limit and provision for continuous opacity monitoring systems installed and operated under DEQ’s Continuous Monitoring Manual.   * An opacity standard based on a 6-minute average is no more or less stringent than a standard based on an aggregate of 3 minutes in any hour. Theoretically, either basis could be more stringent than the other, but practically, sources do not typically have intermittent puffs of smoke. If there is an upset that lasts longer than 3 minutes, it usually lasts longer than 6 minutes, as well. * Other reasons for changing to a 6 minute average include:   + A reference compliance method has not been developed for the 3 minute standard.   + EPA method 9 results are reported as 6-minute averages.   + The 3-minute standard adds more cost to data acquisition systems for continuous opacity monitoring systems. Many of the COMS are designed for 6-minute averages, so they have to be modified to record and report data for the 3-minute standard.   Compliance with a 6 minute average can be determined with 24 readings (6-minute observation period); whereas, compliance with the 3-minute standard may require as many as 240 readings (60 minute observation period). In addition, it is DEQ’s policy that the inspector observes the source for at least 6 minutes before making a compliance determination. | SIP |
| NA | NA | 208 | 0110(3) | Add:  “(3) For emission sources, other than wood-fired boilers, that existed prior to June 1, 1970 and have not been modified since May 31, 1970:  (a) If located outside a special control area, visible emissions must not equal or exceed:  (A) 40% opacity through December 31, 2019; and  (B) 20% opacity on and after January 1, 2020  (b) If located inside a special control area, visible emissions must not equal or exceed 20% opacity.” | Opacity for sources that existed before June 1, 1970, other than wood-fired boilers outside special control areas, remains at 40% until December 31, 2019 then changes to 20%. Sources inside special control areas must meet 20% upon rule adoption. | SIP |
| NA | NA | 208 | 0110(4) | Add:  “(4) For emission sources, other than wood-fired boilers, installed, constructed, or modified on or after June 1, 1970, visible emissions must not exceed 20% opacity.” | No change in opacity standard for sources installed, constructed after June 1, 1070. | SIP |
| NA | NA | 208 | 0110(5) | Add:  “(5) For wood-fired boilers that existed prior to June 1, 1970 and have not been modified since May 31, 1970, visible emissions must not equal or exceed:  (a) 40% opacity through December 31, 2019 with the exception that emissions may not equal or exceed 55% opacity for 12 minutes in an hour, as the average of two 6-minute Method 9 observation periods.  (b) 20% opacity on or after January 1, 2020, with one or more of the following exceptions:  (A) Emissions may not equal or exceed 40% opacity for 12 minutes in an hour, as the average of two 6-minute Method 9 observation periods; and  (B) Emissions may not equal or exceed 40% opacity, as the average of all 6- minute Method 9 observation periods during grate cleaning operations provided the grate cleaning is performed in accordance with a grate cleaning plan approved by DEQ.  (C) The owner or operator may request a boiler specific limit greater than 20% opacity, but not greater than 40% opacity, based on the opacity measured during a source test that demonstrates compliance with OAR 340-228-0210(2)(a)(C) or 340-228-0210(2)(d), whichever is applicable. Opacity must be measured for at least 60 minutes during each compliance source test run. The boiler specific limit will be the average of at least 30 6-minute Method 9 observations conducted during the compliance source test. The limit will include a higher limit for one six minute period during any hour based on the maximum 6 minute average measured during the compliance source test. Specific opacity limits will be included in the permit for each affected source as a minor permit modification (simple fee) for sources with an Oregon Title V Operating Permit or a Basic Technical Modification for sources with an Air Contaminant Discharge Permit. If an alternative limit is established in accordance with this paragraph, the exception provided in paragraph (A) does not apply.” | * Until 1/1/2020, pre-1970 wood fired boilers will have a limit of 40% opacity with the exception that visible emissions may not equal or exceed 55% for 12-minutes in an hour. This exception is provided to keep the standard based on a 6-minute average equivalent to the existing 40% opacity standard based on an aggregate of 3 minutes in an hour. The current standard would allow a source to have visible emissions equal to 100% opacity for 3 minutes and then remain below 40% opacity for the remainder of an hour. The 55% exception is equal to the average of 100% opacity for 3 minutes and 40% opacity for 9 minutes over a 12-minute period. There is no relaxation to the existing rules. * On and after 1/1/2020, the standard for pre-1970 wood-fired boilers will be 20% opacity with the same 12-minute exception (40% opacity) as the post-1970 boiler limit discussed above. * In addition, the proposed rules for pre-1970 wood-fired boilers include a 40% opacity limit during grate cleaning operations provided the owner or operator develops and implements a grate cleaning plan that is approved by DEQ. This exception is provided to address the routine maintenance activity that is required for older wood-fired boilers. * Provide an option of an alternative limit based on the opacity measured during a compliance test method for grain loading. | SIP |
| NA | NA | 208 | 0110(6) | Add:  “(6) For wood-fired boilers installed, constructed, or modified after June 1, 1970 but before [INSERT SOS FILING DATE OF RULES], visible emissions must not equal or exceed 20% opacity with the exception that emissions may not equal or exceed 40% opacity for 12 minutes in an hour, as the average of two 6-minute Method 9 observation periods.” | The proposed standard for existing post-1970 wood-fired boilers will remain at 20% opacity, except that visible emissions may not equal or exceed 40% opacity for 12 minutes in an hour. This exception is provided to keep the standard based on a 6-minute average equivalent to the existing 20% opacity standard based on an aggregate of 3 minutes in an hour. The current standard would allow a source to have visible emissions equal to 100% opacity for 3 minutes and then remain below 20% opacity for the remainder of an hour. The 40% exception is equal to the average of 100% opacity for 3 minutes and 20% opacity for 9 minutes over a 12-minute period. | SIP |
| NA | NA | 208 | 0110(7) | Add:  “(7) For all wood-fired boilers installed, constructed, or modified after [INSERT SOS FILING DATE OF RULES], emissions must not equal or exceed 20% opacity.” | After rule adoption, all wood-fired boilers must meet 20% at all times. | SIP |
| 208 |  |  |  | Fugitive Emission Requirements |  |  |
| 208 | 0200 | NA | NA | Repeal this rule regarding applicability for fugitive emissions | This requirement only applied in special control areas and areas where DEQ determined there was a nuisance, while the visible emissions requirement in OAR 340-208-0110 applied everywhere, so the distinction may have made sense. Since both 340-208-0100 and 340-208-0210 both apply throughout the whole state, this rule language isn’t needed any more. | SIP |
| 208 | 0210 | NA | NA | Change the title of the rule to “Requirements for Fugitive Emissions” | Clarification | SIP |
| 208 | 0210(2) | 208 | 0210(1) | Change last sentence to:  “Such reasonable precautions may include, but are not limited to the following:” | Clarification | SIP |
| 208 | 0210(2)(b) | 208 | 0210(1)(b) | Delete “asphalt, oil,” from when full or particial enclosure is needed if the the application of water or suitable chemicals are not sufficient | DEQ discourages the use of oil as dust suppressants because of the negative environmental impact on other media. | SIP |
| 208 | 0210(2)(c) | 208 | 0210(1)(c) | Delete oil from the reasonable precautions to prevent particulate matter from becoming airborne and add “other suitable” to chemicals | DEQ discourages the use of asphalt emulsions and oil as dust suppressants because of the negative environmental impact on other media. | SIP |
| 208 | 0210(1) | 208 | 0210(2) | Move section (1) to section (2) and change to:  “(2) When fugitive emissions escape from an air contaminant source, DEQ may order the owner or operator to abate the emissions. In addition to other means, DEQ may order that a building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that air contaminants are controlled or removed before being emitted to the open air.” | Reorganization and clarification. DEQ has clarified that fugitive emissions must be abated upon order, rather than the determination of a nuisance or trying to read opacity to comply with an opacity limit. Since the opacity standards will not apply to fugitive emission sources, work practice standards will be used instead to abate fugitive emissions. | SIP |
| NA | NA | 208 | 0210(2)(a) | Add a definition for particulate fugitive emissions for this section:  “(a) For purposes of section (2), fugitive emissions are visible emissions that leave the property of a source for more than 18 seconds in a six-minute period. The minimum observation time shall be at least six minutes unless otherwise specified in a permit.” | This clarifies how fugitive emissions are defined and evaluated. | SIP |
| NA | NA | 208 | 0210(2)(b) | Add EPA Method 22 as the reference method:  “(b) Visible emissions are determined by EPA Method 22 at the downwind property boundary.” | A test method should always be specified with each standard in order to be able to show compliance | SIP |
| NA | NA | 208 | 0210(3) | Add requirement for development of a fugitive emission control plan if requested by DEQ  “(3) If requested by DEQ, the owner or operator must develop a fugitive emission control plan, including but not limited to the work practices in section (1), that will prevent any visible emissions from leaving the property of a source for more than 18 seconds in a six-minute period following the procedures of EPA Method 22.” | This requirement will help address issues if fugitive emissions escape the property boundary | SIP |
| 208 |  |  |  | Nuisance Control Requirements |  |  |
| 208 | 0310 & 320 | NA | NA | Do not capitalize best work practices agreement | Correction | NA |
| 208 | 0450 | 208 | 0450(1) | Change “emission” to “deposition” | Particulate matter larger than 250 microns is deposited on property, not emitted | NA |
| 208 | 0450 | 208 | 0450(1) | Change to:  “(1) No person may cause or permit the deposition of particulate matter larger than 250 microns in size that creates an observable deposition upon the real property of another person.” | Clarification. | NA |
| NA | NA | 208 | 0450(2) | Add:  “(2) Upon determining that deposition has occurred, DEQ will notify the person creating the deposition that they are in violation of this rule. DEQ will endeavor to resolve observed deposition in keeping with the policy outlined in OAR 340-12-0026. If DEQ subsequently proceeds with a formal enforcement action, pursuant to OAR 340 division 12, the first day for determining penalties will be no earlier than the date of this notice.” | Clarification. This language is similar to OAR 340-208-0300(2) and clarifies when a violation of this rule occurs. | NA |
| 208 | 0600 | NA | NA | Repeal “Visible Air Contaminant Standards” | DEQ is changing to a 6-minute averaging time for all opacity standards except the recovery furnace opacity standard. | NA |
| 209 |  |  |  | Public Participation | None |  |
| 209 | 0010 | NA | NA | Add SIP note:  “**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.” | This rule was last approved into the SIP by EPA on 01/22/03. The note was inadvertently omitted from the rule. | SIP |
| 209 | 0020 | NA | NA | Add SIP note:  “**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.” | This rule was last approved into the SIP by EPA on 01/22/03. The note was inadvertently omitted from the rule. | SIP |
| 209 | 0030(3)(c) | NA | NA | Add “public” to notice | Clarification | NA |
| 209 | 0030(3)(d)(B) | NA | NA | Add “DEQ will consider any information gathered in this process in its drafting of the proposed permit;” | Clarification | NA |
| 209 | 0030(4) | NA | NA | Capitalize Title | Correction | NA |
| 209 | 0030(4)(d) | NA | NA | Add “Federal requirements;” | Clarification. If federal requirements change for a source, a different type of public notice may be required. | NA |
| 209 | 0030 | NA | NA | Add SIP note:  “**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.” | This rule was last approved into the SIP by EPA on 01/22/03. The note was inadvertently omitted from the rule. | SIP |
| 209 | 0040 | NA | NA | Add SIP note:  “**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.” | This rule was last approved into the SIP by EPA on 12/27/11. The note was inadvertently omitted from the rule. | SIP |
| 209 | 0050(1) | NA | NA | Add provision for public notice by email | Most people receive notices by email, which is cheaper and easier to use than mail. A few people are still on DEQ’s list to receive hard copies of public notices. | NA |
| 209 | 0050 | NA | NA | Add SIP note:  “**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.” | This rule was last approved into the SIP by EPA on 01/22/03. The note was inadvertently omitted from the rule. | SIP |
| 209 | 0060(4)(a) | NA | NA | Delete the comma between OAR 340 and division 224 | Correction | NA |
| 209 | 0060(4)(a) & (c) | NA | NA | Add “major” to source and modification | Clarification | NA |
| 209 | 0060 | NA | NA | Add SIP note:  “**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.” | This rule was last approved into the SIP by EPA on 01/22/03. The note was inadvertently omitted from the rule. | SIP |
| 209 | 0070 | NA | NA | Repeal Hearing and Meeting Procedures | The requirements for hearing and meeting procedures are too prescriptive in this modern era of information technology. Repealing this rule will give DEQ and the public more flexibility in holding public hearings and meetings, which will involve more Oregonians in a time and place that is convenient for them. Examples of different ways to hold hearings and meetings are virtual meetings or participation through a website. DEQ will encourage more participation in different ways than those included in the Hearings and Meeting Procedures rule. This proposed rule change also synchronizes the air quality public participation rule with water and land quality rules. | NA |
| 209 | 0080(2) | NA | NA | Change “in the location(s) listed in OAR 340-209-0040” to “at the DEQ office processing the permit” | Clarification | SIP |
| 209 | 0080 | NA | NA | Add SIP note:  “**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.” | This rule was last approved into the SIP by EPA on 12/27/11. The note was inadvertently omitted from the rule. | SIP |
| 210 |  |  |  | Stationary Source Notification Requirements | None |  |
| 210 |  | NA | NA | Remove “stationary” from the whole division | Correction. These rules could apply to portable sources if required to have a permit. | SIP |
| 210 | 0010 | NA | NA | Change applicability to:  “This division applies to stationary air contaminant sources, except that it may also apply to modifications of existing portable sources that are required to have permits under OAR 340 division 216.” | Correction. These rules could apply to portable sources if required to have a permit. | SIP |
| 210 | 0020 | NA | NA | Add division 204 as another division that has definitions that would apply to this division | Add reference to division 204 definitions | SIP |
| 210 |  |  |  | Registration | None |  |
| 210 | 0100(3) | NA | NA | Change “OAR Chapter 340, division” to OAR 340 division” | Not necessary | SIP |
| 210 | 0110(3), (4), and (5) | NA | NA | Make structure of registration requirements similar in each section | Clarification and consistency | SIP |
| 210 | 0120(3) | NA | NA | Change to:  “(3) In order to re-register, or maintain registration, a person must not have had their registration terminated or revoked within the last 3 years, unless the air contaminant source has changed ownership since termination or revocation, in which case the person must not have had their registration terminated or revoked since the change in ownership.” | Clarification | SIP |
| 210 |  |  |  | Notice of Construction and Approval of Plans | None |  |
| 210 | 0205(1)(a) | NA | NA | Add “the following” at the end | Clarification | SIP |
| 210 | 0205(1)(a) | NA | NA | Change to:  “(a) All new sources not otherwise required to obtain a permit under OAR 340, division 216. Sources that are required to submit a permit application are not required to submit a Notice of Construction application;" | Clarification for new sources that are not required to submit a Notice of Construction application | SIP |
| NA | NA | 210 | 0205(1)(b) | Add “(b) Modifications at existing sources that have permits under OAR 340 division 216 or 218;” | Clarification for modifications at existing sources that are required to submit a Notice of Construction application | SIP |
| 210 | 0205(1)(b) | 210 | 0205(1)(c) | Change to:  “(c) All air pollution control devices to be used to comply with emissions limits, or used to avoid the requirement to obtain an Oregon Title V Operating Permit (OAR 340 division 218) or New Source Review (OAR 340 division 224) requirements, or MACT standards (OAR 340 division 244).” | Clarification for pollution control equipment that are required to submit a Notice of Construction application | SIP |
| 210 | 0205(2) | NA | NA | Change “OAR 230-210-0200” to “OAR 340-210-0205” | Correction | SIP |
| 210 | 0205(2)(a) | NA | NA | Change “OAR 340-200-030”to “OAR 340-200-0030” | Correction | SIP |
| 210 | 0205(2)(c) | NA | NA | Add “ed” to limit | Correction | SIP |
| NA | NA | 210 | 0205(2)(d) | Add:  “(d) Portable sources, except modifications of portable sources that have permits under OAR 340 division 216 or 218.” | Correction. Add portable sources to the list of sources that are exempt from the Notice of Construction rules unless the portable source is required to obtain a permit under division 216 or 218. | SIP |
| 210 | 0205(2)(d) | 210 | 0205(2)(e) | Change wording to “unless they are subject to NESHAP or NSPS requirements.” | Clarification | SIP |
| 210 | 0215(2) | NA | NA | Change “stationary sources” to “existing sources” | Correction. Some of the sources that DEQ permits are portable sources | SIP |
| 210 | 0225(1) | NA | NA | Add “meets the criteria in subsections (a) through (f)” | Clarification | SIP |
| 210 | 0225(1)(a) & (b) | NA | NA | Add “from the source” after “would not increase emissions” | Clarification. Emissions are from the source, not individual “stationary sources” for comparison to the netting basis and significant emission rate | SIP |
| 210 | 0225(1)(a) | NA | NA | Change to “de minimis emission levels” | Clarification. | SIP |
| 210 | 0225(1)(b) | NA | NA | Change “significant emissions rate “to “significant emission rate” | Clarification. | SIP |
| 210 | 0225(1)(a) & (c) |  | NA | Correct spelling of de minimis | Correction | SIP |
| 210 | 0225(1)(c) | NA | NA | Change to:  “(c) Would not increase emissions from any new, modified, or replaced emission device, activity or process, or any combination of emission devices, activities or processes at the source by more than the de minimis levels defined in OAR 340-200-0020;” | Clarification. Emissions from the source are compared to de minimis levels | SIP |
| 210 | 0225(1)(f) and (2)(f) | NA | NA | Add requirement that changes that are required to obtain a permit under OAR 340 division 216 would not qualify as a Type 1 or Type 2 changes. | Corrects a problem regarding changes that otherwise qualify as a Type 1 change but should be required to obtain a permit under division 216. There have been instances when companies have replaced a NESHAP subject chrome plating line with entirely new equipment or have replaced the control device. In each instance the associated emissions are well below the de minimis rate and the change meets the Type 1 criteria. The review process in these instances is more complicated than for what Type 1 category was intended and therefore, a permit is required. | SIP |
| 210 | 0225(2) | NA | NA | List requirements for Type 2 changes rather than reference changes in 0225(1) | Clarification | SIP |
| 210 | 0225(2)(c) | NA | NA | Change to:  “(c) Would not increase emissions from any new, modified, or replaced emission device, activity or process, or any combination of emission devices, activities or processes at the source by more than or equal to the SER;” | Clarification. Emissions are from the stationary source for comparison to the SER | SIP |
| 210 | 0225(3) | NA | NA | Change to:  “(3) Type 3 changes include construction or modification of sources or air pollution control devices where such a change does not qualify as a Type 4 change under section (4) and;” | Clarification. Type 4 changes can result in federally enforceable PTE limits and possibly require a TACT or MACT determination, and such changes would therefore qualify under both Type 3 and 4. This language makes it clear that if they qualify for both, then they’re Type 4 not 3. | SIP |
| 210 | 0225(3)(a) | NA | NA | Change to:  “(a) Would increase emissions from the source above the PSEL by more than the de minimis levels defined in OAR 340-200-0020 before applying unassigned emissions or emissions reduction credits available to the source but less than the SER after applying unassigned emissions or emissions reduction credits available to the source for sources required to have a permit;” | Clarification. An increase in PESL should be calculated before applying unassigned emissions or emission reduction credits | SIP |
| 210 | 0225(3)(b) | NA | NA | Change to: “(b) Would increase emissions from any new, modified, or replaced emission device, activity or process, or any combination of emission devices, activities or processes at the source by more than the SER but are not subject to OAR 340-222-0041(4);” | Clarification. OAR 340-222-0041(3)(b) was renumbered to 340-222-0041(4) | SIP |
| 210 | 0225(4) | NA | NA | Change to:  “(4) Type 4 changes include construction or modification of sources or air pollution control devices where such a change or changes would increase emissions from the source above the PSEL, after applying unassigned emissions or emissions reduction credits available to the source, or netting basis of the source by more than the SER.” | Clarification | SIP |
| 210 | 0230(3) | NA | NA | Change “The Department must be notified” to “The owner or operator must notify DEQ” | Clarification | SIP |
| 210 | 0240(1)(a) and (b) | NA | NA | Add “calendar” to days | Clarification | SIP |
| 210 | 0240(1)(b) | NA | NA | Change to:  “(b) For Type 2 changes, the owner or operator may proceed with the construction or modification 60 calendar days after DEQ receives the notice required in OAR 340-210-0230 or on the date that DEQ approves the proposed construction in writing, whichever is sooner, unless DEQ notifies the owner or operator in writing that the proposed construction or modification is not a Type 2 change.” | Clarification | SIP |
| 210 | 0240(1)(d) [NOTE:] |  |  | Add “requirements” to New Source Review and delete “[Note: In non-attainment areas and maintenance areas” and “ In attainment areas, Type 4 changes may be subject to OAR 340-224-0070, Prevention of Significant Deterioration, only if the source would be a federal major source after making the change.]” | Put the language in the rule, rather than a note. Clarify that Type 4 changes may also be subject to division 224, New Source Review. | SIP |
| 210 | 0240(3)(b) | NA | NA | Add “, emissions device, activity, process,” to source | Clarification | SIP |
| 210 | 0240(5) | NA | NA | Change to:  “(5) Hearing. A person against whom an order prohibiting construction or modification is directed may request a contested case hearing within 20 days from the date of mailing the order. The request must be in writing, state the grounds for hearing, and be mailed to the Director of DEQ. The hearing will be conducted pursuant to the applicable provisions in division 11 of this chapter.” | Clarification | SIP |
| 210 | 0250(1) | NA | NA | Change to:  “(1) The approval to construct does not provide approval to operate the constructed or modified source or air pollution control device unless otherwise allowed by section (2) or (3) or under the applicable ACDP or Oregon Title V Operating Permit programs (OAR 340 divisions 216 and 218).” | Clarification | SIP |
| 210 | 0250(2)(a)(B) | NA | NA | Change last sentence to:  “All required testing must be performed in accordance with OAR 340-212-0140.” | Clarification | SIP |
| 210 | 0250(2)(b) | NA | NA | Change to:  “(b) For new sources that are required to obtain an ACDP in accordance with OAR 340-216-0020, the ACDP, which allows operation, is required before operating the newly constructed equipment.” | Clarification. It is the equipment that will be operated, not the change type. | SIP |
| 212 |  |  |  | Stationary Source Testing and Monitoring |  |  |
| 212 | 0010 | NA | NA | Add division 204 as another division that has definitions that would apply to this division | Add reference to division 204 definitions | SIP |
| 212 | 0110 | NA | NA | Change to:  “OAR 340-212-0110 through 340-212-0150 apply to all stationary sources in the state. Stationary source includes portable sources that are required to have permits under division 216.” | Correction. There is no OAR 340-212-0160. DEQ permits some portable sources so all requirements apply to stationary sources and the permitted portable sources. | SIP |
| 212 | 0120(3) | NA | NA | Update Source Sampling Manual and Continuous Monitoring Manual | The Source Sampling Manual (1992) and the Continuous Monitoring Manual (1992) have been updated to reflect current methods and procedures. | SIP |
| 212 | 0120(3)(b) | NA | NA | Change to:  “(b) Approves the use of an equivalent or alternative method as defined in division 200;” | Equivalent method and alternative method are defined in division 200 | SIP |
| 212 | 0130(2)(c) | NA | NA | Change to:  “(c) The "procedures" referred to in 40 CFR 51.164 are the DEQ Major New Source Review procedures (OAR 340-224-0010 and 340-224-0025 through 340-224-0070 or Title 38 of LRAPA rules), and the review procedures for new, or modifications to, minor sources, at the DEQ review procedures for new or modified minor sources (OAR 340-210-0205 to 340-210-0250, OAR 340 division 216, 340-224-0010 and OAR 340-224-0200 through 340-224-0270, or LRAPA Title 34).” | Correction and clarification. DEQ has added rules for State New Source Review in this division so the distinction between major and minor new source review must be made. The cross reference to the Notice of Construction and Approval of Plans in division 210 is incorrect. | SIP |
| 212 | 0140(1) | NA | NA | Update Source Sampling Manual | The Source Sampling Manual (1992) has been updated to reflect current methods and procedures. | SIP |
| 212 | 0140(2) | NA | NA | Change to:  “(2) DEQ may approve an equivalent or alternative method as defined in division 200.” | Equivalent and alternative methods are defined in division 200 so do not need to be defined here. | SIP |
| 212 |  |  |  | Compliance Assurance Monitoring |  |  |
| 212 | 0200 - 0280 | NA | NA | Remove from SIP | Correction. The note that this rule is included in the Oregon SIP is not included in any of these rules but the rules were approved into the Oregon SIP on 01/22/03 in 68 FR2891. With this SIP submittal, DEQ is asking to remove these rules from the SIP because they apply only to Title V sources. | NA |
| 212 | ALL | NA | NA | Delete CFR date | CFR date is included in Reference Materials rule, OAR 340-200-0035 | NA |
| 212 | 0200 (2)(a)(E) | NA | NA | Correct name of division 222 | Correction | NA |
| 212 | 0220 (5) | NA | NA | Change “requires” to “require” | Correction | NA |
| 212 | 0230 (1)(b) | NA | NA | Change “218-0080” to “218-0180” | Correction. OAR 340-218-0180 is Significant Permit Modifications | NA |
| 212 | 0270(2)(a) | NA | NA | Delete “below” after OAR 340-218-0050(3) | Correction | NA |
| 212 | 0280(1) | NA | NA | Correct spelling of “complying” | Correction | NA |
| 214 |  |  |  | Stationary Source Reporting Requirements |  |  |
| 214 | 0010(1) | NA | NA | Change to:  “(1) "Large source", as used in OAR 340-214-0300 through 340-214-0350, means any stationary source required to maintain a Title V Operating Permit or whose actual emissions or potential controlled emissions while operating full time at the design capacity are equal to or exceed 100 tons per year of any regulated pollutant other than GHG, or 100,000 tons per year of GHG.” | Delete “, or which is subject to a National Emissions Standard for Hazardous Air Pollutants (NESHAP). Where PSELs have been incorporated into the ACDP, the PSEL will be used to determine actual emissions.” from the definition of large source. The general provisions for NESHAP sources have excess emission reporting and some individual NESHAPs have their own excess emission reporting – like NSPS so don’t need to include these sources in the immediate reporters. The sentence about PSELs being used to determine actual emissions is redundant with requirement that PSELs limit PTE so this sentence is not necessary.  Add a provision for the major source threshold for GHGs | SIP |
| 214 | 0010(2) | NA | NA | Change to:  “(2) "Small Source" means any other stationary source that is not a large source and that operates under a general, basic, simple or standard ACDP.” | Clarification and correction. Basic was inadvertently omitted when the definition of small source was changed in 2007 | SIP |
| 214 | 0100 | NA | NA | Change to:  “OAR 340-214-0100 through 340-214-0130 apply to all stationary sources in the state. Stationary source includes portable sources that are required to have permits under division 216.” | DEQ permits some portable sources so all requirements apply to stationary sources and the permitted portable sources. | SIP |
| NA | NA | 214 | 0114(5) | Add:  “(5) Records of all required monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application for sources subject to permitting requirements in division 216 and 218. This requirement, as it applies to division 216 becomes effective on January 1, 2015.” | Clarification. ACDP sources that are subject to NESHAP requirements and Title V sources are required to retain records for 5 years. DEQ will change recordkeeping requirements for all sources to 5 years for consistency and to avoid confusion. | SIP |
| NA | NA | 214 | 0130(3)(e) | Add “(e) It must not be emissions data.” | Clarification. Oregon Revised Statute 468.095(2) does not allow emissions data to be classified as confidential. | SIP |
| 214 |  |  |  | Emission Statements for VOC and NOx Sources |  |  |
| 214 | 0210(1) | NA | NA | Change “actual average emissions” to “average actual emissions” | Correction. The defined term is “actual emissions,” not “actual average emissions” |  |
| 200 | 0020(3)(d) | 214 | 0210(1)(c)(A) | Change to:  “(A) The VOC and NOx actual emissions for those emissions equal to or greater than 25 tons per year, on an average weekday basis during the preceding year’s ozone season, by source category, for the calendar year for the ozone season. For the purpose of this requirement, 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.” | Move from division 200 definition of actual emissions. The part of the definition of actual emissions for emission statements should be included in the rules for emission statements | SIP |
| 200 | 0020(3)(d) | 214 | 0210(1)(c)(A) | Delete “, but do not include categorically insignificant activities and secondary emissions.” from the definition being moved from division 200 | EPA does not exclude categorically insignificant activities or secondary emissions from reporting in emission statements for VOC and NOx sources in ozone nonattainment areas. | SIP |
| 214 | 0210(2) | NA | NA | Change “three calendar years after the submittal” to “three years after the date of the submittal” | Clarification | SIP |
| 214 |  |  |  | Excess Emissions and Emergency Provision |  |  |
| 214 | 0300(4) | NA | NA | Add “of Title V permitted sources” to the provision for affirmative defense. | DEQ is limiting emergency as an affirmative defense to Title V permitted sources but is including emergency as one of the criteria to consider in taking enforcement action. | SIP |
| 214 | 0310(7) | NA | NA | Change “Non-attainment to “nonattainment” | Correction | SIP |
| 214 | 0320(1) | NA | NA | Change to:  “(1) If the owner or operator anticipates that scheduled maintenance of air contaminant sources or air pollution control devices may result in excess emissions, the owner or operator must obtain prior DEQ authorization of procedures that will be used. The owner or operator must submit a written application for approval of new procedures or modifications to existing procedures. The application must be submitted in time for DEQ to receive it at least 72 hours before the first occurrence of a maintenance event to which the procedures apply. The application must:” | Clarification. The scheduled maintenance rule appears to apply to processes and not control equipment. The rule should also apply to control equipment maintenance activities. | SIP |
| 214 | 0320(1)(a) | NA | NA | Change to:  “(a) Explain the need for maintenance, including but not limited to:  (i) Why the maintenance activity is necessary;  (ii) Why it would be impractical to shut down the source operation during the maintenance activity,  (iii) If applicable, why air pollution control devices must be by-passed or operated at reduced efficiency during the maintenance activity; and  (iv) Why the excess emissions could not be avoided through better scheduling for maintenance or through better operation and maintenance practices.” | Clarification. | SIP |
| 214 | 0330(3)(b) | NA | NA | Add a period at the end of the sentence | Correction | SIP |
| NA | NA | 214 | 0350(6) | Add:  “Whether any federal New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants apply and whether the excess emission event caused a violation of the federal standard;” | Add this provision to the criteria for determining whether to take enforcement action for excess emissions. EPA can approve a SIP revision that creates an affirmative defense to claims for penalties in enforcement actions regarding excess emissions caused by malfunctions as long as the defense does not apply to SIP provisions that derive from federally promulgated performance standards or emission limits, such as New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAPS). | SIP |
| NA | NA | 214 | 0350(7) | Add:  “Whether the excess emission event was due to an emergency.” | DEQ is limiting emergency as an affirmative defense to Title V permitted sources but is including emergency as one of the criteria to consider in taking enforcement action. | SIP |
| 214 | 0360 | NA | NA | Change title to “Emergency as an Affirmative Defense for Title V Permitted Sources | Correction. This provision only applies to Title V sources with Title V permits. | SIP |
| 214 | 0360 | NA | NA | Add “in a Title V permit” | Correction. This provision only applies to Title V sources with Title V permits. | SIP |
| 214 | 0360 | NA | NA | Delete the note saying this rule is included in the Oregon State Implementation Plan | This rule was incorrectly approved into the DEQ State Implementation Plan in December of 2012 and should not have been. | SIP |
| 214 | 0400 through 0430 | NA | NA | Repeal Sulfur Dioxide Emission Inventory rules. | Due to the adoption and federal approval of DEQ’s Regional Haze Plan in 2010, these rules are obsolete and no longer needed. | SIP |
| 216 |  |  |  | Air Contaminant Discharge Permits [Table 1 and Table 2] |  |  |
| 216 | 0020 | 216 | 8005 & 8010 | Renumber tables so that each table has its own rule number. Change reference from 216-0020 to 216-8005 or 216-8010, whichever is applicable | Clarification | SIP |
| 216 | 0020 | NA | NA | Add table names | Clarification | SIP |
| 216 | 0020(1) | NA | NA | Add:  “More than one category in OAR 340-216-8005 Table 1 may apply to a source. If a source meets the requirements of more than one of the following ACDP categories, then the source must obtain the higher level permit, listed here in order from lowest to highest: General, Basic, Simple and Standard.” | Clarification. If a source finds their source category in Table 1, they may quit looking and not realize that another source category also applies to them. | SIP |
| 216 | 0020(1)(a) & (b) | 216 | 0020(1)(a) | Change to:  “(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 DEQ and LRAPA. DEQ or LRAPA, depending where the portable source's corporate offices are located, will be responsible for issuing the permit. If the corporate office of a portable source is located outside of the state, DEQ will be responsible for issuing the permit.” | Clarification. Combine subsections (a) and (b) | SIP |
| 216 | 0020(5) | NA | NA | Add “emission” to de minimis levels | Correction | SIP |
| 216 | 0020(6) | NA | NA | Change to:  “(6) Subject to the requirements in this division, LRAPA is designated by EQC as the permitting agency to implement the Air Contaminant Discharge Permit program within its area of jurisdiction. LRAPA's program is subject to DEQ oversight. The requirements and procedures contained in this division pertaining to the Air Contaminant Discharge Permit program must be used by LRAPA to implement its permitting program until the LRAPA adopts superseding rules which are at least as strict as state rules.” | Correction | SIP |
| 216 | 0025(2) | NA | NA | Change to:  “(2) General ACDP. A General ACDP is a permit for a category of sources for which individual permits are unnecessary in order to protect the environment. An owner or operator of a source may be assigned to a General ACDP if DEQ has issued a General ACDP for the source category and:  (a) The source meets the qualifications specified in the General ACDP;  (b) DEQ determines that the source has not had ongoing, recurring, or serious compliance problems; and  (c) DEQ determines that a General ACDP would appropriately regulate the source.” | Clarification and correction | SIP |
| NA | NA | 216 | 0025(5)(a) | Add:  “(a) Owners and operators of sources and activities listed in OAR 340-216-8005 Table 1, Part B that do not qualify for a General ACDP and are not required to obtain a Standard ACDP must, at a minimum, obtain a Simple ACDP. Any source required to obtain a Simple ACDP may obtain a Standard ACDP. DEQ may determine that a source is ineligible for a Simple ACDP and must obtain a Standard ACDP based upon, but not limited to, the following considerations:  (A) The nature, extent, and toxicity of the source's emissions;  (B) The complexity of the source and the rules applicable to that source;  (C) The complexity of the emission controls and potential threat to human health and the environment if the emission controls fail;  (D) The location of the source; and  (E) The compliance history of the source.” | This whole section is moved here from OAR 340-216-0064, in order to make this section comparably address applicability for all permit types. | SIP |
| 216 | 0025(5)(b) | 216 | 0025(5)(d) | Change to:  “(d) Generic PSELs for all regulated pollutants emitted at more than the de minimis emission level as provided in OAR 340 division 222;” | Plain language and clarification | SIP |
| 216 | 0025(6) | NA | NA | Switch section (a) and (b) and add “Applicability” before the new section (a) | This will match the approach of describing applicability first and contents second. | SIP |
| 216 | 0030 | NA | NA | Add division 204 as another division that has definitions that would apply to this division | Add reference to division 204 definitions | SIP |
| 216 | 0030 | 200 | 0020(89) | Delete the definition of “permit modification” or “modified permit.” Change references to “permit modification” which is already defined in division 200 | “Permit Modification” is already defined in division 200 and has the same meaning at this definition:  (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 | SIP |
| 216 | 0040(1) | NA | NA | Restructure section (1) by making it the lead-in paragraph subsection (a) for the requirements for new permits. Restructure subsections (a) through (l) into paragraphs | Restructure | SIP |
| 216 | 0040(1)(j) | 216 | 0040(1)(a)(J) | Change “in accordance with” to “under” | Plain language | SIP |
| NA | NA | 216 | 0040(1)(a)(L) | Add language for NSR/PSD applications:  “(L) Any information required by OAR 340 division 224 and 225, including but not limited to control technology and analysis, air quality impact analysis; and information related to offsets and net air quality benefit, if applicable;” | Correction. Approval for NSR/PSD permits is through the ACDP program. The requirements for an NSR/PSD permit application should be included. | SIP |
| NA | NA | 216 | 0040(1)(b) | Add a requirement for when applications for new permits should be submitted:  “(b) Applications for new permits should be submitted at least 60 days prior to when a permit is needed. When preparing an application, the applicant should also consider the timelines provided in paragraph (2)(b), as well as OAR 340-224-0030 (NSR permit applications), to allow DEQ adequate time to process the application and issue a permit before it is needed.” | Clarification | SIP |
| 216 | 0040(2) | NA | NA | Restructure section (2) to separate out the requirements for renewals with no significant changes to the permit | Restructure | SIP |
| 216 | 0040(2) & (3) | NA | NA | Change “the applicant must provided” to “the applicant must provide” | Correction | SIP |
| NA | NA | 216 | 0040(2)(b) | Add:  “(b) The owner or operator must submit an application for renewal of the existing permit by no later than:  (A) 30 days prior to the expiration date of a Basic ACDP;  (B) 120 days prior to the expiration date of a Simple ACDP; or  (C) 180 days prior to the expiration date of a Standard ACDP.” | Add requirements for submittal of ACDP renewal applications and align them with internal timeliness targets | SIP |
| NA | NA | 216 | 0040(2)(c) | Add:  “(c) DEQ must receive an application for reassignment to General ACDPs and attachments within 30 days prior to expiration of the General ACDPs or attachment.” | Clarification. Add requirements for submittal of an application for reassignment to a general ACDP | SIP |
| NA | NA | 216 | 0040(3)(a) | Add:  “(a) Applications for modifications to existing permits should be submitted at least 60 days prior to when a permit modification is needed.” | Clarification. Add requirements for when an application for a permit modification should be submitted | SIP |
| NA | NA | 216 | 0040(3)(b) | Add:  “(b) When preparing an application, the applicant should also consider the timelines provided in paragraph (2)(b), as well as OAR 340-224-0030 (NSR permit applications), to allow DEQ adequate time to process the application and issue a permit before it is needed.” | Clarification. Add requirements for consideration of adequate timelines for a permit processing | SIP |
| 216 | 0040(5) | NA | NA | Move the requirement for submittal of an application at least 60 days before a permit or modified permit is needed to section (3)(a) | Correction | SIP |
| 216 | 0052(1) | NA | NA | Correct “340-210-0220” to “340-210-0225” and add “and 340-210-0240” | Correction. 340-210-0240 also contains Type 3 changes | SIP |
| 216 | 0052(2)(a) | NA | NA | Change “in accordance with” to “under” | Plain language | SIP |
| 216 | 0052(4)(b) | 216 | 0052(4)(a) | Change “in accordance with” to “using” | Plain language | SIP |
| 216 | 0052(4)(a) | NA | NA | Delete the requirement that construction must commence within 18 months after the permit is issued. | This requirement comes from NSR/PSD requirements. NSR/PSD construction is required to commence within 18 months after the permit is issued because of the BACT and AQ computer modeling analyses. If construction is not commenced within that time, technology and AQ analyses may have changed, which may require a change in the NSR/PSD application/permit. Construction ACDPs do not include requirements for control technology or AQ analyses so the requirement for commencement of construction within 18 months is not needed. | SIP |
| 216 | 0052(5)(a) | NA | NA | Change to:  “(a) A Construction ACDP requires that DEQ provide public notice under OAR 340 division 209 as a Category III permit action.” | Clarification and plain language | SIP |
| 216 | 0052(5)(b) | NA | NA | Change “later” to “at a later date” and add “subsection” before (1)(b) | Clarification | SIP |
| 216 | 0052(5)(c) | NA | NA | Change to:  “(c) Issuance of a modified Construction ACDP requires the following public notice, as applicable:” | Clarification | SIP |
| 216 | 0052(5)(c)(A) | NA | NA | Change to:  “(A) Public notice as a Category I permit action under OAR 340 division 209 for non-technical modifications and Basic and Simple technical modifications; or” | Clarification | SIP |
| 216 | 0052(5)(c)(B) | NA | NA | Change to:  “(B) Public notice as a Category II permit action under OAR 340 division 209 for Moderate and Complex technical modifications.” | Clarification | SIP |
| NA | NA | 216 | 0052(6) | Add:  “(6) Construction ACDPs may not be renewed.” | Add a requirement that construction ACDPs may not be renewed. Construction ACDPs are issued for 5 years with an initial permitting fee of $9600. There are no annual fees for a construction ACDP that would cover the cost of a renewal. Also, DEQ does not want the possibility of extending unsigned PSELs that may be in the permit. | SIP |
| 216 | 0052 | NA | NA | Add SIP note:  “**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.” | This rule was last approved into the SIP by EPA on 01/22/03. The note was inadvertently omitted from the rule. | SIP |
| 216 | 0054(1) | NA | NA | Add “unexpected or” before emergency and “activity requiring an ACDP” after emergency | 216-0025 allows for short term activity ACDPs for unexpected or emergency activities, operations, or emissions. This change makes 215-0054 consistent with 216-0025 | SIP |
| 216 | 0054(3)(a) | NA | NA | Change to:  “(a) A Short Term Activity ACDP must include conditions that ensure adequate protection of property and preservation of public health, welfare, and resources.” | Clarification | SIP |
| 216 | 0054(3)(b) | NA | NA | Change “does not” to “may not” | Clarification | SIP |
| 216 | 0054(3)(c) | NA | NA | Change “automatically terminates” to “will automatically terminate” | Clarification | SIP |
| 216 | 0054(3)(d) | NA | NA | Delete this subsection (d) | This language is already included in subsection (a) | SIP |
| 216 | 0054(4) | NA | NA | Change to:  “(4) Permit issuance public notice procedures. A Short Term Activity ACDP requires public notice as a Category I permit action under OAR 340 division 209.” | Clarification and plain language | SIP |
| 216 | 0054 | NA | NA | Add SIP note:  “**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.” | This rule was last approved into the SIP by EPA on 01/22/03. The note was inadvertently omitted from the rule. | SIP |
| 216 | 0056(1) | NA | NA | Change “in accordance with” to “under” | Plain language | SIP |
| 216 | 0056(2) | NA | NA | Delete “set forth” | Plain language | SIP |
| 216 | 0056(3)(a) | NA | NA | Change “contains” to “will contain” | Clarification | SIP |
| 216 | 0056(3)(b) | NA | NA | Change “does not” to “may not” | Clarification | SIP |
| 216 | 0056(3)(c) | NA | NA | Change “requires” to “will require that” | Clarification | SIP |
| 216 | 0056(4) | NA | NA | Change to:  “(4) Permit issuance public notice procedures. A Basic ACDP requires public notice as a Category I permit action under OAR 340 division 209.” | Plain language | SIP |
| 216 | 0056 | NA | NA | Add SIP note:  “**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.” | This rule was last approved into the SIP by EPA on 01/22/03. The note was inadvertently omitted from the rule. | SIP |
| 216 | 0060(1)(a) | NA | NA | Change “several” to “multiple” | Correction | SIP |
| 216 | 0060(1)(b)(B) | NA | NA | Add “emission” to “de minimis level” and change “in accordance with” to “under.” Delete the comma between OAR 340 and division 222 | Clarification and plain language | SIP |
| 216 | 0060(1)(c) | NA | NA | Change to:  “(c) Permit issuance public notice procedures: A new General ACDP requires public notice as a Category III permit action under OAR 340 division 209. A reissued General ACDP or a modification to a General ACDP requires public notice as a Category II permit action under OAR 340 division 209.” | Clarification | SIP |
| 216 | 0060(1)(c) | 216 | 0060(1)(d) | Make the last sentence of subsection (c) into a new subsection (d):  “(d) DEQ will retain all General ACDPs on file and make them available for public review at DEQ's headquarters.” | Clarification | SIP |
| 216 | 0060(2)(a) | NA | NA | Change “in accordance with” to “under” | Plain language | SIP |
| 216 | 0060(2)(b) | NA | NA | Change to:  “(b) Fees. Applicants must pay the fees in OAR 340-216-8010 Table 2. The fee class for each General ACDP is Fee Class One unless otherwise specified as follows:” | Plain language | SIP |
| NA | NA | 216 | 0060(2)(b)(EE) | Add:  “(EE) Non-certified stationary internal combustion engines – Fee Class Two; and” | Non-certified stationary internal combustion engines will be required to obtain permits. | SIP |
| NA | NA | 216 | 0060(2)(b)(FF) | Add:  “(FF) Certified stationary internal combustion engines – Fee Class One.” | Certified stationary internal combustion engines will be required to obtain permits. | SIP |
| 216 | 0060(2)(b)(EE) | NA | NA | Delete:  “(EE) Any General ACDP not listed above — Fee Class One.” | This language is included in subsection (b) | SIP |
| 216 | 0060(2)(c)(A) | NA | NA | Change “in accordance with” to “using” and delete the comma between OAR 340 and division 209 | Plain language and correction | SIP |
| 216 | 0060(2)(c)(D) | NA | NA | Change “in accordance with” to “under” | Plain language | SIP |
| 216 | 0060(2)(c)(E) | NA | NA | Change to:  “(E) A source requesting to be assigned to a General ACDP Attachment, under OAR 340-216-0062, for a source category in a higher annual fee class than the General ACDP to which the source is currently assigned, must be reassigned to the General ACDP for the source category in the higher annual fee class.” | Plain language and clarification | SIP |
| 216 | 0060(4) | NA | NA | Change to:  “(4) Rescission. DEQ may rescind an individual source's assignment to a General ACDP if the source no longer meets the requirements of the permit. In such case, the source must submit an application for a Simple or Standard ACDP upon notification by DEQ of DEQ’s intent to rescind the General ACDP. Upon issuance of the Simple or Standard ACDP, DEQ will rescind the source's assignment to the General ACDP.” | Clarify the language for rescission of a General ACDP and add a requirement that the source must apply for a Simple or Standard permit upon notification of rescission. If the source no longer qualifies for the general permit because of violations, provide a simple way to cancel the general permit and require a simple or standard permit. | SIP |
| 216 | 0062(2)(a)(A) | NA | NA | Change “several” to “multiple” | Correction | SIP |
| 216 | 0062(2)(a)(D) | NA | NA | Change “in accordance with” to “under” and do not capitalize division | Plain language and correction | SIP |
| 216 | 0062(2)(c) | NA | NA | Change to:  “(c) Attachment issuance public notice procedures: A General ACDP Attachment requires public notice as a Category II permit action under OAR 340 division 209.” | Clarification and plain language | SIP |
| 216 | 0062(2)(c) | 216 | 0062(2)(d) | Make the last sentence of subsection (c) into a new subsection (d):  “(d) DEQ will retain all General ACDP Attachments on file and make them available for public review at DEQ's headquarters.” | Clarification | SIP |
| 216 | 0062(3)(c)(A) | NA | NA | Change “in accordance with” to “under” | Plain language | SIP |
| 216 | 0062(3)(c)(C) | NA | NA | Change to:  “(C) Assignment to a General ACDP Attachment terminates when the General ACDP Attachment expires or is modified, terminated or revoked.” | Correction | SIP |
| 216 | 0062(3)(c)(D) | NA | NA | Change to:  “(D) A source may not be assigned to a General ACDP Attachment for a source category in a higher annual fee class than the source is currently assigned in its General ACDP. Instead a source must be reassigned to the General ACDP for the source category in the higher annual fee class under OAR 340-216-0060(2)(c)(E) and may be assigned to one or more General ACDP Attachments associated with source categories in an equal or lower annual fee class.” | Plain language and clarification | SIP |
| 216 | 0062(3)(d) | NA | NA | Change “in accordance with” to “under” | Plain language | SIP |
| 216 | 0064 | NA | NA | Fix capitalization of sources listed in categories | Correction | SIP |
| 216 | 0064(1) | NA | NA | Section (1) was moved to OAR 340-216-0025 | Restructure | SIP |
| 216 | 0064(2) | 216 | 0064(1) | Change “in accordance with” to “using” | Plain language | SIP |
| 216 | 0064(3) | 216 | 0064(2) | Change to:  “(2) Fees. Applicants for a new or modified Simple ACDP must pay the fees set forth in OAR 340-216-8010 Table 2. Applicants for a new Simple ACDP must initially pay the High Annual Fee. Once the initial permit is issued, annual fees for Simple ACDPs will be assessed based on the following:” | Clarification | SIP |
| 216 | 0064(3)(a) | 216 | 0064(2)(a) | Do not capitalize “source” or “low fee” | Correction | SIP |
| 216 | 0064(3)(a)(A) | 216 | 0064(2)(a)(A) | Change to:  “(A) The source is, or will be, permitted under only one of the following categories from OAR 340-216-8005 Table 1, Part B:” | Clarification. Category 27 electrical power generators and their relationship to simple-low fee sources and permitting were discussed by regional managers. The current rule wording is unclear as to their categorization and due to this wording there is the actual or potential issue of regional inconsistency in assigning to the proper permit category. | SIP |
| 216 | 0064(3)(a)(A)(ii) | 216 | 0064(2)(a)(A)(ii) | Change to:  “(ii) Category 13. Boilers and other fuel burning equipment (including category 27. Electric Power Generation);” | Clarification | SIP |
| NA | NA | 216 | 0064(2)(a)(A)(iii) | Add:  “(iii) Category 27. Electric Power Generation;” | Clarification | SIP |
| 216 | 0064(3)(a)(A)(vi) | 216 | 0064(2)(a)(A)(vii) | Add 340 after OAR | Clarification | SIP |
| 216 | 0064(3)(a)(A)(xi) | 216 | 0064(2)(a)(A)(xii) | Change to:  “(xii) Category 85. All Other Sources not listed in OAR 340-216-8005 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 (including category 27. Electric Power Generation); and” | Clarification | SIP |
| 216 | 0064(3)(a)(B) | 216 | 0064(2)(a)(B) | Change to:  “(B) The actual emissions from the calendar year immediately preceding the invoice date are less than 5 tons/year of PM10 in a PM10 nonattainment or maintenance area or PM2.5 in a PM2.5 nonattainment or maintenance area, and less than 10 tons/year for each criteria pollutant; and” | Clarification and correction | SIP |
| 216 | 0064(3)(a)(C) | 216 | 0064(2)(a)(C) | Change to:  “(C) The source is not creating a nuisance as specified in OAR 340-208-0310 and 340-208-0450.” | Delete “an air quality problem” since it is not defined. Just refer to “creating a nuisance” | SIP |
| 216 | 0064(3)(b) | 216 | 0064(2)(b) | Do not capitalize “low annual fee,” “high fee” or “low fee” | Correction | SIP |
| 216 | 0064(3)(c) & (d) | 216 | 0064(2)(c) & (d) | Do not capitalize “high fee” or “low fee” | Correction | SIP |
| 216 | 0064(4) | 216 | 0064(3) | Add:  “Each Simple ACDP must include the following:” | Clarification | SIP |
| 216 | 0064(4)(b) | 216 | 0064(3)(b) | Add “emission” to “de minimis level” and change “in accordance with” to “under” | Clarification and plain language | SIP |
| 216 | 0064(5) | 216 | 0064(4) | Add “public notice” before “procedures | Clarification | SIP |
| 216 | 0064(5)(a) | 216 | 0064(4)(a) | Change to:  “(a) Issuance of a new or renewed Simple ACDP requires public notice as a Category II permit action under OAR 340 division 209.” | Clarification and plain language | SIP |
| 216 | 0064(5)(b)(A) | 216 | 0064(4)(b)(A) | Change to:  “(A) Public notice as a Category I permit action for non-technical and basic and simple technical modifications under OAR 340 division 209; or” | Clarification and plain language | SIP |
| 216 | 0064(5)(b)(B) | 216 | 0064(4)(b)(B) | Change to:  “(B) Public notice as a Category II permit action for moderate and complex technical modifications under OAR 340 division 209.” | Clarification and plain language | SIP |
| 216 | 0064 | NA | NA | Add SIP note:  “**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.” | This rule was last approved into the SIP by EPA on 12/27/11. The note was inadvertently omitted from the rule. | SIP |
| 216 | 0066(1) | NA | NA | Change “in accordance with” to “under” | Plain language | SIP |
| 216 | 0066(1)(a) | NA | NA | Change to:  “(a) For new or modified Standard ACDPs that are not subject to NSR (OAR 340 division 224) but have emissions increases above the significant emissions rate, the application must include an analysis of the air quality and for federal major sources only, the visibility impacts of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts.” | Clarification | SIP |
| 216 | 0066(1)(b) | NA | NA | Delete “additional” | Not necessary | SIP |
| 216 | 0066(1)(b)(A), (B) & (C) | NA | NA | Change “source or modification” to “major source or major modification” | Clarification | SIP |
| 216 | 0066(1)(b)(B) | NA | NA | Change to:  “(B) An analysis of the air quality and, for federal major sources only, the visibility impacts of the major source or major modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and” | Clarification | SIP |
| 216 | 0066(1)(b)(C) | NA | NA | Change to:  “(C) An analysis of the air quality and, for federal major sources only, the visibility impacts, and the nature and extent of all commercial, residential, industrial, and other source emission growth, which has occurred since the baseline concentration year in the area the major source or major modification would affect.” | Clarification. January 1, 1978 was chosen in the initial round of rules because baseline period was 1977/78 instead of the August 1977 Clean Air Act date. The baseline concentration year now varies by pollutant. | SIP |
| 216 | 0066(3) | NA | NA | Change to:  “(3) Permit content. Each Standard ACDP must include the following:” | Clarification | SIP |
| 216 | 0066(3)(b) | NA | NA | Change “as specified in” to “under” and delete the comma between OAR 340 and division 222 | Plain language and correction | SIP |
| 216 | 0066(4)(a)(A) | NA | NA | Change to:  “(A) Public notice as a Category III permit action for non-NSR permit actions, issuance of a new or renewed Standard ACDP under OAR 340 division 209 for any increase in allowed emissions, or Category II permit actions if no emissions increase is allowed.” | Clarification and plain language | SIP |
| 216 | 0066(4)(a)(B) | NA | NA | Change to:  “(B) Public notice as a Category IV permit action for NSR permit actions, issuance of a new Standard ACDP under OAR 340 division 209.” | Clarification and plain language | SIP |
| 216 | 0066(4)(b) | NA | NA | Change to:  “(b) Issuance of a modified Standard ACDP requires public notice as follows:” | Clarification | SIP |
| 216 | 0066(4)(b)(A) | NA | NA | Change to:  “(A) Public notice as a Category I permit action for non-technical modifications and basic and simple technical modifications under OAR 340 division 209.” | Clarification and plain language | SIP |
| 216 | 0066(4)(b)(B) | NA | NA | Change to:  “(B) Public notice as a Category II permit action under OAR 340 division 209 for moderate and complex technical modifications if there will be no increase in allowed emissions, or as a Category III permit action if there will be an increase in emissions; or.” | Clarification and plain language | SIP |
| 216 | 0066(4)(b)(C) | NA | NA | Change to:  “(C) Public notice as a Category IV permit action for NSR/PSD major modifications under OAR 340 division 209.” | Clarification and plain language | SIP |
| 216 | 0066 | NA | NA | Add SIP note:  “**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.” | This rule was last approved into the SIP by EPA on 01/22/03. The note was inadvertently omitted from the rule. | SIP |
| 216 | 0068(1) | NA | NA | Change to:  “(1) Purpose. This rule allows DEQ to add new requirements to existing Simple or Standard ACDPs by assigning the source to an ACDP Attachment issued under section (2). An ACDP Attachment would apply to an affected source until the new requirements are incorporated into the source’s Simple or Standard ACDP at the next permit renewal or at the time of permit modification.” | Plain language and clarification | SIP |
| 216 | 0068(2)(a) | NA | NA | Change to:  “(a) An ACDP Attachment requires public notice as a Category II permit action under OAR 340 division 209.” | Plain language | SIP |
| 216 | 0070 | NA | NA | Change title to “**Permitting a Source with Multiple Activities or Processes at a Single Adjacent or Contiguous Site**” | Clarification. DEQ does not want to issue a single permit to multiple sources, but also doesn’t want Table 1 to be interpreted as requiring a separate permit for each listed activity or source. Source is defined by the SIC, but could include supporting activities with different SIC. The key is that DEQ is issuing a single permit to a source with multiple related activities and processes, but will not issue a single permit for multiple sources. | SIP |
| 216 | 0070 | NA | NA | Change to:  “A single or contiguous site containing activities or processes that are covered by more than one General ACDP, or a source that contains processes or activities listed in more than one part of OAR 340-216-8005 Table 1, Part A to Part C, may obtain a Standard ACDP, even if not otherwise required to obtain a Standard ACDP under this division.” | Correction | SIP |
| 216 | 0082(3) | NA | NA | Add “unless the owner or operator submits the renewal application within three months of the permit expiration date.” to the language in “Reinstatement of a Terminated Permit” | DEQ does not want to charge the applicable new source permit application fees if the owner/operator inadvertently forgot to submit a timely application for permit renewal. If the renewal application is submitted within 3 months of the expiration date, the new source permit application fee will not be charged. | SIP |
| 216 | 0082 | NA | NA | Change hyphen to through | Clarification | SIP |
| 216 | 0082(4)(a) | NA | NA | Change to:  “(a) If DEQ determines that a permittee is in noncompliance with the terms of the permit, submitted false information in the application or other required documentation, or is in violation of any applicable rule or statute, DEQ may revoke the permit. DEQ will provide notice of the intent to revoke the permit to the permittee under OAR 340-011-0525. The notice will include the reasons why the permit will be revoked, and include an opportunity for the permittee to request a contested case hearing prior to the revocation. A permittee’s written request for hearing must be received by DEQ within 60 days from service of the notice on the permittee, and must state the grounds of the request. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and OAR 340 division 011. The permit will continue in effect until the 60th day after service of the notice on the permittee, if the permittee does not timely request a hearing, or until a final order is issued if the permittee timely requests a hearing.” | Clarification and plain language | SIP |
| 216 | 0082(4)(b) | NA | NA | Change to:  “(b) If DEQ finds there is a serious danger to the public health, safety or the environment caused by a permittee's activities, DEQ may immediately revoke or refuse to renew the permit without prior notice or opportunity for a hearing. If no advance notice is provided, notification will be provided to the permittee as soon as possible under OAR 340-011-0525. The notification will set forth the specific reasons for the revocation or refusal to renew and will provide an opportunity for the permittee to request a contested case hearing for review of the revocation or refusal to renew. A permittee’s written request for hearing must be received by DEQ within 90 days of service of the notice on the permittee and must state the grounds for the request. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and OAR 340 division 011. The revocation or refusal to renew becomes final without further action by DEQ if a request for a hearing is not received within the 90 days. If a request for a hearing is timely received, the revocation or refusal to renew will remain in place until issuance of a final order.” | Clarification and plain language | SIP |
| 216 | 0082 | NA | NA | Add SIP note:  “**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.” | This rule was last approved into the SIP by EPA on 12/27/11. The note was inadvertently omitted from the rule. | SIP |
| 216 | 0084 | NA | NA | Change to:  “If DEQ determines it is appropriate to modify an ACDP, other than a General ACDP, DEQ will notify the permittee by regular, registered or certified mail of the modification and will include the proposed modification and the reasons for the modification. The modification will become effective upon mailing unless the permittee requests a contested case hearing within 20 days. A request for hearing must be made in writing and must include the grounds for the request. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and OAR chapter 340 division 011. If a hearing is requested, the existing permit will remain in effect until after a final order is issued following the hearing.” | Clarification and plain language | SIP |
| 216 | 0084 | NA | NA | Add SIP note:  “**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.” | This rule was last approved into the SIP by EPA on 01/22/03. The note was inadvertently omitted from the rule. | SIP |
| 216 | 0090 | NA | NA | Add “ keep a copy of the permit onsite at the source” | Having the permit on site and monitoring and record-keeping conditions all exist to ensure the permittee is meeting the “rules and standards adopted by the Commission.” | SIP |
| 216 | 0094(1) | NA | NA | Change “who are temporarily suspending” to “that temporarily suspend” | Clarification | SIP |
| 216 | 0094(2) | NA | NA | Change to:  “(2) Annual fees for temporary closure will be prorated based on the length of the closure in a calendar year, but will not be less than one half of the regular annual fee for the source.” | Clarification | SIP |
| 216 | 0094 | NA | NA | Add SIP note:  “**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.” | This rule was last approved into the SIP by EPA on 01/22/03. The note was inadvertently omitted from the rule. | SIP |
| NA | NA | 216 | 0105 | Add rule on “Delayed Construction” | DEQ is allowing permittees to pay one half of the annual fee if construction is delayed. | SIP |
| 216 | Tables | NA | NA | Fix capitalization | Correction | SIP |
| 216 | Table 1 | NA | NA | Add “The following source categories must obtain a permit. More than one source category in OAR 340-216-8005 Table 1 may apply to a source and they are not necessarily listed in alphabetic order. If more than one source category in Table 1 applies to a source, the highest level of permit specified in Part A, B, or C is required.” | Clarification | SIP |
| 216 | Table 1 Parts A and B | NA | NA | Delete “set forth” and “hereof” | Plain language | SIP |
| 216 | Table 1 Parts A and B | 216 | 8005 Table 1 Parts A and B | Change “hr.” to “hour” and “yr.” to “year” | Clarification | SIP |
| 216 | Table 1 Part A 2. | 216 | 8005 Table 1 Part A 2. | Add “both portable and stationary” to concrete manufacturing | Clarification | SIP |
| 216 | Table 1 Part A 7. | 216 | 8005 Table 1 Part A 7. | Change to:  “Surface coating operations whose actual or expected usage of coating materials is greater than 250 gallons per month but does not exceed 3,500 gallons per month, excluding sources that exclusively use non-VOC and non-HAP containing coatings (e.g. powder coating operations).” | Clarification. The Basic permit for surface coaters establishes a 3,500 gallons/year limit, which was calculated based on a VOC content of 5.7 pounds/gallon. At this VOC content, the source would be less than 10 tons/year. The Basic permit only requires recordkeeping of paint used, not VOC content so to simplify requirements, DEQ will limit Basic permit holders to 3,500 gallons/year. | SIP |
| 216 | Table 1 Part B | 216 | 8005 Table 1 Part B | Delete “commercial and industrial” from the sources that are required to obtain ACDPs | Clarification. Not all permitted sources fit under these two categories. | SIP |
| 216 | Table 1 Part B | 216 | 8005 Table 1 Part B | Delete “hereof” and add “or does not qualify for a Simple ACDP” | Plain language and clarification. If a source qualifies for a simple permit, then it doesn’t need to get a Standard ACDP unless the owner/operators chooses to do so. | SIP |
| 216 | Table 1 Part B 1. | 216 | 8005 Table 1 Part B 1. | Add “subject to RACT as regulated by OAR 340 division 232” and “\*\*\*” to Aerospace or aerospace parts manufacturing | Clarification | SIP |
| 216 | Table 1 Part B 7. | 216 | 8005 Table 1 Part B 7. | Add “Manufacturing” to Asphalt felts or coating | Clarification | SIP |
| 216 | Table 1 Part B 11. | 216 | 8005 Table 1 Part B 11. | Add “Lead-Acid” to battery manufacturing and re-manufacturing | Clarification | SIP |
| 216 | Table 1 Part B 13. | 216 | 8005 Table 1 Part B 13. | Change to:  “Boilers and other fuel burning equipment equal to or greater than 10 MMBTU/hour heat input each, except exclusively natural gas and propane fired boilers (with or without #2 diesel backup) less than 30 MMBTU/hour each” | Clarification | SIP |
| 216 | Table 1 Part B 16. | 216 | 8005 Table 1 Part B 16. | Add “subject to RACT as regulated by OAR 340 division 232” to Can or Drum Coating | Clarification | SIP |
| 216 | Table 1 Part B 20. | 216 | 8005 Table 1 Part B 20. | Change “Alkalies” to “Alkali” | Correction | SIP |
| 216 | Table 1 Part B 21. | 216 | 8005 Table 1 Part B 21. | Add “and Anodizing subject to a NESHAP” to Chrome plating | Clarification. Some chrome plating is not subject to a NESHAP and DEQ doesn’t want to permit them. | SIP |
| 216 | Table 1 Part B 23. | 216 | 8005 Table 1 Part B 23. | Add “green” to “tons per year” for coffee roasting | Clarification | SIP |
| 216 | Table 1 Part B 24. | 216 | 8005 Table 1 Part B 24. | Add “, both portable and stationary,” to Concrete manufacturing including redimix and CTB | Clarification. DEQ permits both portable and stationary concrete manufacturing | SIP |
| 216 | Table 1 Part B 31. | 216 | 8005 Table 1 Part B 31. | Add “as regulated by OAR 340 division 232” to flexographic or rotogravure printing | Clarification | SIP |
| 216 | Table 1 Part B 34. | 216 | 8005 Table 1 Part B 34. | Change to “Bulk Gasoline Plants, Bulk Gasoline Terminals, and Pipeline Facilities | Clarification | SIP |
| 216 | Table 1 Part B 38. | 216 | 8005 Table 1 Part B 38. | Delete this category of grain terminal elevators since the sources can be included in category 37: Grain Elevators used for intermediate storage 10,000 or more tons/year throughput | Simplification. | SIP |
| 216 | Table 1Part B 45. | 216 | 8005 Table 1 Part B 45. | Change “subject to OAR Division 232” to “subject to RACT as regulated by OAR 340 division 232” to liquid storage tanks | Clarification | SIP |
| 216 | Table 1Part B 47. | 216 | 8005 Table 1 Part B 47. | Change to:  “Manufactured home, mobile home and recreational vehicle manufacturing” | Clarification | SIP |
| 216 | Table 1Part B 48. | 216 | 8005 Table 1 Part B 48. | Add “subject to RACT as regulated by OAR 340 division 232” to marine vessel petroleum loading and unloading | Clarification | SIP |
| 216 | Table 1Part B 50. | 216 | 8005 Table 1 Part B 50. | Add “manufacturing” to millwork and change “bd. ft.” to “board feet” | Clarification | SIP |
| 216 | Table 1Part B 51. | 216 | 8005 Table 1 Part B 51. | Add “manufacturing” to molded container | Clarification | SIP |
| 216 | Table 1Part B 60. | 216 | 8005 Table 1 Part B 60. | Add “subject to RACT as regulated by OAR 340 division 232” to paper or other substrate coating | Clarification | SIP |
| 216 | Table 1Part B 71 & 82. | 216 | 8005 Table 1 Part B 71. & 82. | Change “bd. ft.” to “board feet” | Clarification | SIP |
| 216 | Table 1Part B 75. | 216 | 8005 Table 1 Part B 75. | Add “engines” to internal combustion for sewage treatment facilities | Clarification | SIP |
| 216 | Table 1Part B 76. | 216 | 8005 Table 1 Part B 76. | Change “stationary or portable” to “both portable and stationary” | Consistency | SIP |
| 216 | Table 1 Part B 78. | 216 | 8005 Table 1 Part B 78. | Add “as regulated by OAR 340 division 232” to Surface Coating in Manufacturing subject to RACT | Clarification | SIP |
| 216 | Table 1 Part B 85. | 216 | 8005 Table 1 Part B 85. | Change to:  “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 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” | Correction. PM2.5 was added to this category in 2011. | SIP |
| 216 | Table 1 Part B 86. | 216 | 8005 Table 1 Part B 86. | Move “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.” from Part C to Part B | Reorganize. This category of sources is required to obtain a permit in Part B and does not need to be listed in the exemption for a standard ACDP with the proposed changes to Part C. | SIP |
| 216 | Table 1 Part B 87. | 216 | 8005 Table 1 Part B 87. | Add:  “Stationary internal combustion engines only if:  (a) For emergency generators and firewater pumps, the emissions , in aggregate, are greater than 10 tons for any regulated pollutant based on 100 hours of operation or some other hours of operation specified in a permit; or  (b) For any individual non-emergency or non-fire pump engine, the engine is subject to 40 CFR Part 63, Subpart ZZZZ and is rated at 500 horsepower or more, excluding two stroke lean burn engines, engines burning exclusively landfill or digester gas, and four stroke engines located in remote areas; or  (c) For any individual non-emergency engine, the engine is subject to 40 CFR Part 60, Subpart IIII and:  (A) the engine has a displacement of 30 liters or more per cylinder; or(B) the engine has a displacement of less than 30 liters per cylinder, is rated at 500 horsepower or more; or  (d) For any individual non-emergency engine, the engine is subject to 40 CFR Part 60, Subpart JJJJ, is rated at 500 horsepower or more,” | Emergency generators and firewater pumps over 500 hp may need a permit for RICE NESHAP requirements and PTE | SIP |
| 216 | Table 1 Part C 3. | 216 | 8005 Table 1 Part C 3. | Delete “baseline emission rate, or” from all sources electing to maintain the source’s baseline emission rate, or netting basis | Sources have a netting basis based on the baseline emission rate so “baseline emission rate” is no longer needed | SIP |
| NA | NA | 216 | 8005 Table 1 Part C 4. | Add:  “All sources that request a Plant Site Emission Limit equal to or greater than the significant emission rate for a regulated pollutant” | Sources that are on Standard ACDPs have PSELs equal to or greater the SER for any pollutant. If all PSELs are less than the SER, the source qualifies for a General, Basic or Simple ACDP | SIP |
| 216 | Table 1 Part C 4. | 216 | 8005 Table 1 Part C 5. | Change to “All sources subject to RACT, BACT, LAER, a NESHAP adopted in OAR 340-244-0220, a NSPS adopted in OAR 340-238-0060, or State MACT, except the following sources which may qualify for a different type of permit:” and delete “or other significant Air Quality regulation(s)” | Clarification. The phrase “or other significant Air Quality regulation(s)” is not necessary because the requirements for which a source may be subject to are included in the list. | SIP |
| 216 | Table 1 Part C 4. | 216 | 8005 Table 1 Part C 5. | Add parentheses to the subsections | Correction | SIP |
| 216 | Table 1Part C 4b. | 216 | 8005 Table 1Part C 5(b) | Change to “Sources which qualify for a Simple ACDP.” | Simplification. Sources that qualify for a Simple ACDP do not have to get a Standard ACDP, regardless of whether they are subject to a RACT or an NSPS or NESHAP. | SIP |
| 216 | Table 1 Part C, 4d-4i; 4k | NA | NA | Delete:  “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 and 20 gallons of methylene chloride containing paint stripper per year, mobile equipment surface coating operations using less than 20 gallons of coating and 20 gallons of methylene chloride containing paint stripper per year, and motor vehicle surface coating operations registered pursuant to OAR 340-210-0100(2).  g. Paint stripping and miscellaneous surface coating operations using less than 20 gallons of coating and 20 gallons of methylene chloride containing paint stripper per year  h. Commercial ethylene oxide sterilization operations using less than 1 ton of ethylene oxide within all consecutive 12-month periods after December 6, 1996.  i. 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.  j. 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.  k. Prepared feeds manufacturing facilities with less than 10,000 tons per year throughput.” | Simplification. All of the categories listed in 4d-4i and 4k are included in Part B for sources that must get a general, simple or standard ACDP. Category 4j is being added to Part B. Repeating them in Part C as sources which may qualify for a different type of permit is redundant. | SIP |
| 216 | Table 1 Part C, 6, 7, and 8 | 216 | 8005 Table 1 Part C 7, 8, 9 | Do not capitalize “sources” or “potential to emit” | Correction | SIP |
| 216 | Table 1 Notes | 216 | 8005 Table 1 Notes | Change “Salem SKATS” to “Salem-Keizer in the SKATS” | Correction | SIP |
| 216 | Table 1 | 216 | 8005 Table 1 | Add SIP note, statutory history, statutes implemented, and rule history | Tables 1 and 2 should be in the SIP and should also have rule history so people can know when changes have been made to the table. The rule history from OAR 340-216-0020 should be similar Table 1 and Table 2 and has been copied here until SOS can do a rule history. | SIP |
| 216 | Table 2 | 216 | 8010 Table 2 | Add new rule number for Table 2 and add SIP note, statutory history, statutes implemented, and rule history | Tables 1 and 2 should be in the SIP and should also have rule history so people can know when changes have been made to the table. The rule history from OAR 340-216-0020 should be similar Table 1 and Table 2 and has been copied here until SOS can do a rule history. | SIP |
| 216 | Table 2 | 216 | 8010 Table 2 Part 1 g. | Change “PSD/NSR” to “NSR/PSD” | Clarification | SIP |
| 216 | Table 2 | 216 | 8010 Table 2 Part 3 b through e. | Delete “Non-PSD/NSR” | Clarification. These changes can also apply to NSR/PSD permit changes | SIP |
| 216 | Table 2 | 216 | 8010 Table 2 Part 3 f. | Change “PSD/NSR” to “NSR/PSD” | Clarification | SIP |
| 216 | Table 2 | 216 | 8010 Table 2 Part 3 g. | Change “PSD/NSR” to “NSR/PSD” | Clarification | SIP |
| 216 | Table 2 | 216 | 8010 Table 2 Part 3 k. | Change “OAR 340-215” to “OAR 340 division 215” | Clarification | SIP |
| 216 | Table 2 Part 4 | 216 | 8010 Table 2 Part 4 1 through 5 | Change the foot notes to the table to:  “Non-Technical modifications include, but are not limited to name changes, change of ownership and similar administrative changes, correction of typographical errors. For gasoline dispensing facilities, a portion of these fees will be used to cover the fees required for changes of ownership in OAR 340-150-0052(4).  2. Basic Technical Modifications include, but are not limited to changing source test dates if the equipment is not being operated, and similar changes.  3. Simple Technical Modifications include, but are not limited to modifying a compliance method to use different emission factors or process parameter, changing reporting dates or frequency, and similar changes.  4. Moderate Technical Modifications include, but are not limited to adding a simple compliance method or monitoring for an emission point or control device not previously addressed in a permit, revising monitoring and reporting requirements other than dates and frequency, adding a new applicable requirement into a permit due to a change in process or change in rules , incorporating NSPS and NESHAP requirements, and similar changes.  5. Complex Technical Modifications include, but are not limited to incorporating a complex new compliance method into a permit, adding a complex compliance method or monitoring for an emission point or control device not previously addressed in a permit, adding a complex new applicable requirement into a permit due to a change in process or change in rules, and similar changes.” | Clarification. The changes that fall into the different categories of permit modifications are not clear and some occur in more than one type of change. | SIP |
| 218 |  |  |  | Oregon Title V Operating Permits |  |  |
| 218 | 0010(3)(b) | NA | NA | Change “340-224-0010(1)” to “340-224-0010” | OAR 340-224-0010 contains applicability, not just section (1) | NA |
| 218 | 0010(4) | NA | NA | Change “restrictive” to “strict” | Clarification | NA |
| 218 | 0020(1) | NA | NA | Do not capitalize “section” | Correction | NA |
| 218 | 0020(3)(b) | NA | NA | Change “OAR 340-212-0120-340-212-0150 and 340-214” to “OAR 340-212-0010 through 340-212-0150 and division 214” | Correction | NA |
| 218 | 0030 | NA | NA | Add division 204 as another division that has definitions that would apply to this division | Add reference to division 204 definitions | NA |
| 218 | 0040(1) | NA | NA | Change “in accordance with” to “using” | Plain language | NA |
| 218 | 0040(1)(a)(F) | NA | NA | Change “in accordance with” to “done using” | Plain language | NA |
| 218 | 0040(1)(a)(F) | NA | NA | Delete “through 0180” | Correction. OAR 340-244-0110 is now the only rule that applies to early reductions of HAPs | NA |
| 218 | 0040(1)(b)(A) | NA | NA | Change “is in accordance with” to “under” | Plain language | NA |
| 218 | 0040(3)(c)(A) | NA | NA | Change 340-224-0040 to 340-244-0040 | Correction | NA |
| 218 | 0040(3)(c)(C) | NA | NA | Change 340-222-0070 to 340-222-0035 | Provisions for emissions from insignificant activities were moved in division 222. | NA |
| 218 | 0040(3)(c)(D) | NA | NA | Change “in accordance with” to “under” | Plain language | NA |
| 218 | 0040(3)(c)(K) | NA | NA | Delete hyphen from require-ment | Correction | NA |
| 218 | 0040(3)(o)(D) | NA | NA | Delete reference to “enhanced monitoring” protocols and change to compliance assurance monitoring | There are no enhanced monitoring protocols, only compliance assurance monitoring protocols | NA |
| 218 | 0040(4)(a)(A)& (B) | NA | NA | Change “in accordance with” to “using” | Plain language | NA |
| 218 | 0040(4)(a)(A) | NA | NA | Delete date of Continuous Monitoring Manual | Clarification. The Reference Materials in OAR 340-200-0035 will include these reference materials and the dated version of these documents that are adopted. People can check this single rule to see which version they should be using. The dates of these reference materials will be deleted throughout the other divisions. | NA |
| 218 | 0040(4)(a)(B) | NA | NA | Delete date of Source Sampling Manual | Clarification. The Reference Materials in OAR 340-200-0035 will include these reference materials and the dated version of these documents that are adopted. People can check this single rule to see which version they should be using. The dates of these reference materials will be deleted throughout the other divisions. | NA |
| 218 | 0050(1)(c) | NA | NA | Change “in accordance with” to “using” | Plain language | NA |
| 218 | 0050(3)(a)(C) | NA | NA | Change “in accordance with” to “using” | Plain language | NA |
| 218 | 0050(3)(a)(C) | NA | NA | Delete date of Continuous Monitoring Manual and Source Sampling Manual | Clarification. The Reference Materials in OAR 340-200-0035 will include these reference materials and the dated version of these documents that are adopted. People can check this single rule to see which version they should be using. The dates of these reference materials will be deleted throughout the other divisions. | NA |
| 218 | 0050(3)(a)(F) | NA | NA | Delete “accordance with” | Plain language | NA |
| 218 | 0050(3)(c)(B) | NA | NA | Change “in accordance with” to “under” | Plain language | NA |
| 218 | 0050(6)(a) | NA | NA | Add a requirement to keep a copy of the permit onsite | Having the permit on site and monitoring and record-keeping conditions all exist to ensure the permittee is meeting the “rules and standards adopted by the Commission.” | NA |
| 218 | 0080(6)(b) | NA | NA | Change “in accordance with” to “under” | Plain language | NA |
| 218 | 0110(3) | NA | NA | Change “in accordance with” to “under” | Plain language | NA |
| 218 | 0120(1)(g) | NA | NA | Change “in accordance with” to “under” | Plain language | NA |
| 218 | 0140(3)(b)(G) | NA | NA | Change “of” to “or” | Correction | NA |
| 218 | 0150(1)(h) | NA | NA | Change “340-0210-250” to “340-210-0250” | Correction | NA |
| 218 | 0190(1) | NA | NA | Change “in accordance with” to “using” | Plain language | NA |
| 218 | 0190(2)(c) | NA | NA | Add a space between section and (1) | Correction | NA |
| 218 | 0210(1) | NA | NA | Change “in accordance” to “using” | Correction | NA |
| 218 | 0250 | NA | NA | Repeal “Permit Program For Regional Air Pollution Authority” | DEQ delegates authority to LRAPA in OAR 340-218-0010(4) and no longer receives LRAPA TV permits anymore. | NA |
| 220 |  |  |  | Oregon Title V Operating Permit Fees |  |  |
| 220 | 0020 |  | NA | Add division 204 as another division that has definitions that would apply to this division | Add reference to Division 204 definitions | NA |
| 220 | 0090(1) | NA | NA | Change “in accordance with” to “using” | Plain language | NA |
| 220 | 0100(3) | NA | NA | Change “in accordance with” to “using” | Plain language | NA |
| 220 | 0110(1) | NA | NA | Change “in accordance with” to “using” | Plain language | NA |
| 220 | 0110(2) | NA | NA | Change “in accordance with” to “under” | Plain language | NA |
| 220 | 0110(3) | NA | NA | Change “in accordance with” to “using” | Plain language | NA |
| 220 | 0110(3) | NA | NA | Change “in accordance with” to “under” | Plain language | NA |
| 220 | 200-0020(3)(d) | 220 | 0120(1) | Move the definition of actual emissions for Title V operating permit fees to division 220 | The part of the definition of actual emissions for Title V operating permit fees should be included in the rules for Title V operating permit fees. | NA |
| 220 | 200-0020(3)(e) | 220 | 0120(2) | Move the method of measuring actual emissions for Title V operating permit fees to division 220 | The part of the definition of actual emissions for Title V operating permit fees should be included in the rules for Title V operating permit fees | NA |
| 220 | 0120(1) | 220 | 0120(3)(a) | Delete “accordance with” | Plain language | NA |
| 220 | 0120(2) , (3) & (4) | 220 | 0120(3)(b), (c) & (d) | Change “in accordance with” to “using” | Plain language | NA |
| 220 | 0130(1) | NA | NA | Change “in accordance with” to “under” | Plain language | NA |
| 220 | 0170(1) | NA | NA | Change “in accordance with” to “using” | Plain language | NA |
| 220 | 0170(9)(a) | NA | NA | Change “in accordance with” to “under” | Plain language | NA |
| 220 | 0170(10) | NA | NA | Change “can not” to “cannot” | Plain language | NA |
| 220 | 0170(11)(b) | NA | NA | Change “in accordance with” to “using” and do not capitalize section | Plain language | NA |
| 220 | 0170(9)(d)(B) | NA | NA | Change “in accordance with” to “using” | Plain language | NA |
| 220 | 0190 | NA | NA | Change “in accordance with” to “using” | Plain language | NA |
| 222 |  |  |  | Stationary Source Plant Site Emission Limits |  |  |
| 222 | 0020(1) | NA | NA | Change rule citations for insignificant activities since these rules were moved | Correction | SIP |
| 222 | 0020(1) | NA | NA | Add “listed in the definition of significant emission rate” to “regulated pollutants” | Clarification | SIP |
| 222 | 0020(3)(c) | NA | NA | Change to:  “(c) Hazardous air pollutants as listed in OAR 340-244-0040 Table 1; high-risk pollutants listed in 40 CFR 63.74; or accidental release substances listed in 40 CFR 68.130; or air toxics as listed in division 246; unless any of the pollutants identified in this subsection are listed in the definition of SER.” | Tables 2 and 3 in Division 244 are being removed so the CFRs should be referenced instead. Some hazardous air pollutants have SERs in Table 2 OAR 340-20-8010 that require PSELs. This is consistent with the netting basis. | SIP |
| 222 | 0020(4) | NA | NA | Change to:  “(4) PSELs may be generic PSELs, source specific PSELs set at the generic PSEL levels, or source specific PSELs set at source specific levels.  (a) A source with a generic PSEL cannot maintain a netting basis for that regulated pollutant.  (b) A source with a source specific PSEL that is set at the generic PSEL level may maintain a netting basis for that regulated pollutant provided the source is operating under a Standard ACDP or Title V Operating permit.” | Clarification. PSELs can be Generic PSELs, source specific PSELs set at the same levels as the Generic PSEL but not be a Generic PSEL, or source specific PSELs at source specific levels. Clarify when netting basis can or cannot be maintained with generic or generic level PSELs. | SIP |
| 222 | 0030 | NA | NA | Add division 204 as another division that has definitions that would apply to this division | Add reference to division 204 definitions | SIP |
| 222 |  |  |  | Criteria for Establishing Plant Site Emission Limits |  |  |
| 222 | 0043(1), (2), and (3) | 222 | 0035(1) & (2) | Move General Requirements for All PSELs from 222-0043 to 222-0035 and add “Establishing” to the title | Restructure | SIP |
| 222 | 0043(1) | 222 | 0035(1) | Change to:  “PSELs may not exceed limits established by any applicable federal or state regulation or by any specific permit conditions unless the source meets the specific provisions of OAR 340-226-0400 (Alternative Emission Controls).” | Clarification | SIP |
| 222 | 0043(2) | 222 | 0035(2) | “DEQ may change source specific PSELs at the time of a permit renewal, or if DEQ modifies a permit pursuant to OAR 340-216-0084, Department Initiated Modifications, or 340-218-0200, Reopenings, if:” | Clarification and move from (c). These types of permit changes are times when PSELs can be changed, not a trigger of when a PSEL should be changed. | SIP |
| 222 | 0043(2)(a) | 222 | 0035(2)(a) | Change to:  “(a) DEQ determines errors were made in calculating the PSELs or more accurate and reliable data is available for calculating PSELs; or” | Clarification | SIP |
| 222 | 0043(2)(c) | 222 | 0035(2)(c) | Delete and combine with (2) | Correction. These types of permit changes are times when PSELs can be changed, not a trigger of when a PSEL should be changed. | SIP |
| 200 | 0200(76)(f) | 222 | 0035(3) | Add “PSEL reductions required by rule, order or permit condition will be effective on the compliance date of the rule, order, or permit condition.” | This provision is from the definition of netting basis and applies to all PSELs. | SIP |
| 222 | 0043(3) | 222 | 0035(4) | Move and change to:  “(4) Annual PSELs apply on a rolling 12 consecutive month basis and limit the source's potential to emit.” | Restructure and clarification. This applies to all PSELs | SIP |
| 222 | 0070(1) | 222 | 0035(5) | Move requirements for categorically insignificant activities and change to:  “(5) PSELs do not include emissions from categorically insignificant activities. Emissions from categorically insignificant activities must be considered when determining New Source Review or Prevention of Significant Deterioration applicability under OAR 340 division 224.” | This applies to all PSELs and the rule numbers have changed. | SIP |
| 222 | 0070(2) | 222 | 0035(6) | Move requirements for aggregate insignificant activities and change to:  “(6) PSELs must include aggregate insignificant emissions, if applicable.” | This applies to all PSELs | SIP |
| 222 | 0040 and 0041 | NA | NA | Delete “Significant Emission Rate” and do not capitalize “Generic” | Correction | SIP |
| 222 | 0040(2) | 222 | 0040(3) | Separate into section (3) and change to:  “The netting basis for a source with a generic PSEL is zero for that regulated pollutant.” | Clarification. The applicant can request a source specific PSEL. | SIP |
| 222 | 0041(1) | NA | NA | Delete “an initial” from the source specific PSEL and change “Generic PSEL” to “generic PSEL level” | The source specific PSEL that is set equal to the generic PSEL level doesn’t necessarily need to be the “initial” source specific PSEL | SIP |
| 222 | 0041(2) | NA | NA | Add a provision that the source specific PSEL could be set to a level requested by the applicant | Sources can request a PSEL set at a level different than the potential to emit or the netting basis | SIP |
| 222 | 0041(2) | NA | NA | Add an exception for setting the source specific PSEL for PM2.5 in section (3) | The source specific PSEL for PM2.5 is the PM2.5 fraction of the PM10 PSEL. | SIP |
| 222 | 0041(2) | NA | NA | Add an exception for increasing in the PSEL in section (4) | Sources can request a PSEL greater than the netting basis in accordance with OAR 340-222-0041(4). | SIP |
| 200 | 0020(76)(b) & (b)(A) | 222 | 0041(3) | Add:  “The initial source specific PSEL for PM2.5 for a source that was permitted on or before May 1, 2011 with potential to emit greater than or equal to the SER will be set equal to the PM2.5 fraction of the PM10 PSEL in effect on May 1, 2011.” | Add the provision for establishing the source specific annual PSEL for PM2.5 that was in the netting basis definition. This will move procedural requirements from the definitions | SIP |
| NA | NA | 222 | 0041(3)(a) | Add:  “(a) Any source with a permit in effect on May 1, 2011 is eligible for an initial PM2.5 PSEL without being otherwise subject to OAR 340-222-0041(4).” | Sources with permits in effect on May 1, 2011 get an initial PM2.5 PSEL based on the PM2.5 fraction of the PM10 PSEL are not required to do any modeling or go through NSR/PSD as required in OAR 340-222-0041(4) if the PM2.5 PSEL is greater than an SER over the PM2.5 netting basis. Third extensions are not allowed and a new application would be required. The new application would require a whole analysis of PM2.5. PM2.5 protected under first 2 extensions of an NSR/PSD permit. | SIP |
| NA | NA | 222 | 0041(3)(b) | Add:  “(b) For a source that had a permit in effect on May 1, 2011 but later needs to correct its PM10 PSEL that was in effect on May 1, 2011, due to more accurate or reliable information, the corrected PM10 PSEL will be used to correct the initial PM2.5 PSEL.  (i) Correction of a PM10 PSEL will not by itself trigger OAR 340-222-0041(4) for PM2.5.  (ii) Correction of a PM10 PSEL could result in further requirements for PM10 in accordance with all applicable regulations.” | Clarification. If the PM10 PSEL was incorrect, it should be corrected before setting the PM2.5 PSEL based on the PM2.5 fraction of the PM10 PSEL. This is a one-time correction only for the initial PSEL and netting basis. | SIP |
| 200 | 0020(76)(b)(A) | 222 | 0041(3)(c) | Add:  “(c) If after establishing the initial PSEL for PM2.5 in accordance with this rule and establishing the initial PM2.5 netting basis in accordance with OAR 340-222-0046, the PSEL is more than nine tons above the netting basis, any future increase in the PSEL for any reason would be subject to OAR 340-222-0041(4).” | Initially PM2.5 PSELs will be exempt from triggering ambient air quality modeling or NSR/PSD because DEQ did not want a source to trigger any new requirements if it was not making any modifications or production increases when PM2.5 was added as a regulated pollutant. If the PM2.5 PSEL is more than 9 tons above the netting basis, then any future increase will trigger modeling or NSR/PSD. | SIP |
| 222 | 0041(3) | 222 | 0041(4) | Change to:  “(4) If an increase in a PSEL or an initial PSEL will exceed the netting basis by an amount equal to or greater than the SER, the source is subject to Major New Source Review or State New Source Review under OAR 340 division 224, as applicable. Any increase in the PSEL for greenhouse gases that is not due to a major modification is not subject to New Source Review under OAR 340 division 224. “ | Clarify language if the source is requesting an increase in the PSEL. The source may be subject to Major NSR or State NSR. An increase in greenhouse gases emissions that is not due to a major modification would not be subject to NSR because there are no requirements for computer modeling. | SIP |
| NA | NA | 222 | 0041(5) | Add:  “(5) If the netting basis is adjusted in accordance with OAR 340-222-0051(3) then the source specific PSEL is not required to be adjusted.” | Add a provision for not adjusting the source specific PSEL if the netting basis is adjusted in accordance with OAR 340-222-0051(3). | SIP |
| NA | NA | 222 | 0041(6) | Add:  “(6) If a PSEL is established or revised to include emissions from activities that existed at a source prior to [INSERT SOS FILING DATE OF RULES] and which were previously considered categorically insignificant activities prior [INSERT SOS FILING DATE OF RULES], and results in a PSEL that exceeds the netting basis by more than or equal to the SER as a result of this revision, the requirements of OAR 340-222-0041(4) do not apply. If the revised PSEL is greater than the netting basis by the SER or more, any future increase in the PSEL for any reason would be subject to OAR 340-222-0041(4).” | The RICE NESHAP has requirements for emergency generators that were previously considered categorically insignificant activities. DEQ is also making changes to fuel and gas burning equipment included in categorically insignificant activities. A source could have numerous emissions units that burn fuel or gas, whose emissions could be greater than one ton in the aggregate. Because of these changes to categorically insignificant activities, DEQ realizes that existing sources that have these activities should not be penalized. Therefore, DEQ is grandfathering sources that had emergency generators or small fuel or gas burning equipment as of [INSERT SOS FILING DATE OF RULES] from potentially triggering NSR. Sources would be required to get a permit if needed but could limit PTE to stay on a general permit. | SIP |
| 222 | 0041(3)(b)(A) | 224 | 0250 | Move to division 224 | The requirements for State NSR in nonattainment areas are now in 340-224-0250. SEE “NEW SOURCE REVIEW PROGRAM SUPPLEMENTAL DISCUSSION.” | SIP |
| 222 | 0041(3)(b)(B) | 224 | 0260 | Move to division 224 | The requirements for State NSR in maintenance areas are now in 340-224-0260. SEE “NEW SOURCE REVIEW PROGRAM SUPPLEMENTAL DISCUSSION.” | SIP |
| 222 | 0041(3)(b)(C) | 224 | 0270 | Move to division 224 | The requirements for State NSR in attainment or unclassified areas are now in 340-224-0270. SEE “NEW SOURCE REVIEW PROGRAM SUPPLEMENTAL DISCUSSION.” | SIP |
| 222 | 0041(3)(b)(D) | 224 | 0250(2)(a)  0260(2)(c)  0270(1)(c) | Move to division 224 | The requirement for demonstrating compliance with AQRV protection are in OAR 340-224-0250 for nonattainment areas, OAR 340-224-0260 for maintenance areas, and OAR 340-224-0270 for attainment and unclassified areas. | SIP |
| 222 | 0041(3)(c) | 224 | 0010 | Move to division 224 | The requirements for New Source Review are in division 224 | SIP |
| 222 | 0041 | NA | NA | Add SIP note:  “**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.” | This rule was last approved into the SIP by EPA on 01/22/03. The note was inadvertently omitted from the rule. | SIP |
| 222 | 0042(1) | NA | NA | Change to:  “(1) For sources located in areas with an established short term SER that is measured over an averaging period less than a full year, PSELs are required on a short term basis for those regulated pollutants that have a short term SER. The short term averaging period is daily, unless emissions cannot be monitored on a daily basis. The averaging period for short term PSELs can never be greater than monthly.” | Clarification. Define a short term SER. | SIP |
| 222 | 0042(1)(a) & (a)(A) | 222 | 0042(1)(a) | Change to:  “(a) For new and existing sources with potential to emit less than the short term SER, the short term PSEL will be set equal to the level of the short term generic PSEL.” | Clarification and restructure | SIP |
| 222 | 0042(1)(a)(B) | 222 | 0042(1)(b) | Change to:  “For existing sources with potential to emit greater than or equal to the short term SER, a short term PSEL will be set equal to the source's short term potential to emit or to the current permit’s short term PSEL, whichever is less.” | Clarification and restructure | SIP |
| 222 | 0042(1)(b) | 222 | 0042(1)(c) | Change to:  “(c) For new sources with potential to emit greater than or equal to the short term SER, the initial short term PSEL will be set at the level requested by the applicant provided the applicant meets the requirements of (2)(b).” | Sources can request a short term PSEL at a level greater than or equal to the short term SER if they follow the correct procedures in (2)(b) | SIP |
| 222 | 0042(2) | NA | NA | Change to:  “(2) If a source requests an increase in a short term PSEL that will exceed the short term netting basis by an amount equal to or greater than the short term SER, the source must satisfy the requirements of subsections (a) or (b). In order to satisfy the requirements of subsection (a) or (b), the short term PSEL increase must first be converted to an annual increase by multiplying the short term increase by 8,760 hours, 365 days, or 12 months, depending on the term of the short term PSEL.” | Clarification. Offsets and growth allowance for short term PSEL increases need to be in terms of tons per year. | SIP |
| 222 | 0042(2)(b)(A) | 222 | 0042(2)(a) | Change to:  “(a) Obtain offsets in accordance with the offset provisions for the designated area as specified in OAR 340 division 224; or” | Clarification. The Requirements for Demonstrating a Net Air Quality Benefit are being moved to division 224 because they are requirements for NSR/PSD. They are not air quality analysis requirements. SEE “NEW SOURCE REVIEW PROGRAM SUPPLEMENTAL DISCUSSION.” | SIP |
| 222 | 0042(2)(b)(B) | 222 | 0042(2)(b) | Change to:  “(b) Obtain an allocation from an available growth allowance in accordance with the applicable maintenance plan.” | Clarification and restructure | SIP |
| 222 | 0042(2)(b)(C) | NA | NA | Delete:  “(C) For carbon monoxide, demonstrate that the source or modification will not cause or contribute to an air quality impact equal to or greater than 0.5 mg/m3 (8 hour average) and 2 mg/m3 (1 hour average).” | Not necessary. These are significant impact levels for CO and are contained in the definitions in division 200. | SIP |
| 222 | 0042(2)(b)(D) | NA | NA | Delete:  “(D) For federal major sources, demonstrate compliance with air quality related values (AQRV) protection in accordance with OAR 340-225-0070.” | The annual PSEL should be the driver for this AQRV requirement, not short term PSEL because it is a PSD provision. | SIP |
| 222 | 0042(3) | NA | NA | Change to:  “(3) Once the short term PSEL is increased pursuant to section (2), the increased level becomes the basis for evaluating future increases in the short term PSEL.” | Clarification | SIP |
| 222 | 0042 | NA | NA | Add SIP note:  “**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.” | This rule was last approved into the SIP by EPA on 01/22/03. The note was inadvertently omitted from the rule. | SIP |
| 200 | 0020(76) | 222 | 0046 | Move rules about establishing the netting basis from the definition to the PSEL rule and delete the existing section (1) language | This will move procedural requirements from the definitions. Reorganize the definition into a more understandable structure | SIP |
| 200 | 0020(76)(a) | 222 | 0046(1) | Change to:  “(1) A netting basis will only be established for those regulated pollutants subject to OAR 340 division 224.” | Clarification | SIP |
| 200 | 0020(76)(b) | 222 | 0046(1)(a) | Delete “and PSEL” | This rule is for netting basis, not the PSEL | SIP |
| 200 | 0020(76)(b)(A) & (B) | NA | NA | Delete:  “(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.” | Clarification. These requirements are reworded in subsection (2)(b). | SIP |
| 200 | 0020(76)(c) | 222 | 0046(1)(b) | Delete “and PSEL” | This rule is for netting basis, not the PSEL | SIP |
| NA | NA | 222 | 0046(2) | Add:  “(2) The netting basis is determined as specified in subsection (a), (b), or (c) and will be adjusted according to section (3):” | Clarification | SIP |
| NA | NA | 222 | 0046(2)(a) | Add:  “(a) For all regulated pollutants except for PM2.5, a source’s initial netting basis is equal to the baseline emission rate.” | There is no baseline emission rate for PM2.5 | SIP |
| 200 | 0020(76)(b)(A) | 222 | 0046(2)(b) | Add:  "(b) For PM2.5, a source’s initial netting basis is equal to the overall PM2.5 fraction of the PM10 PSEL in effect on May 1, 2011 multiplied by the PM10 netting basis in effect on May 1, 2011. The initial PM2.5 netting basis may be increased by up to 5 tons if the increase would avoid having a PM2.5 PSEL greater than the PM2.5 netting basis by more than the PM2.5 SER.” | Clarification and restructure | SIP |
| NA | NA | 222 | 0046(2)(b)(A) | Add:  “(A) Any source with a permit in effect on May 1, 2011 is eligible for a PM2.5 netting basis without being otherwise subject to OAR 340-222-0041(4).” | Clarification. Initially PM2.5 PSELs will be exempt from triggering ambient air quality modeling or NSR/PSD because DEQ did not want a source to trigger any new requirements if it was not making any modifications or production increases when PM2.5 was added as a regulated pollutant. | SIP |
| NA | NA | 222 | 0046(2)(b)(B) | Add:  “(B) For a source that had a permit in effect on May 1, 2011 but later needs to correct its PM10 netting basis that was in effect on May 1, 2011, due to more accurate or reliable information, the corrected PM10 netting basis will be used to correct the initial PM2.5 netting basis.” | After adding PM2.5 as a regulated pollutant, DEQ found that some PM10 netting bases required correction before they could be used to establish PM2.5 netting bases. DEQ wrote an Internal Management Directive addressing this situation and is now including it in the rule. | SIP |
| NA | NA | 222 | 0046(2)(b)(B)(i) | Add:  “(i) Correction of a PM10 netting basis will not by itself trigger OAR 340-222-0041(4) for PM2.5.” | Clarification. Initially PM2.5 PSELs will be exempt from triggering ambient air quality modeling or NSR/PSD because DEQ did not want a source to trigger any new requirements if it was not making any modifications or production increases when PM2.5 was added as a regulated pollutant. | SIP |
| NA | NA | 222 | 0046(2)(b)(B)(ii) | Add:  “(ii) Correction of a PM10 netting basis could result in further requirements for PM10 in accordance with all applicable regulations.” | Clarification. Correcting the PM10 netting basis could result in further requirements such as a different permit, modeling, or triggering NSR/PSD. | SIP |
| 200 | 0020(76)(b)(B) | NA | NA | Delete:  “(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.” | This rule is for netting basis, not the PSEL | SIP |
| 200 | 0020(76)(d)(A) | 222 | 0046(2)(c)(A) | Add “Major” to New Source Review and add “except as provided in subsection (2)(b) for PM2.5” | Sources will be given a netting basis for PM2.5 without going through Major New Source Review if they had a netting basis for PM10. | SIP |
| 200 | 0020(76)(d)(B) | 222 | 0046(2)(c)(B) | Move:  “(B) Any regulated pollutant that has a generic PSEL in a permit; or” | Move from division 200 definition of netting basis | SIP |
| 200 | 0020(76)(d)(C) | 222 | 0046(2)(c)(C) | Move:  “(C) Any source permitted as portable.” | Move from division 200 definition of netting basis | SIP |
| 200 | 0020(76)(d)(D) | NA | NA | Delete:  “(D) Any source with a netting basis calculation resulting in a negative number.” | This language is no longer necessary because of the other changes in this rule. | SIP |
| NA | NA | 222 | 0046(3) | Add:  “(3) A source’s netting basis will be adjusted as follows:” | Separate the ways that the netting basis can be adjusted | SIP |
| 200 | 0020(76)(f) | 222 | 0046(3)(a) | Change to:  “(a) The netting basis will be reduced by any emission reductions required by rule, order, or permit condition required by the SIP or used to avoid SIP requirements as of the effective date of the rule, order or permit condition;” | Correction. Add language about SIP which was previously omitted. | SIP |
| NA | NA | 222 | 0046(3)(a)(A) | Add:  “(A) The netting basis reduction only applies if the source is permitted, on the effective date of the applicable rule, order or permit condition, to operate the affected devices or emissions units that are subject to the rule, order, or permit condition requiring emission reductions.” | Clarification. For example, a source has a baseline emission rate of 200 tpy from boilers, but replaced the old boilers. If a rule, order or permit condition changes the requirements for the original boilers but not the current boilers, the original boilers are no longer a permitted piece of equipment and the reduction would not apply. | SIP |
| NA | NA | 222 | 0046(3)(a)(A)(i) | Add:  “(i) Emission reductions also apply to unassigned emissions for devices or emissions units that are affected by the rule, order or permit condition, if the shutdown or over control that created the unassigned emissions occurred within five years prior to the adoption of the rule, order or permit condition that required an emission reduction unless the unassigned emissions have been used for internal netting actions. This provision applies to emission reductions that have been placed in unassigned emissions or were eligible to be placed in unassigned emissions but the permit that would place them in unassigned emissions has not been issued.” | Clarification. This will require reduction of unassigned emissions if the rule, order or permit condition applies to the unit that established unassigned emissions. Five years is the length of a permit cycle, if the emission reduction had been moved to unassigned emissions immediately. | SIP |
| NA | NA | 222 | 0046(3)(a)(A)(ii) | Add:  “(ii) Emission reductions do not apply to emission reduction credits established under division 268.” | Clarification. | SIP |
| NA | NA | 222 | 0046(3)(a)(B) | Add  “(B) Emission reductions for the affected devices or emissions units will be determined consistent with the approach used to determine the netting basis prior to the regulatory action reducing the emissions. The emission reduction is the difference between the emissions calculated using the previous emission rate and the emission rate established by rule, order, or permit using appropriate conversion factors when necessary.” | Clarification. DEQ wrote an Internal Management Directive addressing this situation and is now including it in the rule. | SIP |
| 200 | 0020(76)(h) | 222 | 0046(3)(a)(C) | Change to:  “(C) Emission reductions required by rule do not include emission reductions achieved under OAR 340-226-0110 and 340-226-0120.” | Move from division 200 definition of netting basis | SIP |
| NA | NA | 222 | 0046(3)(a)(D) | Add:  “(D) Emission reductions required by rule do not include emission reductions as a result of the requirements in OAR 340 division 244.” | From 11/12/97 EPA Memo: Crediting of MACT emissions reductions for NSR netting and offsets. Required HAP emission reductions are not creditable as offsets but can be used if in excess of MACT standards. | SIP |
| 200 | 0020(76) | 222 | 0046(3)(b) | Add:  “(b) The netting basis will be reduced by any unassigned emissions that are reduced under OAR 340-222-0055(3)(a);” | Separate the ways that the netting basis can be adjusted from section (76) | SIP |
| 200 | 0020(76) | 222 | 0046(3)(c) | Change to:  “(c) The netting basis will be reduced by the amount of emission reduction credits transferred off site in accordance with OAR 340 division 268;” | Separate the ways that the netting basis can be adjusted from section (76) | SIP |
| 200 | 0020(76)(g) | 222 | 0046(3)(d) | Add:  “(d) The netting basis will be reduced when actual emissions are reduced according to OAR 340-222-0051(3);” | Simplification | SIP |
| NA | NA | 222 | 0046(3)(e) | Add:  “(e) The netting basis will be increased by any emission increases approved through the Major New Source Review regulations in OAR 340-224-0025 through 340-224-0070 provided the increases are or were subject to both an air quality analysis and a control technology analysis. For sources where the netting basis was increased in accordance with the DEQ PSD rules that were in effect prior to July 1, 2001, the netting basis may include emissions from emission units that were not subject to both an air quality analysis and control technology analysis if the netting basis had been increased following the rules in effect at the time.” | Clarification | SIP |
| NA | NA | 222 | 0043(3)(f) | Add:  “(f) The netting basis will be increased by any emissions from activities previously classified as categorically insignificant prior to [INSERT SOS FILING DATE OF RULES], provided the activities existed during the baseline period or at the time of the last Major New Source Review approval.” | The RICE NESHAP has requirements for emergency generators that were previously considered categorically insignificant activities. DEQ is also making changes to fuel and gas burning equipment included in categorically insignificant activities. A source could have numerous emissions units that burn fuel or gas, whose emissions could be greater than one ton in the aggregate. Because of these changes to categorically insignificant activities, DEQ realizes that existing sources that have these activities should not be penalized. Therefore, DEQ is grandfathering sources that had emergency generators or small fuel or gas burning equipment as of [INSERT SOS FILING DATE OF RULES] from potentially triggering NSR. The emissions from the categorically insignificant activities will be added to the netting baseline if applicable. | SIP |
| 222 | 0043(4) | 222 | 0046(4) | Change to:  “(4) In order to maintain the netting basis, permittees must maintain either a Standard ACDP or an Oregon Title V Operating Permit. A request by a permittee to be assigned any other type of ACDP sets the netting basis at zero upon issuance of the other type of permit and remains at zero unless an increase is approved in accordance with OAR 230-222-0046(3)(e).” | Move from OAR 340-222-0043 General Requirements for All PSEL. The netting basis can be increase if approved through Major New Source Review. | SIP |
| 200 | 0020(76)(e) | 222 | 0046(5) | Move from division 200 definition of netting basis | Move without changes | SIP |
| 200 | 0020(76)(f) & (g) | NA | NA | Delete these subsections | This language is no longer necessary because of the other changes in this rule. | SIP |
| 200 | 0020(76)(i) | 222 | 0046(6) | Change to:  “(6) A source’s netting basis for a regulated pollutant with a revised definition will be corrected if the source is emitting the regulated pollutant at the time the definition is revised, and the regulated pollutant is included in the source’s netting basis.” | Clarification | SIP |
| 200 | 0020(76)(j) | 222 | 0046(7) | Change to:  “(7) Where EPA requires an attainment demonstration based on dispersion modeling, the netting basis must not be more than the level used in the dispersion modeling to demonstrate attainment with the ambient air quality standard (i.e., the attainment demonstration is an emission reduction required by rule).” | Clarification | SIP |
| NA | NA | 222 | 0046 | Add SIP note:  “**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.” | This definition was in OAR 340-200-0020, which was last approved in the SIP on 06/20/13. | SIP |
| 200 | 0020(13) & (14) | 222 | 0048 | Add Baseline Emission Rate and Baseline Period procedures from division 200 definitions | This will move procedural requirements from the definitions. Reorganize the definition into a more understandable structure | SIP |
| 200 | 0020(14)(a) | 222 | 0048(1)(a) | Change to:  “(1) The baseline period used to calculate the baseline emission rate:  (a) For any regulated pollutant other than greenhouse gases, any consecutive 12 calendar month period during the calendar years 1977 or 1978. DEQ may allow the use of a prior time period upon a determination that it is more representative of normal source operation.” | Restructure from definition of baseline period | SIP |
| 200 | 0020(14)(b) | 222 | 0048(1)(b) | Change to:  “(b) For greenhouse gases, any consecutive 12 calendar month period during the calendar years 2000 through 2010.” | Restructure from definition of baseline period | SIP |
| NA | NA | 222 | 0048(1)(c) | Add:  “(c) For a pollutant that becomes a regulated pollutant subject to OAR 340 division 224 after May 1, 2011, any consecutive 12 calendar month period within the 24 months immediately preceding its designation as a regulated pollutant if a baseline period has not been defined for the regulated pollutant.” | For consistency with the definition of baseline emission rate since pollutant that become regulated after May 1, 2011 also need a baseline period defined. | SIP |
| 200 | 0020(13)(a) | 222 | 0048(2) | Change to:  “(2) A baseline emission rate will be established only for those regulated pollutants subject to OAR 340 division 224.” | Simplification. Division 224 defines what pollutants are regulated. | SIP |
| 200 | 0020(13)(a) | 222 | 0048(3) | Move from division 200 definition of baseline emission rate and make a separate section. | Move without changes | SIP |
| 200 | 0020(13)(b) | 222 | 0048(4) | Move from division 200 definition of baseline emission rate. | Move without changes | SIP |
| 200 | 0020(13)(c) | 222 | 0048(5) | Change to:  “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 the baseline period specified in OAR 340-222-0048(1)(c)” | Simplification | SIP |
| 200 | 0020(13)(d) | 222 | 0048(6) | Change to:  “(6) The baseline emission rate will be recalculated only under the following circumstances:” | Clarification. Restructure how the baseline emission rate will be recalculated. | SIP |
| 200 | 0020(13)(d) | 222 | 0048(6)(a) | Change to:  “(a) For greenhouse gases, if actual emissions are reset in accordance OAR 340-222-0051(3);” | Only the GHG baseline emission rate will be reset. The netting basis will be reset for all other pollutants, not the baseline emission rate. | SIP |
| 200 | 0020(13)(e) | 222 | 0048(6)(b) | Change to:  “(b) If a material mistake or an inaccurate statement was made in establishing the production basis for the baseline emission rate; or” | Clarification | SIP |
| NA | NA | 222 | 0048(6)(c) | Add:  “(c) A more reliable or accurate emission factor is available.” | Correction, previously omitted | SIP |
| NA | NA | 222 | 0048(7) | Add:  “(7) The baseline emission rate is not affected if emission reductions are required by rule, order, or permit condition.” | Clarification | SIP |
| NA | NA | 222 | 0048 | Add SIP note:  “**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.” | This definition was in OAR 340-200-0020, which was last approved in the SIP on 06/20/13. | SIP |
| 200 | 0020(3) | 222 | 0051 | Move from division 200 definition of actual emissions | Move procedural requirements out of definitions. Establishing and resetting actual emissions should be in Division 222 Plant Site Emission Limits. | SIP |
| 200 | 0020(3)(a) | 222 | 0051(1) | Change to:  “(1) The actual emissions as of the baseline period will be determined to be:” | Clarification | SIP |
| 200 | 0020(3)(a)(A) | 222 | 0051(1)(a) | Change to:  “(a) Except as provided in subsections (b) and (c) and section (2), the average rate at which the source actually emitted the regulated pollutant during normal source operations over an applicable baseline period;” | Clarification and restructure so correct cross reference | SIP |
| 200 | 0020(3)(a)(B) | 222 | 0051(1)(b) | Change to:  “(b) The source-specific mass emissions limit included in a source's permit that was effective on September 8, 1981 if such emissions are within 10% of the actual emissions calculated under subsection (a); or” | Restructure | SIP |
| 200 | 0020(3)(a)(C) | 222 | 0051(1)(c) | Change to:  “(c) The potential to emit of the source or part of a source as specified in paragraphs (A) and (B). The actual emissions will be reset if required in accordance with section (3).” | Restructure and clarification | SIP |
| 200 | 0020(3)(a)(C)(i) | 222 | 0051(1)(c)(A) | Change to:  “(A) 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 216, or was not required to obtain approval to construct and operate before or during the applicable baseline period; or” | Sources can be approved to construct and operate in accordance with division 216 | SIP |
| 200 | 0020(3)(a)(C)(ii) | 222 | 0051(1)(c)(B) | Add “or 216” and delete “and” | Construction can be approved under division 216 also | SIP |
| 200 | 0020(3)(a)(C)(iii) | NA | NA | Delete this subparagraph. | This requirement is covered in (i) | SIP |
| 200 | 0020(3)(b) | 222 | 0051(2) | Change to:  “(2) For any source or part of a source or any modification of a 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 210, 216 or 224, actual emissions of the source or part of the source equal the potential to emit of the source or part of the source on the date the source or part of the source was approved to construct and operate.” | Clarification. Adding “or part of the source” will make the language consistent with this section. | SIP |
| NA | NA | 222 | 0051(3) | Add:  “(3) For any source or part of a source whose actual emissions of greenhouse gases were determined pursuant to paragraph (1)(c)(B), and for all other sources of all other regulated pollutants that are permitted in accordance with the Major New Source Review rules in OAR 340 division 224 on or after May 1, 2011, the potential to emit of the source or part of the source will be reset to actual emissions as follows:” | Restructure and separate GHGs | SIP |
| 200 | 0020(3)(c) and (c)(A) | NA | NA | Delete this subsection and paragraph | Restructure in section (3) | SIP |
| 200 | 0020(3)(c)(B) | 222 | 0051(3)(a) | Change to:  “(a) Except as provided in subsection (b), ten years from the end of the applicable baseline period under paragraph (1)(c)(B) or ten years from the date the permit is issued under section (2), or an earlier time if requested by the source in a permit application involving public notice, DEQ will reset actual emissions of the source or part of the source 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. Actual emissions are determined as follows:” | Restructure | SIP |
| NA | NA | 222 | 0051(3)(a)(A) | Add:  “(A) The source must select a consecutive 12-month period and the same 12-month period must be used for all regulated pollutants and all affected devices or emissions units; and” | Defines the period for which actual emissions are determined | SIP |
| NA | NA | 222 | 0051(3)(a)(B) | Add:  “(B) The source must determine the actual emissions during that 12-month period for each device or emissions unit that was subject to Major New Source Review or for which the baseline emission rate is equal to the potential to emit.” | Defines the devices or emissions units for which actual emissions must be determined for sources that triggered Major New Source Review and GHG sources whose baseline emission rate was set to potential to emit | SIP |
| 200 | 0020(3)(c)(D) | 222 | 0051(3)(b) | Move from division 200 definition of actual emissions. | Move without changes | SIP |
| 200 | 0020(3)(c)(C) | 222 | 0051(3)(c) | Add 340-226 to 0120 and delete “(highest and best practicable treatment and control)” | OAR 340-226-0110 is Pollution Prevention and 0120 is Operating and Maintenance Requirements | SIP |
| 200 | 0020(3)(c)(C) | 222 | 0051(3)(c) | Change “paragraph (A)” to “subsection (a)” | Restructure | SIP |
| NA | NA | 222 | 0051(4) | Add:  “(4) Regardless of the PSEL compliance requirements specified in a permit, actual emissions from a source or part of a source may be calculated for any given 12 consecutive month rolling period using data that is considered valid and representative of the source’s or part of a source’s emissions. Actual emissions must be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.” | Clarification. EPA is concerned that the current rule language requires the PSEL to be changed and then NSR applicability to be determined. This concerns them because of timing (requires permits to act first before enforcement can occur) and EPA’s inability to enforce the program independently of Oregon’s actions to revise the PSEL. EPA’s ability to enforce the requirement to obtain a PSD permit independent of Oregon’s action to revise the PSEL is essential for SIP approval. Actual emissions must be compared to the netting basis to determine that the difference between the two is more than the SER and that a major modification has occurred. Since there is no definition of “actual emissions” that covers the concept of what is coming out of the stack right now the proposed language has been included.  This proposed rule change can go both ways, for enforcement if needed and to not take enforcement if actual emissions are lower than the PSEL. | SIP |
| 200 | 0020(3)(d) | 214 | 0210 | Move to division 214 for Emission Statements | Restructure | SIP |
| 200 | 0020(3)(e) | 220 | 0120 | Move to division 220 for Title V Operating Permit Fees | Restructure | NA |
| NA | NA | 222 | 0051 | Add SIP note:  “**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.” | This definition was in OAR 340-200-0020, which was last approved in the SIP on 06/20/13. | SIP |
| 222 | 0045 | 222 | 0055 | Renumber to 222-0055 | Reorganize | SIP |
| 222 | 0045(3)(a) | 222 | 0055(3)(a) | Delete “Table 2,” change “this date” to “that date” | The significant emission rates were moved into the text of OAR 340-200-0020. Correction |  |
| 222 | 0045(4)(c) | 222 | 0055(4)(c) | Change to:  “(c) Emissions that are removed from the netting basis, including emission reductions required by rule, order or permit condition under OAR 340-222-0046(3)(a)(A)(i), are not available for netting in any future permit actions.” | Clarification |  |
| 222 | 0045(5) | 222 | 0055(5) | Delete “in OAR 340-200-0020 Table 2” | The significant emission rates were moved into the text of OAR 340-200-0020 |  |
| 222 | 0045 | 222 | 0055 | Delete the ED.NOTE for the table | The significant emission rates were moved into the text of OAR 340-200-0020 |  |
| 222 | 0060(1) | NA | NA | Change to:  (1) DEQ may establish PSELs for hazardous air pollutants (HAPs) if an owner or operator requests that DEQ:  (a) Establish a PSEL for combined HAPs emitted for purposes of determining emission fees as prescribed in OAR 340 division 220; or  (b) Create an enforceable PTE limit.” | Clarification | SIP |
| 222 | 0070(1) | 222 | 0035(5) | Move PSELs for categorically insignificant activities to the General Requirements for All PSELs | Reorganize to clarify | SIP |
| 222 | 0070(2) | 222 | 0035(6) | Move PSELs for aggregate insignificant emissions to the General Requirements for All PSELs | Reorganize to clarify | SIP |
| 222 | 0070(3) | 224 | 0025(2)(b)(A) | Move PSELs for insignificant activities to the major modification section of division 224 | Reorganize to clarify | SIP |
| NA | NA | 222 | 0080(7) | Add:  “(7) Regardless of the PSEL compliance requirements specified in a permit, actual emissions may be calculated in accordance with OAR 340-222-0051(4).” | Clarification. See note above regarding EPA’s concerns about their inability to enforce the NSR program. | SIP |
| 222 | 0090(1)(b)(A) & (B) | NA | NA | Add “Major” to New Source Review | DEQ has separated Major New Source Review from State New Source Review | SIP |
| 222 | 0090(2), (2)(a) & (2)(b) | NA | NA | Change to:  “(2) When one source is split into two or more separate sources, the netting basis and SER can only be transferred to the new source or sources if they have the same primary 2-digit SIC as the original source or to a combined heat and power facility that had been supporting the primary SIC.  (a) The netting basis and the SER for the original source are split amongst the new sources as requested by the original permittee.  (b) The amount of the netting basis that is transferred to the new source or sources may not exceed the potential to emit of the existing equipment involved in the split.” | If you split a source into 2 separate sources, those two sources can have different SICs but the netting basis and SER must stay with the original source except in the case of a combined heat and power facility that supports the primary SIC. The netting basis protects the airshed. If the new SIC source is grandfathered, then they wouldn’t have to do an AQ analysis. The source with the new SIC should be considered a new source and should potentially trigger NSR/PSD. EPA encourages use of combined heat and power facilities. | SIP |
| 222 | 0090(2)(b)(A) & (B) | NA | NA | Add “Major” to New Source Review and add a semi-colon at the end of paragraph (A) | DEQ has separated Major New Source Review from State New Source Review | SIP |
| 222 | 0090(3) | NA | NA | Change to:  “(3) The owner or operator of the device or emissions unit must maintain records of physical changes and changes in operation occurring since the baseline period or most recent Major New Source Review action.” | Clarification. If a source has triggered Major New Source Review, then a netting basis since that action must be split instead of the netting basis since the baseline period. | SIP |
| 224 |  |  |  | New Source Review |  |  |
| 224 | NA | NA | NA | Change title of division to New Source Review | DEQ has added rules for State New Source Review in this section so this division now covers both Major and minor (or State) New Source Review | SIP |
| NA | NA | 224 | All | Replace “major source” with “federal major source” if applicable | DEQ is regulating major sources at the federal major thresholds under the Major New Source Review program. Sources emitting at the significant emission rate up to the federal major thresholds will be regulated under the State New Source Review program. | SIP |
| NA | NA | 224 | 0010(1) | Add:  “(1) OAR 340-224-0010 and OAR 340-224-0025 through 340-224-0070 are the Major New Source Review requirements for the review, approval, and operation of:  (a) New federal major sources;  (b) Major modifications at existing federal major sources; or  (c) Existing sources that will become federal major sources if the PSEL is increased to the federal major source level or more.” | Add rules that specify which rules apply to Major New Source Review | SIP |
| NA | NA | 224 | 0010(2) | Add:  “(2) OAR 340-224-0010 and OAR 340-224-0200 through 340-224-0270 are the State New Source Review requirements for the review, approval, and operation of sources not otherwise subject to Major New Source Review which include the following:  (a) New non-federal major sources that have emissions equal to or greater than any SER;  (b) PSEL increases equal to or greater than any SER at existing non-federal major sources; or  (c) PSEL increases equal to or greater than any SER that are not the result of a major modification at federal major sources.” | Add rules that specify which rules apply to State New Source Review | SIP |
| 224 | 0010(1) & (2) | 224 | 0010(3) | Change to:  “The requirements of this division apply on a pollutant by pollutant basis, according to the designation of the area where the source is or will be located.” | Simplification | SIP |
| 224 | 0010(3) | 224 | 0010(4) | Change to:  “(4) Owners and operators of all sources may be subject to other DEQ rules, including, but not limited to, Notice of Construction and Approval of Plans (OAR 340-210-0205 through 340-210-0250), ACDPs (OAR 340 division 216), Title V permits (OAR 340 division 218), Highest and Best Practicable Treatment and Control (OAR 340-226-0100 through 340-226-0140), Emission Standards for Hazardous Air Contaminants (OAR 340 division 244), and Standards of Performance for New Stationary Sources (OAR 340 division 238), as applicable.” | All sources are subject to the listed applicable requirements, not just sources that are not subject to either Major or State New Source Review | SIP |
| 224 | 0010(4) | 224 | 0010(5) | Change to:  “(5) No owner or operator of a source that meets the applicability criteria of sections (1) or (2) may begin construction or operate without an air contaminant discharge permit (ACDP) from DEQ and complying with the requirements of this division.” | Clarification. These changes are intended to clarify and be consistent with the holding in *Sierra Club v. PGE*, 663 F. Supp.2d 983, 992 (D. Or. 2009) that “the PSD program applies to both the construction and the operation of a major source.” | SIP |
| 224 | 0010(5) | 224 | 0010(6) & (7) | Delete the “s” from GHG | Correction | SIP |
| 224 | 0010(5)(a) & (b) | 224 | 0010(6)(a) & (b) | Add “that commences construction on or after May 1, 2011” | Clarification. The source must commence construction after the applicability date. | SIP |
| 224 | 0010(6) | 224 | 0010(7) | Change “section (5)” to “section (7)” and delete “of this rule” | Correction for renumbering of rules and unnecessary | SIP |
| 224 | 0010(6)(a) & (b) | 224 | 0010(8)(a) & (b) | Add “that commences construction on or after July 1, 2011” | Clarification. The source must commence construction after the applicability date. | SIP |
| 224 | 0010(7) | 224 | 0010(8) | Add “and State New Source Review” to “Major New Source Review” and replace “restrictive” with “strict” | Clarification. LRAPA will also be implementing the State New Source Review program | SIP |
| 224 |  |  |  | Major New Source Review |  |  |
| NA | NA | NA | NA | Add the title “Major New Source Review” | DEQ has added rules for State New Source Review in this section so this division now covers both major and minor new source review | SIP |
| 200 | 0020(71) | 224 | 0025(1) | Add definition of major modification from division 200 and change lead-in to:  “(1) "Major Modification" means any physical change or change in the method of operation, of a source except those changes specified in section (6), where section (2) or (3) is satisfied for any regulated pollutant subject to Major New Source Review as specified in subsection (c) of the definition of regulated pollutant in division 200 since the later of:  (a) The baseline period for all regulated pollutants except PM2.5;  (b) May 1, 2011 for PM2.5; or  (c) The most recent Major New Source Review action for that regulated pollutant.” | The definition of major modification only applies to this division and explains how to determine if a major modification takes place. This procedural requirement does not belong in the definitions of division 200. This also provides clarification of when a major modification is triggered. | SIP |
| 200 | 0020(71)(a) & (b) | 224 | 0025(2) | Change to:  “(2)(a) Except as provided in section (5), a PSEL or actual emissions that exceed the netting basis by an amount that is equal to or greater than the SER; and  (b) The accumulation of emission increases due to physical changes or changes in the method of operation, except those changes specified in section (6), since the later of the dates in subsections (1)(a) through (1)(c) that is equal to or greater than the SER.  (A) Emission increases in subsection (b) shall be calculated as follows: For each unit with a physical change or change in the method of operation occurring at the source since the later of the dates in subsections (1)(a) through (1)(c) as applicable for each pollutant, subtract the unit’s portion of the netting basis from its post-change potential to emit taking into consideration any federally enforceable limits on potential to emit. Emissions from categorically insignificant activities, aggregate insignificant emissions, and fugitive emissions must be included in the calculations.  (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.” | Restructure and clarify. There is no baseline period for PM2.5 so the changes must be tracked since the netting basis was last established. Reword the requirement that emissions from categorically insignificant activities, aggregate insignificant emissions and fugitive emissions must be included in the calculations. | SIP |
| 200 | 0020(71)(c) | 224 | 0025(3) | Change to:  “(3) Any change at a source, including production increases, that would result in a PSEL increase of 1 ton or more for any regulated pollutant for which the source is a federal major source, if the source obtained permits to construct and operate after the applicable baseline period but has not undergone New Source Review.  (a) This section does not apply to PM2.5 and greenhouse gases.  (b) Changes to the PSEL solely due to the availability of more accurate and reliable emissions information are exempt from being considered an increase under this section.” | Restructure and clarify. The change in the definition of “federal major” makes this language no longer necessary. The requirement applies in all areas of the state. | SIP |
| 200 | 0020(71) | 224 | 0025(4) | Move “Major modifications for ozone precursors or PM2.5 precursors also constitute major modifications for ozone and PM2.5, respectively.” to section (4) | Restructure | SIP |
| 200 | 0020(71)(d) | 224 | 0025(5) | Change to: “(5) 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 section (2) until the netting basis is reset as specified in OAR 340-222-0046(3)(d) and 340-222-0051(3).” | Correction. The reset of the netting basis has been moved to division 222. | SIP |
| 200 | 0020(71)(e)(A) | 224 | 0025(6)(a) | Change subsections to sections because of restructuring. | Correction | SIP |
| NA | NA | 224 | 0025(7) | Add:  “(7) When more accurate or reliable emissions information becomes available, a recalculation of the PSEL, netting basis, and increases/decreases in emissions must be performed to determine whether a major modification has occurred.” | Clarification. When better emissions information becomes available, DEQ will use that information to determine whether a major modification has occurred. | SIP |
|  |  | 224 | 0025 | Add the Editorial Note:  “[ED. NOTE: This rule was moved verbatim from OAR 340-200-0020(71) and amended in redline/strikeout.]” | Clarification | SIP |
| NA | NA | 224 | 0025 | Add the Note and statutory authority :  “NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.  Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.055 & 468A.070  Stats. Implemented: ORS 468A.025 & 468A.035” | This definition was in OAR 340-200-0020, which was last approved in the SIP on 06/20/13. | SIP |
| 224 | 0030 | NA | NA | Change title to “Major New Source Review Procedural Requirements” | Clarification. These procedural requirements are for Major New Source Review. There are also procedural requirements for State New Source Review. | SIP |
| 224 | 0030 | NA | NA | Add “federal” to major source | DEQ has changed the definition of major source to federal major source to accommodate the State New Source Review program for non-federal major sources and changes that are not major modifications. | SIP |
| 224 | 0030(1) | NA | NA | Add “or approved” to the forms | DEQ may accept application information on forms other than those supplied by DEQ, especially spreadsheets for calculating emissions | SIP |
| 224 | 0020(3)(b) | 224 | 0030(2)(b) | Change to:  “(b) Notwithstanding the requirements of OAR 340-216-0040(11), DEQ will make a final determination on the application within twelve months after receiving a complete application following the public participation procedures of Category IV in OAR 340 division 209.” | Clarification and simplification. Division 218 is for Title V permits and not New Source Review permits. Change the time when DEQ will make a final determination on the application from six months to twelve months. Past practice for DEQ to make a final determination on an application has been at least 12 months, if not longer. The rule changes reflect the reality of Major NSR application processing. The Category IV public participation procedures will be used for Major NSR/PSD permit applications and are explained in division 209. | SIP |
| 224 | 0030(2) | 224 | 0030(3) | Delete “Other Obligations” and change to:  “Approval to construct becomes invalid if construction is not commenced within 18 months after DEQ issues such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within 18 months of the scheduled time. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date;” | Restructure | SIP |
| NA | NA | 224 | 0030(4) | Add:  “(4) If the owner or operator intends to modify the project before construction is completed, the owner or operator must obtain approval for the modification of the project following the permit application requirements in OAR 340 division 216 and this division. If construction has commenced, the owner or operator must temporarily halt construction until the permit modification is issued.” | Clarification. If the owner or operator needs to modify the approved project, construction must be temporarily halted to ensure air quality is protected by doing any additional analysis that may be required. | SIP |
| 224 | 0030(2)(a) | NA | NA | Add:  “(5) Construction Extensions: DEQ may grant, for good cause, two 18-month construction extensions as follows:” | Clarify that extensions to NSR/PSD construction permits are allowed as long as there haven’t been any changes to the project that would negatively affect air quality, such as increase emissions, different stack characteristics, etc. | SIP |
| NA | NA | 224 | 0030(5)(a) | Add:  “(a) For the first extension, the owner or operator must submit an application to modify the permit that includes the following:  (A) a LAER or BACT analysis, as applicable, if any new control technologies have become commercially available since the original LAER or BACT analysis for the original regulated pollutants subject to Major New Source Review; and  (B) the moderate technical permit modification fee in OAR 340-216-8010 Table 2 Part 3 and must provide.” | Clarify what is required for the first extensions to NSR/PSD construction permits. DEQ will grant the first extension provided there have not been any changes to the project which would negatively affect air quality. | SIP |
| NA | NA | 224 | 0030(5)(b) | Add:  “(b) For the second extension the owner or operator must submit an application to modify the permit and include the following for the original regulated pollutants subject to Major New Source Review:  (A) A review of the original LAER or BACT analysis for potentially lower limits and a review of any new control technologies that may have become commercially available since the original LAER or BACT analysis; and  (B) A review of the air quality analysis to address any of the following:  (i) All ambient air quality standards and PSD increments that were subject to review under the original application;  (ii) any new competing sources or changes in ambient air quality since the original application was submitted;  (iii) any new ambient air quality standards and PSD increments for the regulated pollutants that were subject to review under the original application; and  (iv) any changes to EPA approved models that would affect modeling results since the original application was submitted; and  (C) the moderate technical permit modification fee plus the modeling review fee in OAR 340-216-8010 Table 2 Part 3.  (D) If during the first 36 months of the original permit, the area impacted by the source is subject to any of the following redesignations, the permit will be terminated.  (i) The area is redesignated from attainment to sustainment or nonattainment;  (ii) The area is redesignated from sustainment to nonattainment.” | Clarify what is required for the second extensions to NSR/PSD construction permits. | SIP |
| NA | NA | 224 | 0030(5)(c) | Add:  “(c) The New Source Review permit will be terminated 54 months after it was initially issued if construction does not commence during that 54 month period. If the owner or operator wants approval to construct beyond the termination of the New Source Review permit, the owner or operator must submit an application for a new Major New Source Review permit.” | Clarification. DEQ will not grant third extensions. The owner or operator must apply for a new NSR permit. | SIP |
| NA | NA | 224 | 0030(5)(d) | Add:  “(d) If construction is commenced within 54 months, the permit can be renewed or the owner or operator may apply for a Title V permit as required in OAR 340-218-0190.” | Clarification | SIP |
| NA | NA | 224 | 0030(5)(e) | Add:  “(e) To request a construction extension as provided in subsection (a) or (b), the owner or operator must submit an application to modify the permit at least 30 days prior but no more than 90 days prior to the end of the current construction approval period.” | Clarification. Add requirements for submittal of an application for construction extension | SIP |
| NA | NA | 224 | 0030(5)(e)(A) | Add:  “(A) Construction may not commence during the period from the end of the preceding construction approval to the time DEQ approves the next extension.” | Clarification. Construction cannot commence until DEQ approves the extension request. | SIP |
| NA | NA | 224 | 0030(5)(e)(B) | Add:  “(B) DEQ will make a proposed permit modification available using the following public participation procedures:  (i) Category II for an extension that does not require an air quality analysis; or  (ii) Category III for an extension that requires an air quality analysis.” | The public participation procedures for Category II provide a 30 period to submit written comments. If an air quality analysis is required for the second extension, the public participation procedures for Category III provides a 35 day period to submit written comments and a provision for a hearing, if one is scheduled. | SIP |
| NA | NA | 224 | 0030(5)(e)(C) | Add:  “(C) If DEQ determines that the project will continue to meet Major New Source Review requirements, the approval to construct will be extended for 18 months from the end of the first or second 18-month construction period, whichever is applicable.” | Clarification. Extensions will be granted for consecutive 18-month periods. | SIP |
| 224 | 0030(2)(c) | 224 | 0030(7) | Change to:  “(7) Except as prohibited in section (8), approval to construct a source under an ACDP issued under OAR 340 division 216 authorizes construction and operation of the source, until the later of:” | Correction and restructure. Construction approval under an ACDP is in division 216 | SIP |
| 224 | 0030(2)(c)(A) | 224 | 0030(7)(a) | Add “federal” to major source | DEQ has changed the definition of major source to federal major source to accommodate the State New Source Review program for non-federal major sources and changes that are not major modifications. | SIP |
| 224 | 0030(2)(d) | 224 | 0030(8) | Add “Title V” permit revision | Clarification | SIP |
| 224 | 0030(3) | NA | NA | Delete (3) Application Processing | This section was moved to section (2) | SIP |
| 224 | 0080 | 224 | 0034 | Move “Exemptions” and change to:  “Temporary emission sources that would be in operation at a site for less than two years, such as pilot plants and portable facilities, and emissions resulting from the construction phase of a new major source or major modification must comply with only the control technology requirements of OAR 340-224-0050(1), 340-224-0060(1) or 340-224-0070(2), whichever is applicable, but are exempt from the remaining requirements of OAR 340-224-0050, 340-224-0060 and 340-224-0070 provided that the major source or major modification would not impact a Class I area or an area with a known violation of a ambient air quality standard or a PSD increment.” | Restructure and clarify | SIP |
| NA | NA | 224 | 0034 | Add:  “[ED. NOTE: This rule was moved verbatim from OAR 340-224-0080 and amended in redline/strikeout.]” | Clarification |  |
| 224 | 0100 | 224 | 0038 | Move “Fugitive and Secondary Emissions” | Restructure | SIP |
| 224 | 0100 | 224 | 0038 | Change to:  “Fugitive emissions are included in the calculation of emission rates of all air contaminants. Fugitive emissions are subject to the same control requirements and analyses required for emissions from identifiable stacks or vents. Secondary emissions are not included in calculations of potential emissions that are made to determine if a proposed source is a federal major source or if the source’s modification is a major modification at a federal major source. Once a source is identified as being a federal major source or proposing a major modification, secondary emissions also become subject to the air quality impact analysis requirements in this division and OAR 340 division 225.” | Clarification. Secondary emissions are not included in the emission calculations of potential emissions to determine if a proposed source is a federal major source. Once the source is identified as a federal major source or a modification is major, secondary emissions become subject to the air quality analysis requirements of division 225. | SIP |
| 224 | 0040 | NA | NA | Add “federal” and “at a federal major source” | DEQ has changed the definition of major source so the distinction between major and federal major must be made. | SIP |
| NA | NA | 224 | 0045 | Add a section for Requirements for Sources in Sustainment Areas:  “Within a designated sustainment area, proposed federal major sources and major modifications at federal major sources of a sustainment pollutant must meet the requirements listed below:  (1) OAR 340-224-0070; and  (2) For the sustainment pollutant, including precursors, demonstrate a net air quality benefit under OAR 340-224-0510 and 340-224-0520 for ozone areas or under OAR 340-224-0510 and 340-224-0530(4) for non-ozone areas, whichever is applicable, unless the source can demonstrate that the impacts are less than the significant impact levels at all receptors within the designated area.” | This provision will help the area from becoming a nonattainment area and will also allow sources to construct in areas that are not yet designated as nonattainment areas. BACT will minimize emissions and the net air quality benefit requirements will ensure that AQ will not be harmed. | SIP |
| 224 | 0050 | NA | NA | Add “federal” and “at a federal major source” and switch the order of SO2 or NOx | DEQ has changed the definition of major source so the distinction between major and federal major must be made. Consistency | SIP |
| 224 | 0050(1) | NA | NA | Change “or precursor(s)” to “and precursor” and delete “significant emission rate” and parentheses around SER | Correction | SIP |
| 224 | 0050(1)(a)(B) | NA | NA | Change to:  “(B) Each emissions unit that emits the nonattainment pollutant or precursor and is included in the most recent netting basis and contributed to the emissions increase calculated in OAR 340-224-0025(2)(b) for the nonattainment pollutant or precursor.” | Correction and clarification. Tie back to the units/changes in the definition of major modification. | SIP |
| 224 | 0050(1)(c) | NA | NA | Add “Major” | DEQ has changed the definition of major source so the distinction between major and federal major must be made. | SIP |
| 224 | 0050(1)(c)(A) | NA | NA | Change to:  “(A) The physical change or change in the method of operation at a unit that contributed to the emissions increase calculated in OAR 340-224-0025(2)(b) was made in compliance with Major NSR requirements in effect when the change was made, and” | Correction and clarification. Tie back to the units/changes in the definition of major modification. Also, clarify what “change” means. |  |
| 224 | 0050(1)(d) | NA | NA | Change to:  “(d) Physical changes or changes in the method of operation to individual emissions units that contributed to the emissions increase calculated in OAR 340-224-0025(2)(b) but only increased the potential to emit less than 10 percent of the SER are exempt from this section unless:” | Correction and clarification. Tie back to the units/changes in the definition of major modification. Also, this uses “modification” rather than change, so make consistent with (A) and clarify what is meant. |  |
| NA | NA | 224 | 0050(2) | Add :  “(2) Air Quality Protection:  (a) Air Quality Analysis: The owner or operator of a federal major source must conduct the air quality related values protection analysis under OAR 340-225-0070.  (b) Net Air Quality Benefit: The owner or operator of a federal major source must demonstrate net air quality benefit using offsets under OAR 340-224-0510 and 340-224-0520 for ozone areas or under OAR 340-224-0510 and 340-224-0530(2) and (5) for non-ozone areas, whichever is applicable.” | DEQ is redefining Net Air Quality Benefit for all sources in all areas. See “New Source Review Program Supplemental Discussion.” | SIP |
| NA | NA | 224 | 0050(3) | Add:  “(3) Sources Impacting Other Designated Areas: The owner or operator of any federal major source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the requirements for demonstrating net air quality benefit under OAR 340-224-0520 for ozone areas or OAR 340-224-0540 for non-ozone areas, whichever is applicable.” | Add a provision for requirements if a source impacts other designated area. See “New Source Review Program Supplemental Discussion.” | SIP |
| 224 | 0050(3)(a) | 224 | 0050(4)(a) | Change to:  “(a) The owner or operator of a federal major source subject to this rule must evaluate alternative sites, sizes, production processes, and environmental control techniques for the proposed source or major modification and demonstrate that benefits of the proposed source or major modification will significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.” | 340-224-0050 applies to federal major sources, which are defined as 100 tpy sources in nonattainment areas. This language “that emits or has the potential to emit 100 tons per year or more of any regulated pollutant” is not necessary. | SIP |
| 224 | 0050(3)(a) | 224 | 0050(4)(b) | Change to:  “(b) The owner or operator of a federal major source subject to this rule must demonstrate that all federal major sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in the state are in compliance, or are on a schedule for compliance, with all applicable emission limitations and standards under the FCAA.” | 340-224-0050 applies to federal major sources, which are defined as 100 tpy sources in nonattainment areas. This language “that emits or has the potential to emit 100 tons per year or more of any regulated pollutant” is not necessary. | SIP |
| 224 | 0050(3)(c) | NA | NA | Delete this rule requiring visibility impact analysis | Already included in OAR 340-224-0050(2)(a) | SIP |
| NA | NA | 224 | 0055 | Add a section for Requirements for Sources in Reattainment Areas:  “Within a designated reattainment area, proposed federal major sources and major modifications at federal major sources of a reattainment pollutant, including VOC or NOx in a designated ozone area and NOx or SO2 in a designated PM2.5 area, must meet the requirements listed below:  (1) OAR 340-224-0050;  (2) Additional impacts analysis in OAR 340-225-0050(3); and  (3) The owner or operator must not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level under OAR 340-225-0050(1).” | It takes time to develop maintenance plans for nonattainment areas before EPA can redesignate the area to maintenance. After DEQ has three years of data showing that the area is meeting the NAAQS but before the maintenance plan can be developed, DEQ wants to designate these areas as reattainment areas. This will give source more flexibility in permitting requirements as long as air quality is protected before the area is redesignated as maintenance. | SIP |
| 224 | 0060 | NA | NA | Add “at federal major sources” after “and major modifications” and switch the order of SO2 and NOx | Clarification and consistency | SIP |
| 224 | 0060(1) | NA | NA | Delete BACT requirements and reference OAR 340-224-0070 | Simplification | SIP |
| 224 | 0060(2) | 224 | 0060(1) & (2) | Replace existing requirements with:  “(1) The requirements for attainment or unclassified areas in OAR 340-224-0070; and  (2) Net Air Quality Benefit: The owner or operator of a federal major source must demonstrate Net Air Quality Benefit by satisfying one of the requirements listed below:  (a) obtain offsets using OAR 340-224-0510 and 340-224-0520 for ozone areas or OAR 340-224-0510 and 340-224-0530(3) for non-ozone areas, whichever is applicable;  (A) Sources within or affecting the Medford Ozone Maintenance Area are exempt from the requirement for NOx offsets relating to ozone formation.  (B) Sources within or affecting the Salem Ozone Maintenance Area are exempt from the requirement for VOC and NOx offsets relating to ozone formation;  (b) comply with the limits in OAR 340-202-0225 by performing the analysis specified in OAR 340-225-0045;” | DEQ is redefining Net Air Quality Benefit for all sources in all areas. See “New Source Review Program Supplemental Discussion.” | SIP |
| 225 | 0090(1)(d) & (e) | 224 | 0060(2)(a)(A) & (B) | Move Medford and Salem Ozone Maintenance Area requirements to this rule | Restructure | SIP |
| 224 | 0060(2)(b) | 224 | 0060(2)(c) | Change to:  “(c) Obtain an allocation from a growth allowance. The requirements of this section may be met in whole or in part in an ozone or carbon monoxide maintenance area with an allocation by DEQ from a growth allowance, if available, under the applicable maintenance plan in the SIP adopted by the EQC and approved by EPA. An allocation from a growth allowance used to meet the requirements of this section is not subject to subsection (2)(a). Procedures for allocating the growth allowances for the Oregon portion of the Portland-Vancouver Interstate Maintenance Area for Ozone and the Portland Maintenance Area for Carbon Monoxide are contained in OAR 340-242-0430 and OAR 340-242-0440.” | Clarification. The Net Air Quality Benefit requirements have been moved from OAR 340-225-0090 to OAR 340-224-0520 for ozone areas and OAR 340-224-0530 for non-ozone areas. | SIP |
| 224 | 0060(2)(c) & (d) | 202 | 0225 | Move Ambient Air Quality Thresholds for CO and PM10 Maintenance Areas to division 202 | Division 202 will contain all ambient standards and thresholds intended to protect ambient air quality | SIP |
| 224 | 0060(2)(e) | 224 | 0060(2)(a)(B) | Move (e) for Salem Ozone Maintenance exemption | Renumbered to OAR 340-224-0060(2)(a)(B) | SIP |
| 224 | 0060(3) | NA | NA | Delete:  “(3) The owner or operator of a source subject to this rule must provide an air quality analysis in accordance with OAR 340-225-0050(1) and (2), and 340-225-0060.” | Already included in cross referenced OAR 340-224-0070 | SIP |
| 224 | 0060(4) | NA | NA | Delete:  “(4) Additional Requirements for Federal Major Sources: The owner or operator of a federal major source subject to this rule must provide an analysis of the air quality impacts for the proposed source or modification in accordance with OAR 340-225-0050(3) and 340-225-0070. In addition to the provisions of this section, provisions of section OAR 340-224-0070 also apply to federal major sources.” | Already included in cross referenced OAR 340-224-0070 | SIP |
| NA | NA | 224 | 0060(3) | Add a provision for requirements if a source is located outside but impacts a designated area:  “(3) Sources Impacting Other Designated Areas: The owner or operator of any federal major source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the requirements for demonstrating net air quality benefit under OAR340-224-0510 and 340-224-0520 for ozone areas or OAR 3340-224-0510 and 340-224-0540 for non-ozone areas, whichever is applicable.” | DEQ is redefining Net Air Quality Benefit for all sources in all areas. See “New Source Review Program Supplemental Discussion.” | SIP |
| 224 | 0060(5)(a) | 224 | 0060(4)(a) | Change to:  “(a) The source must comply with the LAER requirement in OAR 340-224-0050(1) in lieu of the BACT requirement in section (1); and” | Clarification | SIP |
| 224 | 0060(5)(b) | NA | NA | Delete:  “(b) An allocation from a growth allowance may not be used to meet the requirement for offsets in section (2) of this rule.” | The contingency plan requirements kick in if the monitoring data exceeds the NAAQS. Therefore, LAER and offsets are required for projects in the area. Growth allowance is for ozone and CO maintenance areas and is covered in the new 340-224-0060(4)(b). There are no growth allowances for PM2.5 or PM10. | SIP |
| 224 | 0060(5)(c) | 224 | 0060(4)(b) | Change to:  “(b) The alternatives provided in subsections (2)(b) and (2)(c) no longer apply.” | The Ambient Air Quality Limits (thresholds) for Maintenance Areas were moved to division 202 but the exemption was provided in (2)(b). | SIP |
| 224 | 0060(5)(c) | 224 | 0060(5) & (6) | Add “at federal major sources” to “major modifications: | Clarification | SIP |
| 224 | 0060(7) | 224 | 0060(6) | Add “or 340-224-0055, whichever is applicable” to the end of the sentence. | Clarification. The source could be subject to reattainment requirements if the area is designated as reattainment. | SIP |
| 224 | 0070 | NA | NA | Change to:  “Within a designated attainment or unclassified area, proposed federal major sources and major modifications at federal major sources of all regulated pollutants for which the increase in emissions exceeds the netting basis by an amount that is equal to or greater than the SER, except for any pollutant for which the area is otherwise designated,, must meet the requirements listed below.” | Correction. Delete “for the pollutant(s) for which the area is designated attainment or unclassified.” There are pollutants that do not have NAAQS for which PSD can be triggered. | SIP |
| 225 | 0050(4) | 224 | 0070(1) | Move Air Quality Monitoring to this rule | Air quality monitoring may be required for attainment or unclassified areas and belongs in division 224 rather than division 225. | SIP |
| 225 | 0050(4) | 224 | 0070(1)(a) | Change title to “Preconstruction Air Quality Monitoring” | Restructure | SIP |
| 225 | 0050(4) | 224 | 0070(1)(a)(A) | Change to:  “(A) The owner or operator of a source must submit with the application an analysis of ambient air quality in the area impacted by the proposed project. This analysis, which is subject to DEQ's approval, must be conducted for each regulated pollutant potentially emitted at a SER by the proposed source or major modification except as allowed by paragraph (B).” | This rule was moved from division 225 so the language referring to division 224 is no longer needed. | SIP |
| 225 | 0050(4) | 224 | 0070(1) | Restructure (1)(a)(A) into subparagraphs and move paragraph (E) to subparagraph (iv) | Clarification | SIP |
| 225 | 0050(4) | 224 | 0070(1)(a)(A)(i) | Change to:  “(i) The analysis must include continuous air quality monitoring data for any regulated pollutant that may be emitted by the major source or major modification, except for volatile organic compounds.” | Clarification. Paragraph (B) provides exceptions to the preconstruction air quality monitoring requirement | SIP |
| 225 | 0050(4) | 224 | 0070(1)(a)(A)(iii) | Change to:  “(iii) DEQ may allow the owner or operator to demonstrate that data gathered over some other time period would be adequate to determine that the source or modification would not cause or contribute to a violation of an ambient air quality standard or any applicable PSD increment.” | Clarification | SIP |
| 225 | 0050(4)(a)(E) | 224 | 0070(1)(a)(A)(iv) | Move to 340-224-0070(1)(a)(A)(iv) and add PM2.5 | Restructure | SIP |
| 224 | 0070(4)(a)(B) | 224 | 0070(1)(a)(A)(vi) | Change to:  “(vi) Required air quality monitoring must be conducted using 40 CFR 58 Appendix A, "Quality Assurance Requirements for SLAMS, SPMs and PSD Air Monitoring" and with other methods on file with DEQ.” | Plain language and correction. The title of the document is wrong. Delete the date on Appendix A. CFR date is included in Reference Materials rule, OAR 340-200-0035 | SIP |
| NA | NA | 224 | 0070(1)(a)(A)(vii) | Add:  “(vii) DEQ may allow the owner or operator to demonstrate that representative or conservative background concentration data would be adequate to determine that the source or major modification would not cause or contribute to a violation of an ambient air quality standard or any applicable PSD increment.” | Clarification | SIP |
| 225 | 0050(4)(a)(C) | 224 | 0070(1)(a)(B) | Change to:  “DEQ may exempt the owner or operator of a proposed major source or major modification from preconstruction monitoring for a specific regulated pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would be less than the amounts listed below or that modeled competing source concentration plus the general background concentration of the regulated pollutant within the Source Impact Area, as defined in OAR 340 division 225, are less than the following significant monitoring concentrations:” | Clarification. Source Impact Area is defined in division 225 | SIP |
| 225 | 0050(4)(a)(C)(iv) | 224 | 0070(1)(a)(B)(iv) | Change the PM2.5 significant monitoring concentration from 4 ug/m3 to 0 ug/m3 | The *Sierra Club v. EPA* decision held that no exemptions from the one-year monitoring requirement for PM2.5 were permitted (except that an applicant could prove that monitoring for a shorter period was sufficient).  EPA revised the existing concentration for the PM2.5 SMC to zero micrograms per cubic meter (0 mg/m3). The EPA did not entirely removing PM2.5 as a listed pollutant in the SMC provisions because to do so might lead to the issuance of  permits that contradict the holding of the Court as to the statutory monitoring requirements. Both sections 51.166(i)(5)(iii) and 52.21(i)(5)(iii)  permit the reviewing authority to exempt a permit applicant from the monitoring requirements if ‘‘[t]he pollutant is not listed in paragraph  (i)(5)(i) of this section.’’ Were EPA to completely remove PM2.5 from the list of pollutants in sections 51.166(i)(5)(i)(*c*) and 52.21(i)(5)(i)(*c*) of the PSD regulations, PM2.5 would no longer be a  listed pollutant and the paragraph (iii) provision could be interpreted as giving reviewing authorities the discretion to exempt permit applicants from the requirement to conduct monitoring for PM2.5, in contravention of the Court’s decision and the CAA. Instead, the EPA  revised the concentration listed in sections 51.166(i)(5)(i)(*c*) and 52.21(i)(5)(i)(*c*) to 0 mg/m3. This means that there is no air quality impact level  below which a reviewing authority has the discretion to exempt a source from the PM2.5 monitoring requirements. By continuing to include PM2.5 as a pollutant in the list contained in  sections 51.166(i)(5)(i) and 52.21(i)(5)(i), with the numerical value replaced with 0 mg/m3, EPA avoided any concern that paragraph (iii) of the two affected sections could be applied to excuse permit applicants from adequately addressing the monitoring requirement for PM2.5. | SIP |
| 225 | 0050(4) | 224 | 0070(1)(a)(C) | Change to:  “In addition to the exemption provided in paragraph (B), the requirement for preconstruction monitoring in paragraph (A) may be satisfied by the submittal of representative or conservative general background concentration data.” | The previous language allowing the owner or operator of a source (where required by divisions 222 or 224) to substitute post construction monitoring for the requirements of preconstruction monitoring for a specific pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would not cause or contribute to an exceedance of any air quality standard is being changed.  The demonstration that the air quality impact from the emissions increase would not cause or contribute to an exceedance of any air quality standard requires a competing source analysis and representative background data if the new source impacts are above the SIL. DEQ has not allowed post construction monitoring to be substituted for preconstruction monitoring. Ambient air data from the same monitor that provided the background concentration used in the modeling is used to ensure that air quality is below the NAAQS after construction. Therefore, DEQ is changing this requirement to exempt a source from preconstruction monitoring if representative or conservative general background concentration data is available. | SIP |
| 225 | 0050(4)(a)(D) | NA | NA | Delete:  “(D) The Department may allow the owner or operator of a source (where required by divisions 222 or 224) to substitute post construction monitoring for the requirements of (4)(a)(A) for a specific pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would not cause or contribute to an exceedance of any air quality standard. This analysis must meet the requirements of 340-225-0050(2)(b) and must use representative or conservative General Background Concentration data.” | DEQ will not allow the substitution of post construction for preconstruction monitoring. Post construction monitoring is covered under 340-224-0070(1)(b) | SIP |
| 225 | 0050(4)(b) | 224 | 0070(1)(b) | Add title Post-Construction Air Quality Monitoring | Restructure | SIP |
| 224 | 0070(1) | 224 | 0070(2) | Change “or a federal major” to “at a federal major” | Correction | SIP |
| 224 | 0070(1)(a)(B) | 224 | 0070(2)(a)(B) | Change to:  “(B) Each emissions unit that emits the regulated pollutant or precursor and is included in the most recent netting basis and contributed to the emissions increase calculated in OAR 340-224-0025(2)(b) for the attainment pollutant or precursor.” | Clarification. The language in this section uses different words to describe the applicability of BACT from the language in the definition of major modification in OAR 340-224-0025 is confusing. These revisions refer the reader back to the units described in the definition of major modification in OAR 340-224-0025. | SIP |
| 224 | 0070(1)(c) | 224 | 0070(2)(c) | Add “major” to NSR | DEQ has added rules for State New Source Review in this division so the distinction between major and minor new source review must be made | SIP |
| NA | NA | 224 | 0070(3) | Add Air Quality Protection heading | Restructure | SIP |
| 224 | 0070(2) | 224 | 0070(3)(a) | Change to:  “(a) Air Quality Analysis: The owner or operator of a source must provide an analysis of the air quality impacts of each regulated pollutant for which emissions will exceed the netting basis by the SER or more due to the proposed major source or major modification under OAR 340-225-0050, 340-225-0060, and 340-225-0070.” | The owner or operator of a source would only be in this part of the rules if it were subject to this rule. | SIP |
| NA | NA | 224 | 0070(3)(c) | Add:  “(c) The owner or operator of a federal major source must not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level under OAR 340-225-0050(1).” | In a recent lawsuit, the Sierra Club argued that EPA lacks authority to establish Significant Impact Levels (SILs) because a proposed source or modification in an area that is close to violating the NAAQS or an increment could violate the NAAQS or increment even if its emissions would have an ambient impact below the SIL. The U.S. Court of Appeals for the D.C. Circuit vacated and remanded to EPA certain aspects of a 2010 agency rule regarding SILs and the Significant Monitoring Concentration (SMC) for fine particulate matter (PM2.5). Therefore, DEQ has added the requirement that the new or modified source must not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the SIL. This safeguard ensures that a new or modified source will not significantly impact the area. | SIP |
| 224 | 0070(2)(b) | 224 | 0070(4) | Change to:  “(4) Sources Impacting Other Designated Areas: The owner or operator of any federal major source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the requirements for demonstrating net air quality benefit under OAR 340-224-0510 and 340-224-0510 and 340-224-0520 for ozone areas or OAR 340-224-0510 and 340-224-0540 for non-ozone areas, whichever is applicable.” | Add a provision for requirements if a source is located outside but impacts a designated area. DEQ is redefining Net Air Quality Benefit for all sources in all areas. See “New Source Review Program Supplemental Discussion.” | SIP |
| 224 | 0070(3) | NA | NA | Delete Air Quality Monitoring | Already included in OAR 340-224-0070(1) | SIP |
| 224 | 0070(4) | NA | NA | Delete the requirement for significantly impacting a PM10 maintenance area | Already included in AOR 340-224-0070(4) | SIP |
| 224 | 0080 | 224 | 0034 | Move this rule to OAR 340-224-0034 | Restructure | SIP |
| 224 | 0100 | 224 | 0038 | Move this rule to OAR 340-224-0038 | Restructure | SIP |
| 224 |  |  |  | State New Source Review |  |  |
| NA | NA | 224 | 0200 | Add State New Source Review Applicability | DEQ has added rules for State New Source Review in this section so this division now covers both major and minor new source review | SIP |
| NA | NA | 224 | 0210 | Add State New Source Review Procedural Requirements | DEQ has added rules for State New Source Review. These procedural requirements are for State New Source Review. There are also procedural requirements for Major New Source Review. See “New Source Review Program Supplemental Discussion.” | SIP |
| NA | NA | 224 | 0245 | Add Requirements for Sources in Sustainment Areas | DEQ has added rules for State New Source Review. See “New Source Review Program Supplemental Discussion.” | SIP |
| NA | NA | 224 | 0250 | Add Requirements for Sources in Nonattainment Areas | DEQ has added rules for State New Source Review. See “New Source Review Program Supplemental Discussion.” | SIP |
| NA | NA | 224 | 0255 | Add Requirements for Sources in Reattainment Areas | DEQ has added rules for State New Source Review. See “New Source Review Program Supplemental Discussion.” | SIP |
| NA | NA | 224 | 0260 | Add Requirements for sources in Maintenance Areas | DEQ has added rules for State New Source Review. See “New Source Review Program Supplemental Discussion.” | SIP |
| NA | NA | 224 | 0270 | Add Requirement for Sources in Attainment and Unclassifiable Areas | DEQ has added rules for State New Source Review. See “New Source Review Program Supplemental Discussion.” | SIP |
| 224 |  |  |  | Net Air Quality Benefit Emission Offsets |  |  |
| NA | NA | 224 | 0500 | Add Net Air Quality Benefit for Sources Locating Within or Impacting Designated Areas | The Requirements for Demonstrating a Net Air Quality Benefit are being moved to division 224 because they are requirements for NSR/PSD. They are not air quality analysis requirements. See “New Source Review Program Supplemental Discussion.” | SIP |
| NA | NA | 224 | 0510 | Add Common Offset Requirements | The Requirements for Demonstrating a Net Air Quality Benefit are being moved to division 224 because they are requirements for NSR/PSD. They are not air quality analysis requirements. See “New Source Review Program Supplemental Discussion.” | SIP |
| 225 | 0090(1) | 224 | 0520 | Move Requirements for demonstrating Net Air Quality Benefit for Ozone Areas | The Requirements for Demonstrating a Net Air Quality Benefit are being moved to division 224 because they are requirements for NSR/PSD. They are not air quality analysis requirements. See “New Source Review Program Supplemental Discussion.” | SIP |
| 225 | 0090(1) | 224 | 0520 | Change to:  “For sources capable of impacting a designated ozone area:” | Simplification. This rule covers areas other than nonattainment and maintenance | SIP |
| 225 | 0090(1)(a) | 224 | 0520(1) | Do not capitalize ozone precursor distance | Correction | SIP |
| 225 | 0010(10) | 224 | 0520(2) | Move the definition of “ozone precursor distance here.  “(2) Ozone precursor distance is the distance in kilometers from the nearest boundary of an ozone designated area within which a major new or modified source of VOC or NOx is considered to significantly affect that designated area. The determination of significance is made by either the formula method or the demonstration method.” | Restructure | SIP |
| 225 | 0010(10)(a) | 224 | 0520(2)(a) | Change to:  “(a) The Formula Method.  (A) For sources with complete permit applications submitted before January 1, 2003: D = 30 km  (B) For sources with complete permit applications submitted on or after January 1, 2003: D = (Q/40) x 30 km.  (C) D is the Ozone Precursor Distance in kilometers. The value for D is 100 kilometers when D is calculated to exceed 100 kilometers. Q is the larger of the NOx or VOC emissions increase above the netting basis from the source being evaluated in tons/year.  (D) If a source is located at a distance less than D from the designated area, the source is considered to have a significant effect on the designated area. If the source is located at a distance equal to or greater than D, it is not considered to have a significant effect.” | Clarification | SIP |
| 225 | 0010(10)(b) | 224 | 0520(2)(b) | Change to:  “(b) The Demonstration Method. An applicant may demonstrate to DEQ that the source or proposed source would not significantly impact the designated area. This demonstration may be based on an analysis of major topographic features, dispersion modeling, meteorological conditions, or other factors. If DEQ determines that the source or proposed source would not significantly impact the designated area under high ozone conditions, the ozone precursor distance is zero kilometers.” | The demonstration method will be used in sustainment and reattainment areas along with nonattainment and maintenance areas. | SIP |
| 225 | 0090(1)(b) | 224 | 0520(3) | Change to:  “(3) The amount and location of offsets must be determined using this section:” | Plain language | SIP |
| 225 | 0090(1)(b)(A) | 224 | 0520(3)(a) | Delete “nonattainment” | This rule applies to areas other than nonattainment | SIP |
| 225 | 0090(1)(a)(D) | 224 | 0520(3)(d) | Do not capitalize ozone precursor distance and delete the reference to OAR 340-225-0020(11). The definition of ozone precursor offsets is included in section (4). | Correction and restructure | SIP |
| 225 | 0010(11) | 224 | 0520(4) | Change to:  “(4) Ozone precursor offsets are the emission reductions required to offset emission increases from a major new or modified source located inside the designated nonattainment or maintenance area or within the ozone precursor distance. Emission reductions must come from within the designated area or from within the ozone precursor distance of the offsetting source as described above. The offsets determination is made by either the formula method or the demonstration method.” | Restructure | SIP |
| 225 | 0010(11)(a)(A)(ii) | 224 | 0520(4)(a)(A)(ii) | Change to:  “(ii) For sources with complete permit applications submitted on or after January 1, 2003: RO = (SQ minus (SD multiplied by 40/30))” | Clarification | SIP |
| 225 | 0010(11)(a)(B) | 224 | 0520(4)(a)(B) | Change to:  “(B) Contributing sources may provide offsets (PO) calculated as follows: PO = CQ minus (CD multiplied by 40/30)” | Clarification | SIP |
| 225 | 0010(11)(a)(D)(iii) | 224 | 0520(4)(a)(D)(iii) | Change to:  “(iii) SD is the source distance in kilometers to the designated area. SD is zero for sources located within the designated area.” | This rule applies to areas other than nonattainment | SIP |
| 225 | 0010(11)(a)(D)(v) | 224 | 0520(4)(a)(D)(v) | Change to:  “(v) CQ is the contributing emissions reduction in tons per year calculated as the contemporaneous pre-reduction actual emissions less the post-reduction allowable emissions from the contributing source (OAR 340-268-0030(1)(b)).” | Clarification. The pre-reduction emissions are *actual emissions*, and the post-reduction emissions are *allowable* (PSELS). | SIP |
| 225 | 0010(11)(a)(D)(vi) | 224 | 0520(4)(a)(D)(vi) | Change to:  “(vi) CD is the contributing source distance in kilometers to the designated area. For a contributing source located within the designated area, CD equals zero.” | This rule applies to areas other than nonattainment | SIP |
| NA | NA | 224 | 0520(1)(c) | Add:  “(c) Offsets obtained for a previous PSEL increase that did not involve resetting the netting basis can be credited toward offsets currently required for a PSEL increase.” | If a new source was first permitted at 50 tpy, and assuming they don’t go through PSD, then their netting basis is zero and they need to get offsets according to the formula. If they then want to increase the PSEL to 75 tpy, their netting basis is still zero and on the face of it, they need to get offsets based on a 75 tpy increase. One might hope that DEQ would see fit to give credit for offsets used for the original 50 tpy and the source would only have to get offsets for the 25 tpy increase, but the rules don’t seem to contemplate that situation. | SIP |
| 225 | 0090(2)(d) & (e) | NA | NA | Delete:  “ (d) Sources within or affecting the Medford Ozone Maintenance Area are exempt from the requirement for NOx offsets relating to ozone formation.  (e) Sources within or affecting the Salem Ozone Maintenance Area are exempt from the requirement for VOC and NOx offsets relating to ozone formation.” | These subsections were moved to 340-224-0060(2)(a)(A) and (B) | SIP |
| NA | NA | 224 | 0520 | Add:  “[ED. NOTE: This rule was moved verbatim from OAR 340-225-0010(10) and (11) and OAR 340-225-0090(1) and amended in redline/strikeout. See history under OAR 340-225-0010 and 340-225-0090.]” | Clarification |  |
| NA | NA | 224 | 0530 | Add Requirements for Demonstrating Net Air Quality Benefit for Non-Ozone Areas | The Requirements for Demonstrating a Net Air Quality Benefit are being moved to division 224 because they are requirements for NSR/PSD. They are not air quality analysis requirements. See “New Source Review Program Supplemental Discussion.” | SIP |
| NA | NA | 224 | 0540 | Add Sources in a Designated Area Impacting Other Designated Areas | The Requirements for Demonstrating a Net Air Quality Benefit are being moved to division 224 because they are requirements for NSR/PSD. They are not air quality analysis requirements. See “New Source Review Program Supplemental Discussion.” | SIP |
| 225 |  |  |  | Air Quality Analysis Requirements |  |  |
| 225 | 0010 | NA | NA | Delete “Major” | DEQ has added rules for State New Source Review so the division has been renamed to “New Source Review” | NA |
| 225 | 0020 | NA | NA | Add division 204 as another division that has definitions that would apply to this division | Add reference to division 204 definitions | NA |
| 225 | 0020(1)(a) | NA | NA | Add 40 CFR Part 62 to the definition of “allowable emissions” | The definition of “Allowable Emissions” should also include 40 CFR Part 62, since that is where the federal standards are for existing incineration sources in Oregon. | NA |
| 225 | 0020(2) | NA | NA | Delete the definition of “background light extinction” | “Background light extinction” not used in this division or any air quality division | NA |
| 225 | 0020(3) | 225 | 0020(2) | Add “major” to “source” and “modification” in the “background concentration” definition | DEQ has added rules for State New Source Review in this division so the distinction between major and minor new source review must be made | NA |
| 225 | 0020(3)(d) | 225 | 0020(2)(d) | Change “redesignates” to “redesignated” and add the year that EPA redesignated the AQMA to attainment for PM10 - 2006 | Clarification | NA |
| 225 | 0020(4) | 225 | 0020(3) | Change to:  “(3) "Competing PSD increment consuming source impacts" means the total modeled concentration above the modeled baseline concentration resulting from increased and decreased emissions of all other sources since the baseline concentration year that are within the range of influence of the source in question. Allowable emissions may be used as a conservative estimate of increased emissions, in lieu of actual emissions, in this analysis.” | Decreases in emissions since the baseline concentration year should also be included in a competing PSD increment consuming source analysis. Allowable emissions should not include creased emissions to be a conservative estimate. | NA |
| 225 | 0020(5) | 225 | 0020(4) | Change to:  "Competing NAAQS Source Impacts" means total modeled concentrations resulting from allowable emissions of all other sources expected to cause a significant concentration gradient in the vicinity of the source or sources under consideration. | Clarification. The Range of Influence is a formula that doesn’t take into account actual topography. The change allows more flexibility in evaluating the impact from sources on a case-by-case basis. This is language taken from EPA’s Appendix W to Part 51—Guideline on Air Quality Models – 8.2.3 Recommendations (Multi-Source Areas). | NA |
| 225 | 0020(7) | 225 | 0020(6) | Change “determine this as” to “accept” | Clarification | NA |
| 225 | 0020(9) | 225 | 0020(7) | Do not capitalize “nitrogen deposition” | This definition is not in alphabetic order | NA |
| 225 | 0020(8) | 225 | 0020(8) | Move definition of “predicted maintenance area concentration” and add “PM10” before concentrations | This definition is not in alphabetic order | NA |
| 225 | 0020(10) | 224 | 0520 | Move definition of “ozone precursor distance” to division 224 | This definition is part of the requirements for VOC and NOx offsets in ozone nonattainment and maintenance areas. Therefore, it belongs with the offset requirements in division 224. | NA |
| 225 | 0020(11) | 224 | 0520 | Move definition of “ozone precursor offsets” to division 224 | This definition is part of the requirements for VOC and NOx offsets in ozone nonattainment and maintenance areas. Therefore, it belongs with the offset requirements in division 224. | NA |
| 225 | 0020(12)(a)(B)(i) | 225 | 0020(9)(a)(B)(i) | Change “significant impact area” to “source impact area” and do not capitalize | Correction. The defined term is “source impact area” | NA |
| 225 | 0020(12)(a)(B)(iii) | 225 | 0020(9)(a)(B)(iii) | Delete “in the table” and add constants K to definition of “Range of Influence” | Clarification. Add constants to text and strike Ed. Note that links to table of K values | NA |
| 225 | 0020(13) | 225 | 0020(10) | Change to:  “(10) "Source impact area" means a circular area with a radius extending from the source to the largest distance to where predicted impacts from the source or modification equal or exceed the Class II Significant Impact Levels set out in OAR 340-200-0020. This definition only applies to PSD Class II areas and is not intended to limit the distance for PSD Class I modeling.” | Clarification | NA |
| 225 | 0020 | NA | NA | Delete the note:  “[ED. NOTE: Tables referenced are not included in rule text. Click here for PDF copy of table(s).]” | The table with K values has been added to the definition of “Range of Influence” | NA |
| NA | NA | 225 | 0030(1) | Add a new section (1):  “When required to conduct an air quality analysis by division 224, the owner or operator must submit a modeling protocol to DEQ and have it approved before submitting a permit application.” | Clarification. This has always been a requirement. | NA |
| 225 | 0030 | 225 | 0030(2) | Delete “Information Required.” | Heading not needed. | NA |
| 225 | 0030 | 225 | 0030(2) | Add “for permit applications” to clarify what OAR 340-216-0040 pertains to | Clarification | NA |
| 225 | 0030 | 225 | 0030(2) | Delete parentheses and reference to division 222 | Division 222 no longer requires modeling analyses. Modeling for PSEL increases in division 222 has been moved to division 225. | NA |
| 225 | 0030 | 225 | 0030(2) | Change “must” to “may” | The air quality analysis and visibility analysis is not required for all sources | NA |
| 225 | 0030 | 225 | 0030(2)(b) | Change to:  “(b) Stack parameter data, height above ground, exit diameter, exit velocity, and exit temperature, for all existing and proposed emission points from the source or modification;” | Clarification | NA |
| 225 | 0030(4) | 225 | 0030(2)(d) | Change “January 1, 1978” to “the baseline concentration year” | Correction. January 1, 1978 was chosen in the initial round of rules because baseline period was 1977/78 instead of the August 1977 Clean Air Act date. The baseline concentration year is pollutant specific so one date won’t work for all pollutants. | NA |
| 225 | 0040 | NA | NA | Add “other than that” and change “inappropriate” to “appropriate” | Provide an option of using another impact model in PSD Class II and III areas based on approval by DEQ and EPA | NA |
| 225 | 0040 | NA | NA | Delete reference to "Interim Procedures for Evaluating Air Quality Models (Revised)" (U.S. Environmental Protection Agency, 1984) | This document is no longer used. | NA |
| 225 | 0045 | NA | NA | Change to:  “Modeling: For determining compliance with the NAAQS and PSD increments, the owner or operator must conduct the modeling required by OAR 340-225-0050(1) and (2). For determining compliance with the maintenance area limits established in OAR 340-202-0225, the following methods must be used:” | Clarification and correction. Reference the modeling required in OAR 340-225-0050 for compliance with the NAAQS and PSD increments. DEQ has added the requirement that the new or modified source must not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the SIL. Reference the ambient air quality limits for maintenance areas that were moved to division 202. | NA |
| 225 | 0045(1) | NA | NA | Change to:  “(1) For each maintenance area pollutant and its precursors, a single source impact analysis is sufficient to show compliance with the maintenance area limits if:  (a) The modeled impacts from emission increases equal to or greater than a SER above the netting basis due to the proposed source or modification being evaluated are less than the Class II Significant Impact Levels specified in OAR 340-200-0020; and  (b) The owner or operator provides an assessment of factors that may impact the air quality conditions in the area showing that the SIL by itself is protective of the maintenance area limits. The assessment must take into consideration but is not limited to the following factors:  (A) The background ambient concentration relative to the maintenance area limit;  (B) The emission increases and decreases from other sources within the range of influence since the area was designated as a maintenance area; and  (C) Other factors such as spatial distribution of existing emission sources, topography, and meteorological conditions.” | Correction and clarification. In a recent lawsuit, the Sierra Club argued that EPA lacks authority to establish Significant Impact Levels (SILs) because a proposed source or modification in an area that is close to violating the NAAQS or an increment could violate the NAAQS or increment even if its emissions would have an ambient impact below the SIL. The U.S. Court of Appeals for the D.C. Circuit vacated and remanded to EPA certain aspects of a 2010 agency rule regarding SILs and the Significant Monitoring Concentration (SMC) for fine particulate matter (PM2.5). DEQ is requiring that owners/operators must demonstrate by the SIL by itself is protective of the maintenance area limits. This safeguard ensures that a new or modified source will not significantly impact the area. | NA |
| 225 | 0045(2) | NA | NA | Change to:  “(2) If the requirement in section (1) is not satisfied, , the owner or operator of a proposed source or modification must show that modeled impacts from the proposed increased emissions plus competing source impacts, plus the predicted maintenance area concentration are less than the limits in OAR 340-202-0225 for all averaging times.” | Restructure and correction | NA |
| 225 | 0045(2)(b) and (c) | NA | NA | Delete (b) for demonstrating compliance with the NAAQS and (c) for demonstrating compliance with the PSD increments | These requirements are less restrictive than the maintenance area limits in OAR 340-202-0225 plus they are already included in OAR 340-225-0050. | NA |
| 225 | 0050(1) | NA | NA | Change to:  “(1) For each regulated pollutant and its precursors, a single source impact analysis is sufficient to show compliance with the ambient air quality standards and PSD increments if:  (a) The modeled impacts from emission increases equal to or greater than a SER above the netting basis due to the proposed major source or major modification being evaluated are less than the Class II Significant Impact Levels specified in OAR 340-200-0020; and  (b) The owner or operator provides an assessment of factors that may impact the air quality conditions in the area showing that the SIL by itself is protective of the NAAQS and PSD Increments. The assessment must take into consideration but is not limited to the following factors:  (A) The background ambient concentration relative to the NAAQS;  (B) The emission increases and decreases from other sources within the range of influence since the baseline concentration year; and  (C) Other factors such as spatial distribution of existing emission sources, topography, and meteorological conditions.” | Clarification. See discussion above regarding the Sierra Club lawsuit that argued that EPA lacks authority to establish Significant Impact Levels (SILs). | NA |
| 225 | 0050(2) | NA | NA | Change to “major source or major modification” | Not necessary | NA |
| 225 | 0050(2)(a) | NA | NA | Change to:  “(a) For demonstrating compliance with the PSD Class II and III Increments (as defined in OAR 340-202-0210), the owner or operator of a proposed major source or major modification must show that modeled impacts from the proposed increased emissions, above the modeled baseline concentration, plus competing PSD increment consuming source impacts above the modeled baseline concentration are less than the PSD increments for all averaging times.” | Clarification | NA |
| 225 | 0050(2)(b) | NA | NA | Do not capitalize “Competing NAAQS Source Impacts” or “General Background Concentrations.” | Correction | NA |
| NA | NA | 225 | 0050(3) | Add:  “(3) The owner or operator must not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level, in accordance with OAR 340-225-0050(2).” | Clarification. See discussion above regarding the Sierra Club lawsuit that argued that EPA lacks authority to establish Significant Impact Levels. | NA |
| 225 | 0050(3)(a) | 225 | 0050(4)(a) | Delete division 222 | Division 222 has been changed to refer to sources to division 224 rather than division 225 | NA |
| 225 | 0050(3)(a) & (b) | 225 | 0050(4)(a) & (b) | Change to “major source or major modification” and “significant emission rate” to “SER” | Clarification | NA |
| 225 | 0050(4) | 224 | 0070(1) | Move Air Quality Monitoring to division 224 | Reorganization. Air quality monitoring is a NSR/PSD requirement. It is not a part of an air quality analysis. | NA |
| 225 | 0050 | NA | NA | Delete the note:  “[ED. NOTE: Tables referenced are available from the agency.]” | The tables referenced have been added to the text of the definitions significant impact levels, PSD Class II and III Increments, and significant emission rates | NA |
| 225 | 0060(1) & (2) | NA | NA | Delete division 222 and parentheses | Division 222 has been changed to refer to sources to division 224 rather than division 225 | NA |
| 225 | 0060(2)(a) | NA | NA | Add “PSD” to increments and “significant” to Class I impact | Clarification | NA |
| 225 | 0060(2)(b) | NA | NA | Do not capitalize “Baseline Concentration” or “Competing PSD Increment Consuming Source Impacts.” Delete parentheses. | Correction | NA |
| 225 | 0060(2)(b) | NA | NA | Add “Class I” to PSD increments | Clarification | NA |
| 225 | 0060(2)(c) | NA | NA | Change to:  “(c) For each regulated pollutant and its precursors, a single source impact analysis will be sufficient to show compliance with standards if modeled impacts from emission increases equal to or greater than a SER above the netting basis due to the proposed source or modification being evaluated are demonstrated to be less than the Class II significant impact levels specified in OAR 340-200-0020. The owner or operator must not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level, in accordance with OAR 340-225-0050(2).” | Clarification. See above for explanation of significant impact level. | NA |
| 225 | 0060(2)(d) | NA | NA | Do not capitalize “competing NAAQS source impacts” and “general background concentrations” | Not necessary | NA |
| 225 | 0060 | NA | NA | Delete the note:  “[ED. NOTE: Tables referenced are available from the agency.]” | The table referenced has been added to the text of the definitions significant impact levels | NA |
| 225 | 0070 | NA | NA | Spell out AQRV in the title | Clarification | NA |
| 225 | 0070(1) | NA | NA | Change to  “(1) Non-federal major sources are exempt from the requirements of this rule.” | Clarification | NA |
| NA | NA | 225 | 0070(2) | Add:  “(2) When directed by division 224, the requirements of this rule apply to each emissions unit that increases the actual emissions of the regulated pollutant in question above the portion of the netting basis attributable to that emissions unit.” | Clarification. AQRV requirements apply to each emissions unit that increases actual emissions above its portion of the netting basis. | NA |
| 225 | 0070(2) | 225 | 0070(3) | Change to:  “(3) DEQ shall provide notice of permit applications involving AQRV analysis to EPA and Federal Land Managers as follows:” | Clarification. DEQ provides notice of permit applications to EPA and Federal Land Managers | NA |
| 225 | 0070(2)(a), (c) & (d) | 225 | 0070(3)(a), (c) & (d) | Replace parentheses around “including visibility” with commas | Correction | NA |
| 225 | 0070(2)(d) | 225 | 0070(3)(d) | Replace “maximum allowable” with PSD and change to “major source or major modification” | Correction | NA |
| 225 | 0070(3) | 225 | 0070(4) | Delete division 222 | Division 222 has been changed to refer to sources to division 224 rather than division 225 | NA |
| 225 | 0070(3)(a) | 225 | 0070(4)(b) | Require visibility analysis in Columbia River Gorge National Scenic Area | DEQ is making a visibility analysis on the Columbia River Gorge National Scenic Area mandatory if it is affected by the source. DEQ partnered with Southwest Clean Air Agency in developing the **Columbia River Gorge Air Study and Strategy.** The strategy uses the requirements of the federal Regional Haze Program to improve visibility in the Gorge. Therefore, DEQ believes that mandatory visibility analysis on the Columbia River Gorge is an important part of that strategy. | NA |
| 225 | 0070(3)(c) | 225 | 0070(4)(c) | Delete “pursuant to OAR 340-224-0030(1) | Not necessary | NA |
| 225 | 0070(3)(d) | 225 | 0070(4)(d) | Add “significant” to impairment | Clarification | NA |
| 225 | 0070(5)(a) | 225 | 0070(6)(a) | Delete parentheses | Correction | NA |
| 225 | 0070(5)(a) | 225 | 0070(6)(a) | Delete division 222 | Division 222 has been changed to refer to sources to division 224 rather than division 225 | NA |
| 225 | 0070(5)(b) | 225 | 0070(6)(b) | Add “significant” to impairment | Clarification | NA |
| 225 | 0070(6) | 225 | 0070(7) | Require deposition modeling in Class I areas and the Columbia River Gorge Scenic Area where visibility modeling is required. | Because similar pollutants affect both visibility and acid deposition, DEQ is making deposition modeling required where visibility modeling is required. | NA |
| 225 | 0070(6) | 225 | 0070(7) | Do not capitalize “nitrogen deposition” and “sulfur deposition” | Correction | NA |
| 225 | 0070(7)(a) | 225 | 0070(8)(a) | Delete division 222 | Division 222 has been changed to refer to sources to division 224 rather than division 225 | NA |
| 225 | 0070(7)(b) | 225 | 0070(8)(b) | Change to:  “After construction has been completed, the owner or operator must conduct such visibility monitoring if DEQ requires visibility monitoring as a permit condition to establish the effect of the regulated pollutant on visibility conditions within the impacted Class I area.” | Clarification | NA |
| 225 | 0070(8) | 225 | 0070(9) | Change cross reference and change to “major source and “major modification” | Rule numbers have changed | NA |
| 225 | 0090(1) | 224 | 0520 | Move to division 224 | The Requirements for Demonstrating a Net Air Quality Benefit are being moved to division 224 because they are requirements for NSR/PSD. They are not air quality analysis requirements. SEE “NEW SOURCE REVIEW PROGRAM SUPPLEMENTAL DISCUSSION.” | NA |
| 225 | 0090(1)(a) | 224 | 0520(1) | Move to division 224 | See above | NA |
| 225 | 0090(1)(b) | 224 | 0520(2) | Move to division 224 | See above | NA |
| 225 | 0090(1)(c) | 224 | 0520(3) | Move to division 224 | See above | NA |
| 225 | 0090(1)(d) | 224 | 0060(2)(d) | Move to division 224 | See above | NA |
| 225 | 0090(1)(e) | 224 | 0060(2)(e) | Move to division 224 | See above | NA |
| 225 | 0090(2) | 224 | 0540 | Move to division 224 | See above | NA |
| 225 | 0090(2)(a)(B) | 224 | 0540(2) | Move to division 224 | See above. Change offset requirement to 1.2:1 if offsets do not include offsets from priority sources. Ratio reduced to 1.0:1 if using offsets from priority sources. SEE SEPARATE DOCUMENT | NA |
| 225 | 0090(2)(a)(C) | 224 | 0500(3) | Move to division 224 | See above | NA |
| 225 | 0090(2)(a)(D) | 224 | 5000 | Move to division 224 | See above | NA |
| 225 | 0090(2)(a)(D)(i) | 224 | 0540(4) | Move to division 224 | See above | NA |
| 225 | 0090(2)(a)(D)(ii) & (2)(c)(A)(ii) | NA | NA | Move requirements for small scale local energy project | Move to OAR 340-224-0530(6) | NA |
| 225 | 0090(2)(a)(E) | 224 | 0500 | Move to division 224 | See above | NA |
| 225 | 0090(2)(b) & (c) | 224 | 0550 | Move to division 224 | See above | NA |
| 225 | 0090(2)(c)(A) | 224 | 0540(1) | Move to division 224 | See above | NA |
| 225 | 0090(2)(c)(B) | 224 | 0550 | Move to division 224 | See above | NA |
| 225 | 0090(3) | 224 | 0500(2) | Move to division 224 | See above | NA |
| 225 | 0090(4) | 224 | 0500(1) | Move to division 224 | See above. Also covered in division 268. | NA |
| 225 | 0090(5) | 224 | 0500(1) | Move to division 224 | See above | NA |
| 225 | 0090(6) | 224 | 0500(4) | Move to division 224 | See above | NA |
| 225 | 0090(7) | 224 | 0540 | Move to division 224 | See above | NA |
| 226 |  |  |  | General Emission Standards [Table 1-Particulate Matter Emissions Standards for Process Equipment] |  |  |
| 226 | NA | NA | NA | Delete note:  “[**NOTE**: Administrative Order DEQ 16 repealed previous rules OAR 340-021-0005 through 340-021-0031 (consisting of AP 1, filed 1-14-57; and SA 16, filed 2-13-62).]” | This note is no longer needed. SA probably stands for Sanitary Authority, which was the regulatory agency before DEQ was established. | NA |
| 226 | 0010 | NA | NA | Add division 204 as another division that has definitions that would apply to this division | Add reference to Division 204 definitions | SIP |
| 226 | 0010(1) | NA | NA | Delete definition of “new source” and incorporate dates for new and existing sources into rule language. | Clarification | SIP |
| 226 | 0010(2) | 200 | 0020(110) | Delete definition of “particulate matter” and use modified division 200 definition | See discussion above in division 204 in definition of “particulate matter.” Definition different from division 200, 226, 234, 236, and 240. Delete and use a modified version of division 200 definition. Move specific test requirements to rule with standard. Create a testing and monitoring section in 340-234-0540. | SIP |
| 226 | 0010(5) | 200 | 0020(167) | Delete definition of “standard conditions,” use division 240 definition and move to division 200 | See discussion above in division 200 in definition of “standard conditions.” Definition different from division 240 but same as division 226 and 228 | SIP |
| 226 | 0010(6) | 200 | 0020(48) | Move definition of “standard cubic foot” to division 200 and change to “dry standard cubic foot” | See discussion above in division 200 definition of “dry standard cubic foot.” Definition of standard cubic foot different from division 236 and 240. Use definition in 240 and move to division 200 | SIP |
| 226 |  |  |  | Highest and Best Practicable Treatment and Control |  |  |
| 226 | 0100(1) | NA | NA | Change to:  “(1) As specified in OAR 340-226-0110 through 340-226-0140 and sections (2) through (5), the highest and best practicable treatment and control of air contaminant emissions must in every case be provided so as to maintain overall air quality at the highest possible levels, and to maintain contaminant concentrations, visibility reduction, odors, soiling and other deleterious factors at the lowest possible levels. In the case of sources installed, constructed, or modified after June 1, 1970, particularly those located in areas with existing high air quality, the degree of treatment and control provided must be such that degradation of existing air quality is minimized to the greatest extent possible.” | The definition of “new source” has been deleted so put the definition in the text. | SIP |
| 226 | 0100(2) | NA | NA | Delete “of this chapter” | Plain language | SIP |
| 226 | 0110 | NA | NA | Change “owner and operator of a source are encouraged” to “owner or operator is encouraged” | Correction. All instances are owner or operator, not and | SIP |
| 226 | 0120(1)(b)(A) | NA | NA | Add “pressure drop, ammonia slip” to the operational, maintenance and work practice requirements | Pressure drop was inadvertently omitted before Even though ammonia isn’t a regulated pollutant, SCR control is becoming a very common control technology so add this for clarification | SIP |
| 226 | 0120(1)(b)(B) | NA | NA | Delete the hyphen in recordkeeping | Correction | SIP |
| 226 | 0120(3) | NA | NA | Delete the hyphen in startup and shutdown | Correction | SIP |
| 200 | 0020(146) | 226 | 0130 | Add:  “For existing sources, the emission limit established will be typical of the emission level achieved by emissions units similar in type and size. For new and modified sources, the emission limit established will be typical of the emission level achieved by well controlled new or modified emissions units similar in type and size that were recently installed. TACT determinations will be based on information known to DEQ while considering pollution prevention, impacts on other environmental media, energy impacts, capital and operating costs, cost effectiveness, and the age and remaining economic life of existing emission control devices. DEQ may consider emission control technologies typically applied to other types of emissions units where such technologies could be readily applied to the emissions unit. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required.” | Move the procedural requirements for TACT from the definition | SIP |
| NA | NA | 226 | 0130 | Add SIP note:  “**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.” | Correction | SIP |
| 226 | 0140(1) | NA | NA | Do not capitalize ambient air quality standard and delete the space before the period | Correction | SIP |
| 226 | 0140(5) | NA | NA | Change chapter to OAR | Correction | SIP |
| 226 |  |  |  | Grain Loading Standards |  |  |
| 226 | 0210 | NA | NA | Change title to “Particulate Emission Limitations for Sources Other Than Fuel Burning Equipment, and Refuse Burning Equipment, and Fugitive Emissions” | Clarification | SIP |
| 226 | 0210 | NA | NA | Replace the grain loading standards with the following sections. | DEQ is proposing the change because of the following reasons:   * EPA’s adoption of a new PM2.5 24-hour NAAQS has resulted in 2 nonattainment areas, with a third meeting the definition but not legally designated as such. This proposed rule change will reduce grain loading in all areas and will help prevent future problem. * More and more areas of the state are special control areas due to population increases. * Phased compliance will give sources that cannot meet the new standards time to comply. * Changes will make it easier to determine compliance for the both the source and the DEQ. | SIP |
| NA | NA | 226 | 0210(1) | Add:  “(1) This rule does not apply to fugitive emission sources, fuel burning equipment, refuse burning equipment, and solid fuel burning devices that have been certified under OAR 340-262-0500.” | Clarification | SIP |
| NA | NA | 226 | 0210(2) | Add:  “(2) No person may cause, suffer, allow, or permit particulate matter emission from any air contaminant source in excess of:  (a) For sources installed, constructed, or modified before June 1, 1970:  (A) 0.10 grains per dry standard cubic foot unless representative compliance source test data prior to [INSERT SOS FILING DATE OF RULES] is greater than 0.080 grains per dry standard cubic foot;  (B) If the limit in paragraph (A) does not apply, 0.2 grains per dry standard cubic foot through December 31, 2019;  (C) If the limit in paragraph (A) does not apply, 0.15 grains per dry standard cubic foot beginning January 1, 2020; or  (D) For equipment or a mode of operation that is used less than 876 hours per calendar year, 0.20 grains per standard cubic foot beginning January 1, 2020.  (b) For sources installed, constructed, or modified on or after June 1, 1970 but prior to [INSERT SOS FILING DATE OF RULES]:  (A) 0.10 grains per dry standard cubic foot unless representative compliance source test data prior to [INSERT SOS FILING DATE OF RULES] is greater than 0.080 grains per dry standard cubic foot;  (B) If the limit in paragraph (A) does not apply, 0.1 grains per dry standard cubic foot through December 31, 2019; or  (C) If the limit in paragraph (A) does not apply, 0.14 grains per dry standard cubic foot beginning January 1, 2020.  (c) For sources installed, constructed or modified after [INSERT SOS FILING DATE OF RULES], 0.10 grains per dry standard cubic foot.  (d) The owner or operator of a source installed, constructed or modified before [INSERT SOS FILING DATE OF RULES] who is unable to comply with the compliance dates specified in paragraphs (a)(C) and (b)(C) may request that DEQ grant an extension allowing the source up to one additional year to comply with the standard. The request for an extension must be submitted no later than October 1, 2019.” | For sources installed, constructed, or modified before June 1, 1970:   * Sources that have representative source test data at less than 0.080 gr/dscf must continue to be operated at Highest and Best and will receive a grain loading limit of 0.10 gr/dscf. * Sources with source test data above 0.080 gr/dscf will remain at the current limit of 0.2 gr/dscf until 12/31/19 * On 01/01/20, the grain loading limit will be reduced to 0.15 gr/dscf * Provide an exemption for equipment or modes of operation used less than 876 hours per year, such as equipment that is used less than 10% of the time and backup fuel during a natural gas curtailment. This is similar to EPA’s language from the area source Boiler MACT: *Limited-use boiler* means any boiler that burns any amount of solid or liquid fuels and has a federally enforceable average annual capacity factor of no more than 10 percent.   For sources installed, constructed, or modified after June 1, 1970:   * Sources that have representative source test data at less than 0.080 gr/dscf must continue to be operated at Highest and Best and will receive a grain loading limit of 0.10 gr/dscf. * Sources with source test data above 0.080 gr/dscf will remain at the current limit of 0.1 gr/dscf until 12/31/19 * On 01/01/20, the grain loading limit will be reduced to 0.14 gr/dscf * Sources installed, constructed, or modified after 11/01/14 must comply with 0.10 gr/dscf * Sources may request an extension if necessary | SIP |
| NA | NA | 226 | 0210(3) | Add:  “(3) Compliance with the emissions standards in section (2) is determined using:  (a) Oregon Method 5;  (b) DEQ Method 8, as approved by DEQ for sources with exhaust gases at or near ambient conditions;  (c) DEQ Method 7 for direct heat transfer sources; or  (d) An alternative method approved by DEQ.  (e) For purposes of this rule, representative source test data is data that is obtained when a source is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions based on the current configuration of the fuel burning equipment and pollution control equipment.” | A test method should always be specified with each standard in order to be able to show compliance. Representative source test data is clarified. | SIP |
| 226 | 0310 | NA | NA | Renumber Table 1 to OAR 340-226-8005 | Correction | SIP |
| 226 | 0310 Table 1 | 226 | 8005 | Renumber Table 1 and add statutory authority, statues implemented and rule history from OAR 340-226-0310. | Correction | SIP |
| 226 | 0310 Table 1 | 226 | 8005 | Change 60,000 to 6,000,000 | Correction. Extrapolation is for process weight rates greater than the highest value in the table, 6,000,000 pounds/hour | SIP |
| 226 | 0310 Table 1 | 226 | 8005 | Change lb/hr and tons/hr to pounds/hour and tons/hour in the text below the table | Correction | SIP |
| 226 |  |  |  | Alternative Emission Controls |  |  |
| 226 | 0400(1)(c) | NA | NA | Change “OAR 340-224-0090, Requirements for Net Air Quality Benefit” to OAR 340-224-0520 and 340-224-0530 | The Net Air Quality Benefit requirements were moved to division 224 | SIP |
| 226 | 0400(1)(d) | NA | NA | Change “pollutants” to “air contaminants” | The defined term is “air contaminants” | SIP |
| 228 |  |  |  | Requirements For Fuel Burning Equipment and Fuel Sulfur Content |  |  |
| 228 | 0020 | NA | NA | Add division 204 as another division that has definitions that would apply to this division | Add reference to division 204 definitions | SIP |
| 228 | 0020(1) | 200 | 0025(9) | Delete definition of ASTM already in division 200 | Delete and use acronym in division 200 | SIP |
| 228 | 0020(2) | NA | NA | Definition of Coastal Areas not used in this or any other air quality division | Delete definition | SIP |
| 208  228  240 | 0010(4)  0020(4)  0030(14) | 200 | 0020(69) | Delete definition of “fuel burning equipment” and move to division 200 with clarifications | See discussion above in division 200 in definition of “fuel burning equipment.” Move definition of fuel burning equipment from divisions 208, 228, and 240 to division 200 and clarify. | SIP |
| 228 | 0020(6) | 200 | 0020(1567) | Delete definition of “standard conditions,” use division 240 definition and move to division 200 | See discussion above in division 200 in definition of “standard conditions.” Definition different from division 240 but same as division 226 and 228. Use division 240 definition and move to division 200 | SIP |
| 228 | 0020(7) | 200 | 0020(48) | Delete definition of “standard cubic foot” and use definition of “dry standard cubic foot” from division 240 and move to division 200 | See discussion above in division 200 in definition o9f “dry standard cubic foot.” Definition different from division 236 and 240 but same as 228. Each standard will have the applicable test method long with the correct adjustment. | SIP |
| 228 |  |  |  | Sulfur Content of Fuels |  |  |
| 228 | 0120(2) | NA | NA | Delete “Except as provided for in sections (4) and (5) of this rule” | DEQ is deleting sections (4) and (5) because the dates have passed so this language excepting sections (4) and (5) is no longer necessary. | SIP |
| 228 | 0120(4) and (5) | NA | NA | Delete:  “(4) Users of coal for direct residential space heating in 1980 who apply in writing by July 1, 1983 and receive written approval from the Department shall be exempted from the requirement of section (2) of this rule provided they certify that they used more than one-half ton of coal in 1980.  (5) Distributors may sell coal not meeting specification in section (2) of this rule to those users who have applied for and received the exemption provided for in section (4) of this rule.” | These rules apply to residential coal users in 1980. Those users had to have applied to DEQ in 1983 for an exemption. These rules are no longer necessary since the dates have past. The requirement for not selling coal for direct space heating with greater than 0.3 percent sulfur and five percent volatile matter remains the same. | SIP |
| 228 |  |  |  | General Emission Standards for Fuel Burning Equipment |  |  |
| 228 | 0200 | NA | NA | Move “only” to before “applicable to sources” from the end of the phrase | Clarification | SIP |
| 228 | 0200 | NA | NA | Add “except recovery furnaces regulated in division 234” | The change in the definition of fuel burning equipment pulls in recovery furnaces so they need to be exempt from the sulfur dioxide standards in division 228. There are sulfur dioxide standards for recovery furnaces in division 234. | SIP |
| 228 | 0200 | NA | NA | Change Lb. to pounds | Correction | SIP |
| 228 | 0210 | NA | NA | Replace the grain loading standards with the following sections. | DEQ is proposing the change because of the following reasons:   * EPA’s adoption of a new PM2.5 24-hour NAAQS has resulted in 2 nonattainment areas, with a third meeting the definition but not legally designated as such. This proposed rule change will reduce grain loading in all areas and will help prevent future problem. * More and more areas of the state are special control areas due to population increases. * Phased compliance will give sources that cannot meet the new standards time to comply. * Changes will make it easier to determine compliance for the both the source and the DEQ. | SIP |
| 228 | 0210(3) | 228 | 0210(1) | (1) This rule applies to fuel burning equipment, except solid fuel burning devices that have been certified under OAR 340-262-0500. | Clarification | SIP |
| NA | NA | 228 | 0210(2) | Add:  “(2) No person may cause, suffer, allow, or permit particulate matter emission from any fuel burning equipment in excess of:  (a) For sources installed, constructed, or modified before June 1, 1970:  (A) 0.10 grains per dry standard cubic foot unless representative compliance source test data prior to [INSERT SOS FILING DATE OF RULES] is greater than 0.080 grains per dry standard cubic foot;  (B) If the limit in paragraph (A) does not apply, 0.2 grains per dry standard cubic foot through December 31, 2019;  (C) If the limit in paragraph (A) does not apply, 0.15 grains per dry standard cubic foot beginning January 1, 2020; or  (D) For equipment or a mode of operation (e.g., backup fuel) that is used less than 876 hours per calendar year, 0.20 grains per standard cubic foot beginning January 1, 2020.  (b) For sources installed, constructed, or modified on or after June 1, 1970 but prior to [INSERT SOS FILING DATE OF RULES]:  (A) 0.10 grains per dry standard cubic foot unless representative compliance source test data prior to [INSERT SOS FILING DATE OF RULES] is greater than 0.080 grains per dry standard cubic foot;  (B) If the limit in paragraph (A) does not apply, 0.1 grains per dry standard cubic foot through December 31, 2019; or  (C) If the limit in paragraph (A) does not apply, 0.14 grains per dry standard cubic foot beginning January 1, 2020.  (c) For sources installed, constructed or modified after [INSERT SOS FILING DATE OF RULES], 0.10 grains per dry standard cubic foot.  (d) The owner or operator of a source installed, constructed or modified before June 1, 1970 who is unable to comply with the standard in paragraph (a)(C) may request that DEQ set a source specific limit of 0.17 grains per dry standard cubic foot provided paragraphs (A) and (B) are satisfied.  (A) The owner or operator must hire a registered professional engineer that specializes in boiler/multiclone operation to evaluate whether the fuel burning equipment will be unable to comply with the standard in paragraph (a)(C) after implementing any of the following options:  (i) Maintenance and upgrades to an existing multiclone system;  (ii) Replacement of an existing multiclone system; or  (iii) Addition of a multiclone system to uncontrolled fuel burning equipment.  (B) If paragraph (A) has been satisfied, the owner or operator must submit an application for a permit modification to request the alternative limit by no later than October 1, 2019. The application must include the engineering report of the evaluation signed by a registered professional engineer. The request will be processed as a significant permit modification (simple fee) for sources with an Oregon Title V Operating Permit or a Simple Technical Modification for sources with an Air Contaminant Discharge Permit.  (C) The owner or operator may request that DEQ grant an extension allowing the source up to one additional year to comply with the standard provided that the owner or operator submits an engineering report signed by a registered professional engineer that demonstrates that the source cannot comply with the standard without making significant changes to the equipment or control equipment or adding control equipment. The request for an extension must be submitted no later than October 1, 2019.” | For sources installed, constructed, or modified before June 1, 1970:   * Sources that have representative source test data at less than 0.080 gr/dscf must continue to be operated at Highest and Best and will receive a grain loading limit of 0.10 gr/dscf. * Sources with source test data above 0.080 gr/dscf will remain at the current limit of 0.2 gr/dscf until 12/31/19 * On 01/01/20, the grain loading limit will be reduced to 0.15 gr/dscf * Provide an exemption for equipment or modes of operation used less than 876 hours per year, such as equipment that is used less than 10% of the time and backup fuel during a natural gas curtailment. This is similar to EPA’s language from the area source Boiler MACT: *Limited-use boiler* means any boiler that burns any amount of solid or liquid fuels and has a federally enforceable average annual capacity factor of no more than 10 percent.   For sources installed, constructed, or modified after June 1, 1970:   * Sources that have representative source test data at less than 0.080 gr/dscf must continue to be operated at Highest and Best and will receive a grain loading limit of 0.10 gr/dscf. * Sources with source test data above 0.080 gr/dscf will remain at the current limit of 0.1 gr/dscf until 12/31/19 * On 01/01/20, the grain loading limit will be reduced to 0.14 gr/dscf * Sources installed, constructed, or modified after 11/01/14 must comply with 0.10 gr/dscf * Sources may request a source specific limit of 0.17 gr/dscf if it follows the procedures listed in subsection (d) * Sources may request an extension if necessary | SIP |
| NA | NA | 228 | 0210(3) | Add:  “(3) Compliance with the emissions standards in section (2) is determined using Oregon Method 5, or an alternative method approved by DEQ.  (a) For indirect heat transfer fuel burning equipment that burn wood fuel by itself or in combination with any other fuel, the emission results are corrected to 12% CO2.  (b) For indirect heat transfer fuel burning equipment that burn fuels other than wood, the emission results are corrected to 50% excess air.  (c) For purposes of this rule, representative source test data is data that is obtained when a source is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions based on the current configuration of the fuel burning equipment and pollution control equipment.” | A test method should always be specified with each standard in order to be able to show compliance. Representative source test data is clarified. | SIP |
| 228 | 0210(2) | NA | NA | Delete requirement for burning salt laden wood | The source for which this was an applicable requirement has shut down and there are no other sources in the state that burn salt laden wood. | SIP |
| 228 |  |  |  | Federal Acid Rain Program |  |  |
| 228 | 0300(1) | NA | NA | Change to:  “(1) 40 CFR Parts 72, 75, and 76 are by this reference adopted and incorporated herein, for purposes of implementing an acid rain program that meets the requirements of title IV of the Clean Air Act. The term "permitting authority" means the Oregon DEQ and the term "Administrator" means the Administrator of the United States EPA.” | CFR date is included in Reference Materials rule, OAR 340-200-0035 | NA |
| 228 | 0400 through 0530 plus Appendix A |  |  | Repeal Federal Acid Rain Program rules for Western Backstop SO2 Federal Trading Program | Rules are no longer necessary since DEQ now uses federal regional haze rules | SIP |
| 232 |  |  |  | Emission Standards For VOC Point Sources |  |  |
| 232 | 0010(2) | NA | NA | Delete parentheses | Correction | SIP |
| 232 | 0010(3) | NA | NA | Delete apostrophe after AQMA and change “Salem SATS” to in Salem-Keizer, in the SKATS listed” | Correction | SIP |
| 232 | 0010(3) | NA | NA | Change “of this section, including” to “below” | Correction | SIP |
| 232 | 0010(4) | NA | NA | Add “before add-on controls” | Correction. States must do RACT for major sources using uncontrolled emissions | SIP |
| 232 | 0020(1) | NA | NA | Delete:  “(1) Notwithstanding the emission limitations in OAR 340 this division, all new major sources or major modifications at existing sources, located within the areas cited in section (2) of this rule, shall comply with OAR 340 division 224 (New Source Review).” | This does not add anything to the rules. It is covered in division 224 so delete here. | SIP |
| 232 | 0020(2) | 232 | 0020(1) | Replace “General Emission Standards for Volatile Organic Compounds” with “applicable requirements in this division” | The division is called “Emission Standards for VOC Point Sources,” not “General Emission Standards for Volatile Organic Compounds” | SIP |
| 232 | 0020(3) | 232 | 0020(2) | Replace “General Emission Standards for Volatile Organic Compounds” with “requirements in this division” | The division is called “Emission Standards for VOC Point Sources,” not “General Emission Standards for Volatile Organic Compounds” | SIP |
| 232 | 0020(4) | NA | NA | Delete:  “(4) All new and existing sources in the areas identified in section (2) of this rule shall apply Reasonably Available Control Technology (RACT) subject to the categorical RACT requirements set forth in this division. Compliance with the requirements in this division shall be presumed to satisfy the RACT requirement.” | Clarification. This rule says that compliance with the new numbered section (1) is compliance with the RACT requirements, a circular statement so it is not necessary. | SIP |
| 232 | 0030(17) | 200 | 0020(38) | Move definition of “day” to division 200 | Definition used in many divisions | SIP |
| 232 | 0030(19) | 200 | 0020(57) | Use the definition of “emissions unit” in division 200:  "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). | Definition different from division 200 definition.  Delete and use the definition of “emissions unit” in division 200  340-232-0030(19) "Emissions unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation. | SIP |
| 232 | 0030(28) | NA | NA | Change “gas service” which is not used to “gaseous service” | Correction | SIP |
| 232 | 0030(31) | 200 | 0020(75) | Delete and use definition of “hardboard” from divisions 234 and 240 and move to division 200 | See discussion above in division 200 in the definition of “hardboard.” Division 232 definition different from division 234 and 240 definitions. Use definition from division 234 and division 240 and move to division 200 | SIP |
| 232 | 0030(41) | NA | NA | Delete definition of “low solvent coating” | Definition not used in division 232 or any other division | SIP |
| 232 | 0030(42) | 200 | 0020(89) | Use modified definition of “major modification” in division 200  "Major Modification" means any physical change(s) or change(s) in the method of operation that would be subject to Major New Source Review as determined under division 224. | Definition different from division 200. Delete and use division 200 definition  340-232-0030(42) "Major modification" means any physical change or change of operation of a source that would result in a net significant emission rate increase for any pollutant subject to regulation under the Clean Air Act. | SIP |
| 232 | 0030(43) | 200 | 0020(90) | Use definition of “major source” in division 200 | Definition different from division 200. Delete and use division 200 definition  340-232-0030(43) "Major source" means a stationary source which emits or has the potential to emit any pollutant regulated under the Clean Air Act at a significant emission rate. | SIP |
| 232 | 0030(51) | 232 | 0030(45) | The term should be “oven dried,” not “oven-dried” | Remove hyphen | SIP |
| 232 | 0030(53) | 232 | 0030(47) | Delete the parentheses around “but not limited to” in the definition of paper coating | Correction | SIP |
| 232 | 0030(54) | 200 | 0020(116) | Move definition of “person” to division 200 | See discussion above in division 200. Definition different from division 200. Delete and use division 200 definition | SIP |
| 232 | 0030(56) | NA | NA | Delete definition of “plant site basis” | Definition not used in division 232 or any other division | SIP |
| 232 | 0030(57) | 200 | 0020(123) | Use definition of “potential to emit” in division 200  "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. | Definition different from division 200. Delete and use division 200 definition  340-232-0030(57) "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 limitations on the capacity of a source to emit an air pollutant, excluding air pollution control equipment, shall be treated as part of its design if the limitation is enforceable by the Department. | SIP |
| 232 | 0030(61) | 232 | 0030(50) | Move definition of “prime coat” since it is not in alphabetic order | Move definition | SIP |
| 232 | 0030(67) | NA | NA | Delete definition of “splash filling” | Definition of “splash filling” not used in this division or any other division | SIP |
| 232 | 0030(68) | 200 | 0020(164) | Delete definition of “source” and use division 200 definition  "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. | Definition different from division 200. Delete and use division 200 definition  340-232-0030(68) "Source" means any building, structure facility, installation or combination thereof which emits or is capable of emitting air contaminants to the atmosphere and 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. | SIP |
| 232 | 0030(69) | 200 | 0020(165) | Delete definition of “source category” and use division 200 definition  "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 DEQ determines are using similar raw materials and have equivalent process controls and pollution control equipment. | Definition different from division 200. Delete and use division 200 definition  340-232-0030(69) "Source category" means all sources of the same type or classification. | SIP |
| 232 | 0030(71) | NA | NA | Definition of thin particleboard not used in this division or any other division | Delete definition | SIP |
| 232 | 0030 | NA | NA | Correct the SIP note to OAR 340-200-0040 | Correction | SIP |
| 232 | 0040(1) | NA | NA | Delete the comma after all existing sources, change “their” to “its” and replace “below” with “less than” | Correction | SIP |
| 232 | 0040(1) | NA | NA | Change “OAR 340-232-0020(2)(a) or (2)(c)” to “OAR 340-232-0020(1)(a) or (1)(c)” | The rule numbers have changed | SIP |
| 232 | 0040(1) | NA | NA | Delete “(TPY)” and move “per year” after VOC | Correction | SIP |
| 232 | 0060 | NA | NA | Change “in accordance with” to “using” | Plain language | SIP |
| 232 | 0060 | NA | NA | Delete:  “Applicants are encouraged to submit designs approved by other air pollution control agencies where VOC control equipment has been developed. Construction approvals and proof of compliance will, in most cases, be based on Departmental evaluation of the source and controls.” | Requirements for construction approvals are in division 210 and do not need to be included in division 232. | SIP |
| 232 | 0080(1)(b) | NA | NA | Delete “or equivalent system as approved in writing by the Department” | This discretionary approval for equivalent systems to a vapor tight vapor balance system has never been used and is not needed. | SIP |
| 232 | 0080(2) | NA | NA | Delete “or some other setting approved in writing by the Department” | This discretionary approval for an alternative pressure relief valve set point has never been used and is not needed. | SIP |
| 232 | 0085(1)(b) | NA | NA | Delete “or equivalent system as approved in writing by the DEQ” | This discretionary approval for equivalent systems to a vapor tight vapor balance system has never been used and is not needed. | SIP |
| 232 | 0085(3) | NA | NA | Add “and section (2)” to compliance with subsection (1)(a) | Compliance with handling gasoline in a manner to prevent spillage, discharge into sewers, storage in open containers should also be determined by visual inspection | SIP |
| 232 | 0110(1) | NA | NA | Replace “ozone air quality maintenance area” with “AQMA” | The term defined is “Portland Air Quality Maintenance Area” | SIP |
| 232 | 0110(4) | NA | NA | Delete “or other equivalent methods approved in writing by the Department” and change “2 lbs. per 1000 bbls” to “2 pounds per 1000 barrels” | This discretionary approval for equivalent methods to EPA Method 25 has never been used and is not needed. Clarification | SIP |
| 232 | 0110(5)(b) | NA | NA | Delete “or other equivalent methods approved in writing by the Department” | This discretionary approval for equivalent methods to EPA Method 21 has never been used and is not needed. | SIP |
| 232 | 0110(5)(c) | NA | NA | Delete “or other equivalent methods approved in writing by the Department” | This discretionary approval for equivalent methods to EPA Method 21 has never been used and is not needed. | SIP |
| 232 | 0110(6) | NA | NA | Change “Record-Keeping” to “recordkeeping” | Correction | SIP |
| 232 | 0110(7) | NA | NA | Replace “CAA” with “Clean Air Action” | CAA mean Clean Air Act | SIP |
| 232 | 0140(3)(g) | NA | NA | Change record retention requirement from two years to five years | Clarification. ACDP sources that are subject to NESHAP requirements and Title V sources are required to retain records for 5 years. DEQ will change recordkeeping requirements for all sources to 5 years for consistency and to avoid confusion. | SIP |
| 232 | 0150(1) | NA | NA | Change kilo Pascal to kilopascal | Correction | SIP |
| 232 | 0150(1)(a) | NA | NA | Delete “as amended by Federal Register, April 4, 1980, pages 23379 through 23381” | CFR date is included in Reference Materials rule, OAR 340-200-0035 | SIP |
| 232 | 0150(4)(b)(D) | NA | NA | Replace “:” with “; that” at the end of the requirement | Clarification | SIP |
| 232 | 0150(4)(c)(J) | NA | NA | Change record retention requirement from two years to five years | Clarification. ACDP sources that are subject to NESHAP requirements and Title V sources are required to retain records for 5 years. DEQ will change recordkeeping requirements for all sources to 5 years for consistency and to avoid confusion. |  |
| 232 | 0150(4)(d)(A) | NA | NA | Delete “or alternative methods approved by the Department” | This discretionary approval for equivalent methods to determine compliance for secondary seals has never been used and is not needed. | SIP |
| 232 | 0160(2)(b)(A) | NA | NA | Change to:  “(A) Sources whose VOC potential to emit before add on controls from activities identified in section (5) are less than 10 tons per year (or 3 pounds VOC/hour or 15 pounds VOC/day actual); or” | Correction. States must require RACT for major sources using uncontrolled emissions | SIP |
| 232 | 0160(4) | NA | NA | Correct spelling of dryer | Correction | SIP |
| 232 | 0160(5)(a) | NA | NA | Change lb/gal to pounds/gallon for all occurrences | Clarification | SIP |
| 232 | 0160(5)(e) | NA | NA | Change lb. to pounds and the note to:  “[**NOTE:** \*55 pounds VOC per 1000 square yards of material per pass.]” | Clarification | SIP |
| 232 | 0160(5)(j)(B) | NA | NA | The term defined is “forced air dried,” not force air dried | Correction | SIP |
| 232 | 0160(8)(c) | NA | NA | Change record retention requirement from two years to five years | Clarification. ACDP sources that are subject to NESHAP requirements and Title V sources are required to retain records for 5 years. DEQ will change recordkeeping requirements for all sources to 5 years for consistency and to avoid confusion. |  |
| 232 | 0170(1) | NA | NA | Change lb./gal to pounds/gallon | Clarification | SIP |
| 232 | 0170(2)(b) | NA | NA | Change to:  “(b) Sources whose potential emit from activities identified in section (1) before add on controls of volatile organic compounds are less than ten tons per year (or 3 pounds VOC/hour or 15 pounds VOC/day actual);” | Clarification | SIP |
| 232 | 0170(4) | NA | NA | Change “force air drier” to “forced air dryer” | Correction | SIP |
| 232 | 0170(7) | NA | NA | Change lbs./gal. to pounds/gallon | Clarification | SIP |
| 232 | 0170(10)(d) | NA | NA | Change record retention requirement from two years to five years | Clarification. ACDP sources that are subject to NESHAP requirements and Title V sources are required to retain records for 5 years. DEQ will change recordkeeping requirements for all sources to 5 years for consistency and to avoid confusion. |  |
| 232 | 0180 | NA | NA | Delete “(VOC)” | Not necessary | SIP |
| 232 | 0180(1)(b) | NA | NA | Change drainrack to drain rack | Clarification | SIP |
| 232 | 0180(2)(e) | NA | NA | Delete Chapter and the comma between 340 and division 100 | Not necessary | SIP |
| 232 | 0190(5) | NA | NA | Delete Chapter and the comma between 340 and division 100 | Not necessary | SIP |
| 232 | 0190(6) | NA | NA | Change to:  “(6) Exhaust ventilation must not exceed 20 cubic meters/minute per square meter (65 cubic feet per minute per square foot) of degreaser open area, unless necessary to meet OSHA requirements. Ventilation fans must not be used near the degreaser opening.” | Clarification | SIP |
| 232 | 0200(1)(a) | NA | NA | Change to:  “(a) Exhaust ventilation should not exceed 20 cubic meters per minute per square meter (65 cubic feet per minute per square foot) of degreaser opening, unless necessary to meet OSHA requirements. Workplace fans should not be used near the degreaser opening;” | Clarification | SIP |
| 232 | 0200(5) | NA | NA | Delete Chapter and the comma between 340 and division 100 | Not necessary | SIP |
| 232 | 0220 | NA | NA | Delete comma after “facilities: | Not necessary | SIP |
| 232 | 0220(1)(a) and (2) | NA | NA | Change “particle board” to “particleboard” | The defined term is “particleboard” as one word | SIP |
| 232 | 0220(3) | NA | NA | Change kg to kilograms and lb. to pounds | Clarification | SIP |
| 232 | 0220(5) | NA | NA | Change “emission control system” to “control devices” | Correction | SIP |
| 232 | 0220(6)(e) | NA | NA | Change to:  “(e) If an add-on control device is used, continuous monitors of the following parameters must be installed, periodically calibrated, and operated at all times that the associated control device is operating:” | Clarification | SIP |
| 232 | 0230(1) | NA | NA | Change to:  “(1) No owner or operator of a packaging rotogravure, publication rotogravure, flexographic or specialty printing facility, with the potential to emit before add-on controls greater than 100 tons/year, employing ink containing solvent may operate, cause, allow or permit the operation of the press unless:” | Correction. States must require RACT for major sources using uncontrolled emissions. Delete 90 mg/year. The metric version should probably have been 90 Mg/year, megagrams or metric tons which is equivalent to 99 tons/year, rounded to 100 tons/year. | SIP |
| 232 | 0230(1)(a) |  |  | Change to:  “(a) The volatile fraction of ink, as it is applied to the substrate contains 25.0 percent by volume or less ~~or~~ of organic solvent and 75 percent by volume or more of water;” | Correction | SIP |
| 232 | 0230(1)(c)(A) | NA | NA | Add “or” between (A) and (B) to make it clearer since there is an “or” between (B) and (C) | Clarification | SIP |
| 232 | 0230(1)(c)(C) | NA | NA | Change “emissions reduction system” to “pollution control device” | Correction | SIP |
| 232 | 0230(1)(c)(C) | NA | NA | Change “90.0 percent reduction efficiency” to “90.0 percent removal efficiency” | Correction | SIP |
| 232 | 0230(1)(c)(C) | NA | NA | Change “control system” to “air pollution control devices” | Correction | SIP |
| 232 | 0230(2) | NA | NA | Change “emission control systems” to “air pollution control devices” | Correction | SIP |
| 232 | 0230(2) | NA | NA | Change “an overall reduction” to “a control efficiency” | Correction | SIP |
| 232 | 0230(3)(c)(A) | NA | NA | Add “or” at the end of the paragraph | Correction | SIP |
| 234 |  |  |  | Emission Standards For Wood Products Industries |  |  |
| 234 | NA | NA | NA | Delete “[**NOTE**: Administrative Order DEQ 37 repealed applicable portions of SA 22, filed 6-7-68.]” | This note is no longer needed. SA probably stands for Sanitary Authority, which was the regulatory agency before DEQ was established. | NA |
| 234 | 0010(1) | NA | NA | Delete the definition of “acid absorption tower” | Definition no longer needed since the neutral sulfite semi-chemical pulp mill rules are being repealed | SIP |
| 234 | 0010(2) | NA | NA | Delete the definition of “acid plant” | Definition no longer needed since the neutral sulfite semi-chemical pulp mill rules are being repealed | SIP |
| 234 | 0010(3) | NA | NA | Delete the definition of “average daily emission” | Definition no longer needed since the neutral sulfite semi-chemical pulp mill rules are being repealed | SIP |
| 234 | 0010(4) | NA | NA | Delete the definition of “average daily production” | Definition no longer needed since the neutral sulfite semi-chemical pulp mill rules are being repealed | SIP |
| 234 | 0010(5) | 234 | 0510(1)(a)(A) | Include the definition of “average operating opacity” with the standard and clarify:  "Average operating opacity" means the average of the opacity of emissions determined using EPA Method 9 on any three days within a 12-month period which are separated from each other by at least 30 days.” | Clarification | SIP |
| 234 | 0010(7) | NA | NA | Delete the definition of “blow system” | Definition no longer needed since the neutral sulfite semi-chemical pulp mill rules are being repealed | SIP |
| 234 | 0010(9) | NA | NA | Delete the definition of “continual monitoring” | The term “continual monitoring” is not used | SIP |
| 234 | 0010(11) | NA | NA | Delete the definition of “continuous-flow conveying system” | This definition is not used in this division. | SIP |
| 234 | 0010(12) | 234 | 0010(4) | Delete “or Department approved equivalent period,” and change “in accordance with” to “using” | This phrase is not necessary. DEQ will not approve an equivalent period other than a 24 hour period in a calendar day. | SIP |
| NA | NA | 234 | 0010(5) | Add definition of “dry standard cubic meter” | Not previously defined | SIP |
| 234 | 0010(13) | 200 | 0020(40) | Delete the definition of “Department” | Delete and use division 200 definition | SIP |
| 234 | 0010(14) | 200 | 0020(51) | Delete definition of “emission” and use division 200 definition  "Emission" means a release into the atmosphere of any regulated pollutant or any air contaminant. | 340-234-0010(14) "Emission" means a release into the atmosphere of air contaminants.  Definition different from division 200. Delete and use division 200 definition | SIP |
| 234 | 0010(15) | 200 | 0020(59) | Move definition of “EPA Method 9” to division 200 | See discussion above in division 200 in definition of “EPA Method 9.” Definition same as division 240. Move to division 200 and change reference to 40 CFR Part 60 Appendix A-4 | SIP |
| 234 | 0010(16) | NA | NA | Delete definition of "fuel moisture content” | Incorporated language into OAR 340-234-0510(1)(c)(A) and (B) | SIP |
| 234 | 0010(17) | 200 | 0020(70) | Delete definition of “fugitive emissions” and use division 200 definition | See discussion above in division 208 in definition of “fugitive emissions.” Delete and use definition in division 200 | SIP |
| 234 | 0010(18) | 200 | 0020(75) | Move definition of “hardboard” to division 200 | See discussion above in division 200 in definition of “hardboard.” Definition different from division 232 but same as division 240. Use definition from division 234 and move to division 200 | SIP |
| 234 | 0010(21) | NA | NA | Delete definition of “maximum opacity” | Maximum opacity is really not a defined term other than requiring EPA Method 9 to be used to determine compliance. The compliance method has been included with the standard. | SIP |
| 234 | 0010(22) | NA | NA | Delete definition of “modified wigwam waste burner” | This definition is not used in this division. | SIP |
| 234 | 0010(23) | NA | NA | Delete definition of “neutral sulfite semi-chemical (NSSC) pulp mill” | Definition no longer needed since the neutral sulfite semi-chemical pulp mill rules are being repealed | SIP |
| 234 | 0010(24) | 234 | 0010(8) | Correct spelling of condensable in the definition of “non-condensibles” | Condensable used throughout this rule | SIP |
| 234 | 0010(26) | 234 | 0010(10) | Delete section (b) of the definition of “other sources” and restructure | The “other sources” in section (b) are for sulfite pulp mills | SIP |
| 234 | 0010(27) | 200 | 0020(109) | Move definition of “particleboard” to division 200 | See discussion above in division 200. Definition same as Division 240. Move to division 200 | SIP |
| 234 | 0010(28) | 200 | 0020(110) | Delete definition of “particulate matter” and use modified division 200 definition | See discussion above in division 204 in definition of “particulate matter.” Definition different from division 200, 226, 234, 236, and 240. Delete and use a modified version of division 200 definition. Move specific test requirements to rule with standard. Create a testing and monitoring section in 340-234-0540. | SIP |
| 234 | 0010(29) | 200 | 0020(124) | Delete definition of “parts per million” and use division 202 definition | See discussion above in division 200 in definition of “parts per million.” Definition different division 202. Clarify division 202 definition and move to division 200 | SIP |
| 234 | 0010(30) | 200 | 0020(116) | Delete definition of “person” and use division 200 definition | See discussion above in division 200 in definition of “person.” Delete definition and use division 200 definition | SIP |
| 234 | 0010(31) | 200 | 0020(118) | Move definition of “plywood” to division 200.  "Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it. | Term used in divisions 240 and 244 but not defined there.  340-234-0010(31) "Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it. | SIP |
| 234 | 0010(32) | 200 | 0020(126) | Move definition of “press cooling vent” to division 200 | See discussion above in division 200 in definition of “press cooling vent.” Definition same as division 240. Move to division 200 | SIP |
| 234 | 0010(33)(b) | NA | NA | Delete definition of “production” for neutral sulfite semi-chemical pulping” | Definition no longer needed since the neutral sulfite semi-chemical pulp mill rules are being repealed | SIP |
| 234 | 0010(36) | NA | NA | Delete definition of “Significant Upgrading of Pollution Control Equipment” | Incorporate the definition into the text of the rule | SIP |
| 234 | 0010(39) | NA | NA | Delete definition of “spent liquor incinerator” | Definition no longer needed since the neutral sulfite semi-chemical pulp mill rules are being repealed | SIP |
| 234 | 0010(40) | 234 | 0010(5) | Change defined term from “standard dry cubic meter” to “dry standard cubic meter” and re-alphabetize | The term used in the rule is “dry standard cubic meter” | SIP |
| 234 | 0010(42) | NA | NA | Delete definition of “sulfite mill” | Definition no longer needed since the neutral sulfite semi-chemical pulp mill rules are being repealed | SIP |
| 234 | 0010(43) | NA | NA | Delete definition of “sulfur oxides” | Definition no longer needed in division 234 since the neutral sulfite semi-chemical pulp mill rules are being repealed. | SIP |
| 234 | 0010(44) | 200 | 0020(177) | Delete definition of “total reduced sulfur” | Definition already in division 200 | SIP |
| 234 | 0010(45) | 200 | 0020(182) | Move definition of “veneer” to division 200 | See discussion above in division 200 in definition of “veneer.” Definition same as division 240. Move to division 200 | SIP |
| 234 | 0010(47) | 200 | 0020(186) | Move definition of “wood fired veneer dryer” division 200 | See discussion above in division 200 in definition of “wood fired veneer dryer.” Definition same as division 240. Move to division 200 | SIP |
| 234 | 0100(2) | NA | NA | Correct cross reference to OAR 340-222-0046 | Rule renumbered | SIP |
| 234 |  |  |  | Kraft Pulp Mills |  |  |
| 234 | NA | NA | NA | Delete the note:  [**NOTE**: Administrative Order DEQ 50 repealed previous OAR 340-025-0155 through 340-025-0195 (consisting of SA 38, filed 4-4-69).] | This note is no longer needed. SA probably stands for Sanitary Authority, which was the regulatory agency before DEQ was established. | NA |
| 234 | 0210 & 0240 | NA | NA | Change “lbs.” to “pound” in all cases | Consistency | SIP |
| 234 | 0210(1)(d) | NA | NA | Replace the semi-colon with a period at the end of the subsection | Correction | SIP |
| 234 | 0210(1)(e)(B) | NA | NA | Add “by DEQ” and change shall to will | Clarification | SIP |
| 234 | 0210(2)(d) | NA | NA | Change to:  “(d) Replacement of or modification or a rebuild of an existing particulate pollution control device for which a capital expenditure of 50 percent or more of the replacement cost of the existing device is required, other than ongoing routine maintenance, after July 1, 1988 shall result in more restrictive standards as follows:” | Clarification. The defined term was not used in the text so incorporate the definition of “significant upgrading of pollution control equipment” into the text. | SIP |
| 234 | 0210(4) | NA | NA | Change to:  “(4) Emissions from each kraft mill source, with the exception of the mill’s emissions attributable to a recovery furnace, shall not equal or exceed 20 percent opacity as a six minute average.” | Clarification. Recovery furnaces have an opacity limit in OAR 340-234-0210(2)(a)(C) | SIP |
| 234 | 0210(4) | NA | NA | Replace “for a period exceeding three minutes in any one hour” to “as a six minute average” | DEQ is changing all non-recovery furnace opacity limits to 6 minute averages. See reason above for changing opacity to 6-minute average | SIP |
| 234 | 0240 (1)(c) | NA | NA | Do not capitalize other sources | Correction | SIP |
| 234 | 0240(1), (1)(b), (1)(c), (1)(d), (2)(a), (2)(b), (3) | NA | NA | Change “in accordance with” to “using” | Plain language | SIP |
| 234 | 0240(2)(a) | NA | NA | Add the source test methods for particulate matter:  “Particulate matter emission determinations by EPA Method 5 must use water as the cleanup solvent instead of acetone, and consist of the average of three separate consecutive runs having a minimum sampling time of 60 minutes each, a maximum sampling time of eight hours each, and a minimum sampling volume of 31.8 dscf each.” | The definition of particulate matter has been moved to Division 200. The test methods are being separated from the definition and included with the standard. | SIP |
| 234 | 0240(2)(a)(A), (B) and (C) | NA | NA | Add adjustments for oxygen correction:  “(A) When applied to recovery furnace gases "dry standard cubic meter" requires adjustment of the gas volume to that which would result in a concentration of 8% oxygen if the oxygen concentration exceeds 8%.  (B) When applied to lime kiln gases "dry standard cubic meter" requires adjustment of the gas volume to that which would result in a concentration of 10% oxygen if the oxygen concentration exceeds 10%.  (C) The mill must demonstrate that oxygen concentrations are below the values in (A) and (B) above or furnish oxygen levels and corrected data.” | Clarification | SIP |
| 234 | 0240(5) | NA | NA | Change to:  “(5) New Source Performance Standards Monitoring. New or modified sources that are subject to the New Source Performance Standards, 40 CFR Part 60, Subpart BB, must conduct monitoring or source testing as required by Subpart BB. In addition, when these rules are more stringent than Subpart BB, DEQ may require some or all of the relevant monitoring in this section.” | Clarification | SIP |
| 234 | 0250(6) | NA | NA | Delete “Where transmissometers are not feasible, the mass emission rate shall be determined by alternative sampling approved by the Department.” | This alternative is not necessary. All pulp mills have transmissometers. | SIP |
| 234 | 0250(7) | NA | NA | Correct spelling of condensible | Condensable used throughout this rule | SIP |
| 234 | 0270 | NA | NA | Change to:  “If DEQ determines that an upset condition is chronic and correctable by installing new or modified process or control procedures or equipment, the owner or operator must submit to DEQ a program and schedule to effectively eliminate the deficiencies causing the upset conditions. Such reoccurring upset conditions causing emissions in excess of applicable limits may be subject to civil penalty or other appropriate action.” | Clarification | SIP |
| 234 |  |  |  | Neutral Sulfite Semi-Chemical (NSSC) Pulp Mills |  |  |
| 234 | 0300-0360 | NA | NA | Delete neutral sulfite semi-chemical pulp mill rules | These sources no longer exist in the state. If a source did build a new facility, New Source Review/Prevention of Significant Deterioration (requiring a demonstration that emissions would not cause or contribute to a NAAQS or increment violation), New Source Performance Standards and MACT would apply. These rules would be more stringent than the existing rules. | SIP |
| 234 |  |  |  | Sulfite Pulp Mills |  |  |
| 234 | 0400-0430 | NA | NA | Delete sulfite pulp mill rules | These sources no longer exist in the state. If a source did build a new facility, New Source Review/Prevention of Significant Deterioration (requiring a demonstration that emissions would not cause or contribute to a NAAQS or increment violation), New Source Performance Standards and MACT would apply. These rules would be more stringent than the existing rules. | SIP |
| 234 |  |  |  | Board Products Industries (Veneer, Plywood, Particleboard, Hardboard) |  |  |
| 234 | 0510(1) | NA | NA | Change (4) to (3) | Correction | SIP |
| 234 | 0510(1)(b)(A) & (B) | NA | NA | Change to:  “(b) No person must operate any veneer dryer such that visible air contaminants emitted from any dryer stack or emission point exceed:  (A) An average operating opacity of 10 percent. Average operating opacity means the opacity of emissions determined using EPA Method 9 on any three days within a 12-month period which are separated from each other by at least 30 days. A violation of the average operating opacity limitation has occurred if the opacity of emissions on each of the three days is greater than the specified average operating opacity limitation; or  (B) A maximum opacity of 20 percent as measured by EPA Method 9 at any time.” | Clarification. Include the definition language with the standard. | SIP |
| 234 | 0510(1)(c)(A) and (B) | NA | NA | Incorporate fuel moisture content into rule and add test method:  “(A) 0.75 pounds per 1,000 square feet of veneer dried (3/8 inch basis) for units using fuel which has a moisture content equal to or less than 20 percent by weight on a wet basis as measured by ASTM D4442-84;  (B) 1.50 pounds per 1,000 square feet of veneer dried (3/8 inch basis) for units using fuel which has a moisture content greater than 20 percent by weight on a wet basis as measured by ASTM D4442-84;” | Avoids confusion about indirect heat transfer (e.g., boilers), direct heat transfer (e.g., dryers), and internal combustion devices (e.g., gas turbines). | SIP |
| 234 | 0510(2) | NA | NA | Change lbs/hr to pounds/hour | Clarification | SIP |
| 234 | 0510(3) | NA | NA | Change to:  “(3) Monitoring and Reporting: DEQ may require any veneer dryer facility to establish an effective program for monitoring the visible air contaminant emissions from each veneer dryer emission point. The program must be reviewed and approved by DEQ and must consist of the following:” | Clarification | SIP |
| 234 | 0520(1)(a) | NA | NA | Change to:  “(a) Every person operating or intending to operate a particleboard manufacturing plant must enclose truck dump and storage areas holding or intended to hold raw materials to prevent windblown particle emissions from these areas from being deposited upon property not under the ownership of said person;” | Clarification | SIP |
| 234 | 0520(2)(a) | NA | NA | Replace “lbs/hr” with “pounds per hour” | Clarification | SIP |
| 234 | 0530(1)(a) | NA | NA | Change to:  “(a) Every person operating or intending to operate a hardboard manufacturing plant must enclose all truck dump and storage areas holding or intended to hold raw materials to prevent windblown particle emissions from these areas from being deposited upon property not under the ownership of said person;” | Clarification | SIP |
| 234 | 0530(2) | NA | NA | Replace “lbs/hr” with “pounds per hour” | Clarification | SIP |
| 234 | 0530(3)(a) | NA | NA | Add “except as allowed by paragraph (b)” at the end | Correction. Paragraph (b) allows an exception for a lower temperature than 1500 F from the requirement to incinerate gases and vapors in a hardboard tempering oven. | SIP |
| 234 | 0530(3)(b) | NA | NA | Change to:  “Specific operating temperatures lower than 1500° F. may be approved by DEQ using 40 CFR Part 63, Subpart DDDD, NESHAP for Plywood and Composite Wood Products.” | Remove reference to odors since this requirement is to control VOC emissions. The NESHAP already includes procedures for approving lower temperatures so it is not necessary here. | SIP |
| 234 | 0530(3)(c) & (d) | NA | NA | Delete subsections (c) and (d):  “(c) In no case shall fume incinerators installed pursuant to this section be operated at temperatures less than 1000° F.;  (d) Any person who proposes to control emissions from hardboard tempering ovens by means other than fume incineration shall apply to DEQ for written authorization to utilize alternative controls. The application shall describe in detail the plan proposed to control odorous emissions and indicate on a plot plan the location of the nearest property not under ownership of the applicant.” | Subsection (c) is not needed because there are provisions in the NESHAP for setting a lower temperature. Subsection (d) is not needed because the hardboard tempering ovens in Oregon are controlled by fume incineration. | SIP |
| 234 | 0540 | NA | NA | Add a rule for Testing and Monitoring | A test method should always be specified with each standard in order to be able to show compliance | SIP |
| 236 |  |  |  | Emission Standards For Specific Industries |  |  |
| 236 | NA | NA | NA | Delete the note:  **NOTE**: Administrative Order DEQ 60 repealed previous OAR 340-025-0255 through 340-025-0290 (consisting of DEQ 19, filed 7-14-70 and effective 8-10-70). | This note is no longer needed. | NA |
| 236 |  |  |  | Primary Aluminum Standards |  |  |
| 236 | 0010(1) | NA | NA | Delete definition of “all sources” | Definition no longer needed since primary aluminum and ferronickel rules are being repealed | SIP |
| 236 | 0010(2) | NA | NA | Delete definition of “annual average” | Definition no longer needed since primary aluminum rules are being repealed | SIP |
| 236 | 0010(3) | NA | NA | Delete definition of “anode baking plant” | Definition no longer needed since primary aluminum rules are being repealed | SIP |
| 236 | 0010(4) | NA | NA | Delete definition of “anode plant” | Definition no longer needed since primary aluminum rules are being repealed | SIP |
| 236 | 0010(5) | NA | NA | Delete definition of “average dry laterite ore production rate” | Definition no longer needed since ferronickel rules are being repealed | SIP |
| 236 | 0010(6) | NA | NA | Delete definition of “collection efficiency” and define “control efficiency,” “capture efficiency,” “destruction efficiency,” and “removal efficiency” | Clarification. There has been confusion among the terms “capture efficiency,” “collection efficiency,” “removal efficiency,” and “control efficiency.” “Collection efficiency” is the only term currently defined in divisions 236 and 240. “Removal efficiency” is replacing “collection efficiency.” The definitions of “capture efficiency,” “destruction efficiency,” and “control efficiency” are being added to help clarify the differences among the terms.  To demonstrate compliance with a removal efficiency requirement, testing the inlet/outlet of a control device on an air conveying system would be very difficult. Usually, there is not enough room (straight duct) to measure the inlet and the flow is cyclonic. Therefore, DEQ is changing the requirement to a “rated removal efficiency” which should be available from the manufacturer of the equipment. Required operation and maintenance plans will ensure proper operation of any air pollution control devices. | SIP |
| 236 | 0010(7) | 200 | 0020(29) | Delete definition of “Commission” | Definition different from division 200 definition, use division 200 definition | SIP |
| 236 | 0010(8) | NA | NA | Delete definition of “cured forage” | Definition no longer needed since primary aluminum rules are being repealed | SIP |
| 236 | 0010(9) | 200 | 0020(40) | Delete definition of “Department” | Definition different from division 200 definition, use division 200 definition | SIP |
| 236 | 0010(11) | NA | NA | Delete definition of “dry laterite ore” | Definition no longer needed since ferronickel rules are being repealed | SIP |
| 236 | 0010(12) | 200 | 0020(51) | Delete definition of “emission” | Definition different from division 200 but same as division 240. Delete and use division 200 definition | SIP |
| 236 | 0010(13) | 200 | 0020(54) | Delete the definition of “emission standards” | Definition different from division 200. The definition used in division 200 is more comprehensive so use that definition instead. | SIP |
| 236 | 0010(14) | NA | NA | Delete definition of “ferronickel” | Definition no longer needed since ferronickel rules are being repealed | SIP |
| 236 | 0010(15) | NA | NA | Delete definition of “fluorides” | Definition no longer needed since primary aluminum rules are being repealed | SIP |
| 236 | 0010(16) | NA | NA | Delete definition of “forage” | Definition no longer needed since primary aluminum rules are being repealed | SIP |
| 236 | 0010(17) | 200 | 0020(70) | Delete definition of “fugitive emissions” and use division 200 definition | See discussion above in division 208 in definition of “fugitive emissions.” Delete and use definition in division 200 | SIP |
| 236 | 0010(19) | NA | NA | Delete definition of “laterite ore” | Definition no longer needed since ferronickel rules are being repealed | SIP |
| 236 | 0010(20) | NA | NA | Delete definition of “monthly average” | Definition no longer needed since primary aluminum rules are being repealed | SIP |
| 236 | 0010(21) | 200 | 0020(110) | Delete definition of “particulate matter” and use modified division 200 definition | See discussion above in division 204 in definition of “particulate matter.” Definition different from division 200, 226, 234, 236, and 240. Delete and use a modified version of division 200 definition. Move specific test requirements to rule with standard. Create a testing and monitoring section in 340-234-0540. | SIP |
| 236 | 0010(22) | NA | NA | Delete definition of “primary aluminum plant” | Definition no longer needed since primary aluminum rules are being repealed | SIP |
| 236 | 0010(24) | NA | NA | Delete definition of “pot line primary emission control systems” | Definition no longer needed since primary aluminum rules are being repealed | SIP |
| 236 | 0010(25) | 236 | 0010(4) | Delete “by Hour” from the definition of “Process Weight by Hour.” The term should just be “process weight.” “Process weight by hour” is defined later in the definition. | Clarify definition | SIP |
| 236 | 0010(26) | NA | NA | Delete definition of “regularly schedule monitoring” | Definition no longer needed since primary aluminum rules are being repealed | SIP |
| 236 | 0010(27) | 200 | 0020(166) | Definition of “source test” | Definition already in division 200. | SIP |
| 236 | 0010(28) | 200 | 0020(48) | Delete definition of “standard cubic foot” and use definition of “dry standard cubic foot” from division 240 and move to division 200 | See discussion above in division 200 in definition of “dry standard cubic foot.” Definition different from division 236 and 240 but same as 228. Each standard will have the applicable test method long with the correct adjustment. | SIP |
| 236 | 0010 NOTE | NA | NA | Delete “with the exception of fluoride requirements” from the note. | Correction. The fluoride requirements in the aluminum rules are being repealed. | SIP |
| 236 | 0100-0150 | NA | NA | Delete primary aluminum standards | These sources no longer exist in the state. If a source did build a new facility, New Source Review/Prevention of Significant Deterioration (requiring a demonstration that emissions would not cause or contribute to a NAAQS or increment violation), New Source Performance Standards and MACT would apply. These rules would be more stringent than the existing rules. | SIP |
| 236 |  |  |  | Laterite Ore Production of Ferronickel |  |  |
| 236 | 0200-0230 | NA | NA | Delete laterite ore production of ferronickel rules | These sources no longer exist in the state. If a source did build a new facility, New Source Review/Prevention of Significant Deterioration (requiring a demonstration that emissions would not cause or contribute to a NAAQS or increment violation), New Source Performance Standards and MACT would apply. These rules would be more stringent than the existing rules. | SIP |
| 236 |  |  |  | Hot Mix Asphalt Plants |  |  |
| 236 | NA | NA | NA | Delete note:  [**NOTE**: Administrative Order DEQ 49 repealed previous OAR 340-025-0105 through 340-025-0130 (consisting of SA 32, filed 8-5-68, effective 4-1-69).] | This note is no longer needed. SA probably stands for Sanitary Authority, which was the regulatory agency before DEQ was established. | NA |
| 236 | 0410(1) | NA | NA | Change to:  “No person shall operate any hot mix asphalt plant, either portable or stationary, located within any area of the state outside special control areas unless all dusts and gaseous effluents generated by the hot mix asphalt plant are controlled by a control device or devices with a removal efficiency for particulate matter of at least 80 percent by weight.” | Clarification | SIP |
| 236 | 0410(1) | NA | NA | Add:  “To determine compliance with this standard, the owner or operator must conduct a particulate matter source test using DEQ Method 5 at the inlet and outlet of the control device. If it is not feasible to conduct a PM source test at the inlet to the control device, the owner or operator must provide documentation demonstrating that the control device is designed to meet the standard and prepare and implement an operation and maintenance plan for ensuring that the control device will have at least an 80% removal efficiency when operated. “ | Clarification. A test method should always be specified with each standard in order to be able to show compliance | SIP |
| 236 | 0410(2) | NA | NA | Add:  “Compliance is determined using DEQ Method 5. All source tests must be done using the DEQ Source Sampling Manual.” | Clarification. A test method should always be specified with each standard in order to be able to show compliance | SIP |
| 236 | 0410(3) | NA | NA | Delete cross references to sections in division 208 based on proposed changes | Clarification | SIP |
| NA | NA | 236 | 0410(4) | Add:  “(4) If requested by DEQ, the owner or operator must develop a fugitive emission control plan.” | If fugitive emissions are an issue, DEQ will request that a fugitive emission control plan be developed and implemented. | SIP |
| 236 | 0420 | NA | NA | Delete “or regulation” at the end of the sentence | Clarification | SIP |
| 236 | 0430 | NA | NA | Repeal Portable Hot Mix Asphalt Plants | Requirements for portable hot mix asphalt plants are included in the general permit for asphalt plants. DEQ does not do a control device approval when the plant moves. The source is required to get approval from the local land use authority and the permits include the emission limits and standards for each area where a portable source could be located. No other approval is needed when a source moves. However, the source needs to notify DEQ, but that is a condition of the permit. | SIP |
| 236 | 0440(1) | NA | NA | Change “from the plant” to “from a hot mix asphalt plant” | Clarification | SIP |
| 236 | 0440(2) | NA | NA | Add “truck” to “traffic” | Clarification | SIP |
| 236 |  |  |  | Solid Waste Landfills |  |  |
| 236 | 0500(4)(a) | NA | NA | Add “the following” to what large landfills must comply with | Correction | SIP |
| 240 |  |  |  | Rules For Areas With Unique Air Quality Needs |  |  |
| 240 | 0030(1) | 200 | 0020(8) | Delete definition of “air contaminant” and use division 200 definition | Definition of air contaminant already in division 200 | SIP |
| 240 | 0030(3) | 240 | 0120(1) | Include the definition of “average operating opacity” with the standard | Clarification | SIP |
| 240 | 0030(4) | NA | NA | Delete definition of “charcoal producing plant” | Definition no longer needed since Charcoal Producing Plant rules are being repealed | SIP |
| 240 | 0030(5) | NA | NA | Delete definition of “collection efficiency” and define “control efficiency,” “capture efficiency,” “destruction efficiency,” and “removal efficiency” in division 200 | Clarification. There has been confusion among the terms “capture efficiency,” “collection efficiency,” “removal efficiency,” and “control efficiency.” “Collection efficiency” is the only term currently defined in divisions 236 and 240. “Removal efficiency” is replacing “collection efficiency.” The definitions of “capture efficiency,” “destruction efficiency,” and “control efficiency” are being added to division 200 to help clarify the differences among the terms.  To demonstrate compliance with a removal efficiency requirement, testing the inlet/outlet of a control device on an air conveying system would be very difficult. Usually, there is not enough room (straight duct) to measure the inlet and the flow is cyclonic. Therefore, DEQ is changing the requirement to a “design removal efficiency” which should be available from the manufacturer of the equipment. Required operation and maintenance plans will ensure proper operation of any air pollution control devices. | SIP |
| 240 | 0030(6) | 200 | 0020(40) | Delete definition of Department | Definition already in division 200 | SIP |
| 240 | 0030(9) | 200 | 0020(48) | Move definition of “dry standard cubic foot” to division 200 | See discussion above in division 200 in definition of “dry standard cubic foot.” Definition is different from the definition of “standard cubic foot.” Use definition of “dry standard cubic foot” and move to Division 200 | SIP |
| 240 | 0030(10) | 200 | 0020(51) | Delete definition of “emission” and use division 200 definition | See discussion above in division 234 in definition of “emission.” Definition different from division 200 definition but the same as division 234 | SIP |
| 240 | 0030(11) | 200 | 0020(59) | Move definition of “EPA Method 9” to division 200 and change reference to 40 CFR Part 60 Appendix A-4. | See discussion above in division 200 in definition of “EPA Method 9.” Definition of EPA Method 9 same as Division 234 | SIP |
| 240 | 0030(12) | NA | NA | Delete the definition of “facility” | The definition of “facility” does not agree with the use of “facility” throughout division 240. “Facility” is used in the context of “source.” | SIP |
| 240 | 0030(14) | 200 | 0020(69) | Delete definition of “fuel burning equipment” and move to division 200 with clarifications | See discussion above in division 200 in definition of “fuel burning equipment.” Move definition of fuel burning equipment from divisions 208, 228, and 240 to division 200 and clarify. | SIP |
| 240 | 0030(15) and (16) | NA | NA | Delete definitions of “fuel moisture content” | Incorporated language into OAR 340-240-0120(1)(e) and (f) | SIP |
| 240 | 0030(17) | 200 | 0020(70) | Delete definition of “fugitive emissions” and use division 200 definition | See discussion above in division 208 in definition of “fugitive emissions.” Delete and use definition in division 200 | SIP |
| 240 | 0030(19) | 200 | 0020(75) | Use definition of “hardboard” from division 234 and division 240 and move to division 200 | See discussion above in division 200 in definition of “hardboard.” Definition of hardboard different from division 232 but same as division 234 | SIP |
| 240 | 0030(23) | 200 | 0020(85) | Move definition of ‘liquefied petroleum gas” to division 200 | See discussion above in division 200 in definition of “liquefied petroleum gas”. Definition not used in division 240 | SIP |
| 240 | 0030(24) | 200 | 0020(86) | Delete definition of “lowest achievable emission rate” | Definition already in division 200 | SIP |
| 240 | 0030(25) | NA | NA | Delete definition of “maximum opacity” | Maximum opacity is really not a defined term other than requiring EPA Method 9 to be used to determine compliance. The compliance method has been included with the standard. | SIP |
| 240 | 0030(26) | NA | NA | Delete definition of “Medford-Ashland Air Quality Maintenance Area” | Definition already in division 204 | SIP |
| 240 | 0030(27) | NA | NA | Delete definition of “modified source” | This definition is not needed since it is clear that it is meant to apply to sources with “major modifications” subject to division 224. | SIP |
| 240 | 0030(28) | 200 | 0020(95) | Move definition of “natural gas” to division 200 | Definition used in other divisions | SIP |
| 240 | 0030(29) | NA | NA | Delete definition of “new source” | Requirements for “old” wood waste boilers were repealed in 12/2004 because the compliance date (12/31/94) had past. All sources must meet the requirements for “new” sources. New sources and existing sources must comply with 340-240-0110(1), 340-240-120 through 250 so the definition of “new source” is no longer necessary. | SIP |
| 240 | 0030(30) | 200 | 0020(101) | Move definition of “odor” to division 200 | See discussion above in division 200 in definition of “odor.” Definition same as in division 208 | SIP |
| 240 | 0030(31) | 200 | 0020(102) | Delete definition of “offset” | This definition refers to the definition in Division 200 | SIP |
| 240 | 0030(32) | 200 | 0020(103) | Delete definition of "opacity" and use division 200 definition | See discussion above in division 200 in definition of “offset.” Move to division 200 | SIP |
| 240 | 0030(34) | 200 | 0020(109) | Move definition of “particleboard” to division 200 | See discussion above in division 200 in definition of “particleboard.” Definition same as Division 234 | SIP |
| 240 | 0030(35) | 200 | 0020(110) | Delete definition of “particulate matter” and use modified division 200 definition | See discussion above in division 204 in definition of “particulate matter.” Definition different from division 200, 226, 234, 236, and 240. Delete and use a modified version of division 200 definition. Move specific test requirements to rule with standard. Create a testing and monitoring section in 340-234-0540. | SIP |
| 240 | 0030(36) | 200 | 0020(116) | Delete definition of “person” | Definition already in division 200 | SIP |
| 240 | 0030(37) | 200 | 0020(126) | Move definition of “press cooling vent” to division 200 | Definition same as division 234 | SIP |
| 240 | 0030(41) | 200 | 0020(187) | Move definition of “wood fuel-fired device” to division 200 | Move to division 200 | SIP |
| 240 | 0030(42) | 200 | 0020(164) | Delete definition of “source” and use definition in division 200 | Definition different than definition in division 200 | SIP |
| 240 | 0030(43) | 200 | 0020(167) | Move definition of “standard conditions” to division 200 | See discussion above in division 200 in definition of “standard conditions.” Definition different from division 240 but same as division 226 and 228. Use division 240 definition and move to division 200 | SIP |
| 240 | 0030(44) | 200 | 0020(48) | Delete definition of “standard cubic foot” and use definition of “dry standard cubic foot” from division 240 and move to division 200 | See discussion above in division 200 in definition of “dry standard cubic foot.” Definition different from division 236 and 240 but same as 228. Each standard will have the applicable test method long with the correct adjustment. | SIP |
| 240 | 0030(45) | 200 | 0020(182) | Move definition of “veneer” same to division 200 | See discussion above in division 200 in definition of “veneer.” Definition same as division 234 | SIP |
| 240 | 0030(46) | 200 | 0020(183) | Move definition of “veneer dryer” to division 200 | See discussion above in division 200 in definition of “veneer dryer.” Definition used in division 234 but not defined there | SIP |
| 240 | 0030(47) | 200 | 0020(186) | Move definition of “wood fired veneer dryer” to division 200 | See discussion above in division 200 in definition of “wood fired veneer dryer.” Definition same as division 234 | SIP |
| 240 | 0030(48) | 240 | 0030(123 | Change term to of “wigwam waste burner” instead of “wigwam fired burner” and leave definition as is | “Wigwam fired burner” not used but the same as definition of “wigwam waste burner” in division 234. | SIP |
| NA | NA | 240 | 0050 | Add a rule on “Compliance Testing Requirements” | Clarification. This rule specifies what test methods to use in this division | SIP |
| 240 |  |  |  | The Medford-Ashland Air Quality Maintenance Area and the Grants Pass Urban Growth Area |  |  |
| 240 | 0110(1)(b) | NA | NA | Change the 3 minute aggregate in one hour to a six minute average | DEQ is changing all non-recovery furnace opacity limits to 6 minute averages. See reason above for changing opacity to 6-minute average | SIP |
| 240 | 0110(1)(b) | NA | NA | Add reference to OAR 340-240-0210 | OAR 340-240-0210 contains continuous monitoring requirements for opacity | SIP |
| 240 | 0110(2) | NA | NA | Do not capitalize “Baseline Period” and change cross reference to division 222 | Correction and renumber because the definition netting basis was moved to division 222 | SIP |
| 240 | 0120(1) | NA | NA | Change to:  “(1) No person is allowed to operate any veneer dryer such that visible air contaminants emitted from any dryer stack or emission point exceed the opacity limits specified in subsections (a) and (b) or such that emissions of particulate matter exceed the mass emission limits of subsections (c) through (g):  (a) An average operating opacity of five percent; a violation of the average operating opacity limitation is judged to have occurred if the opacity of emissions on each of the three days is greater than the specified average operating opacity limitation; or  (b) A maximum opacity of ten percent as a six minute average as measured by EPA Method 9 at any time, unless the permittee demonstrates by source test that the emission limits in subsections (c) through (g) can be achieved at higher visible emissions than specified in subsections (a) and (b), but in no case may emissions exceed the visible air contaminant limitations of OAR 340-234-0510(1)(b). Specific opacity limits will be included in the permit for each affected source;” | Clarification. Include the definition language of average opacity and maximum opacity with the standard. DEQ is changing all non-recovery furnace opacity limits to 6 minute averages. See reason above for changing opacity to 6-minute average | SIP |
| 240 | 0120(1)(b) | NA | NA | Do not capitalize “Permit” | Correction | SIP |
| 240 | 0120(1)(e) and (f) | NA | NA | Incorporate fuel moisture content into rule and add test method ASTM D4442-84 | Clarification | SIP |
| 240 | 0120(1)(g) | NA | NA | Change to:  “(g) In addition to subsections (e) and (f), 0.20 pounds per 1,000 pounds of steam generated in any boiler that exhausts its combustion gases to the veneer dryer.” | Clarification | SIP |
| 240 | 0120(2) | NA | NA | Delete the hyphen in fuel burning equipment | Correction | SIP |
| 240 | 0130 | NA | NA | Change to:  “All air conveying systems emitting greater than ten tons per year of particulate matter to the atmosphere must, with the prior written approval of DEQ, be equipped with a particulate emissions control device or devices with a design removal efficiency of at least 98.5 percent.” | Clarification. To demonstrate compliance with a removal efficiency requirement, testing the inlet/outlet of a control device on an air conveying system would be very difficult. Usually, there is not enough room (straight duct) to measure the inlet and the flow is cyclonic. Therefore, DEQ is changing the requirement to a “design removal efficiency” which should be available from the manufacturer of the equipment. Required operation and maintenance plans will ensure proper operation of any air pollution control devices. | SIP |
| 240 | 0140(2) | NA | NA | Add “as a six minute” and do not capitalize permit | DEQ is changing all non-recovery furnace opacity limits to 6 minute averages. See reason above for changing opacity to 6-minute average | SIP |
| 240 | 0160 | NA | NA | Change “wigwam burner” to “wigwam waste burner” | Correction. The defined term is “wigwam waste burner” | SIP |
| 240 | 0170 | NA | NA | Delete Charcoal Producing Plant rules | These sources no longer exist in the state outside of Lane County. If a source did build a new facility, New Source Review/Prevention of Significant Deterioration (requiring a demonstration that emissions would not cause or contribute to a NAAQS or increment violation), New Source Performance Standards and MACT would apply. These rules would be more stringent than the existing rules. | SIP |
| 240 | 0180(1) | NA | NA | Remove “all” before plywood because it’s already in the beginning of the sentence. | Clarification | SIP |
| 240 | 0180(1) | NA | NA | Delete “charcoal manufacturing plants” | The rules for charcoal manufacturing plants are being repealed | SIP |
| 240 | 0180(2)(b) | NA | NA | Delete “asphalt, oil,” from the reasonable precautions to prevent particulate matter from becoming airborne | DEQ discourages the use of asphalt emulsions and oil as dust suppressants because of the negative environmental impact on other media. | SIP |
| 240 | 0180(2)(d) | NA | NA | Delete “oil,” and add “suitable” before chemicals | Clarification. DEQ discourages the use of oil as dust suppressants because of the negative environmental impact on other media. | SIP |
| 240 | 0180(2)(h) | NA | NA | Change “earth” to “earthen material, dirt, dust,” | Clarification. | SIP |
| 240 | 0210(1) | NA | NA | Change “continuous emission monitoring systems guidance” to “the DEQ Continuous Monitoring Manual (March 2014) and delete reference to 40 CFR 60 | The Continuous Monitoring Manual should be referenced which includes a reference to 40 CFR 60. | SIP |
| 240 | 0220(1) | NA | NA | Change “person responsible for” to “owner or operator of” | Correction | SIP |
| 240 | 0220(1) | NA | NA | Add reference to DEQ’s Source Sampling Manual | Correction | SIP |
| 240 | 0220(1)(a) & (d) | NA | NA | Change “hr.” to “hour” | Clarification | SIP |
| 240 | 0220(1)(b) and (e) | 240 | 0220(1)(b) and (d) | Delete dates in the past and spell out numbers | The required testing dates are already past | SIP |
| 240 | 0220(1)(d) | NA | NA | Delete requirement for source testing of charcoal producing plant | These sources no longer exist in the state outside of Lane County. See reason above. | SIP |
| 240 | 0230 | NA | NA | Repeal OAR 340-240-0230 as it is no longer necessary | Requirements for “old” wood waste boilers were repealed in 12/2004 because the compliance date (12/31/94) had past. All sources must meet the requirements for “new” sources. New sources and existing sources must comply with 340-240-0110(1), 340-240-120 through 250. | SIP |
| 240 |  |  |  | La Grande Urban Growth Area |  |  |
| 240 | 0310 | NA | NA | Repeal OAR 340-240-0310 as it is no longer necessary | Compliance schedule dates for existing sources are all past | SIP |
| 240 | 0320(1) | NA | NA | Change to:  “(1) Any air contaminant which is equal to or greater than 10 percent opacity as a six minute average, unless the permittee demonstrates by source test that the source can comply with the emission limit in section (2) at higher opacity but in no case may emissions equal or exceed 20 percent opacity as a six minute average. Specific opacity limits will be included in the permit for each affected source.” | DEQ is changing all non-recovery furnace opacity limits to 6 minute averages. See reason above for changing opacity to 6-minute average | SIP |
| 240 | 0330(2) | NA | NA | Change to:  “(2) No person is allowed to cause or permit the visible emissions from the wood particle dryers at a particleboard plant to exceed 10 percent opacity as a six minute average, unless the permittee demonstrates by source test that the particulate matter emission limit in section (1) can be achieved at higher visible emissions, but in no case may emissions equal or exceed 20 percent opacity as a six minute average. Specific opacity limits will be included in the permit for each affected source.” | DEQ is changing all non-recovery furnace opacity limits to 6 minute averages. See reason above for changing opacity to 6-minute average | SIP |
| 240 | 0350(1) | NA | NA | Change grain loading from “0.1” to “0.10” | La Grande is in a maintenance area so this limit has to change upon rule adoption, like 226-0210 | SIP |
| 240 | 0350(1) | NA | NA | Add “except as allowed by section (2)” to the end of the sentence | Allow for extension | SIP |
| NA | NA | 240 | 0350(2) | Add:  “(2) The owner or operator of an existing source who is unable to comply with OAR 340-226-0210(1)(a)(B) or (b)(C) may request that DEQ grant an extension allowing the source up to one year to comply with the standard, and DEQ may grant such extension if it determines that such period is necessary for the installation of controls.” | Allows extra time for installation of control equipment if necessary | SIP |
| 240 | 0350(2) | 240 | 0350(3) | Change to:  “(3) All air conveying systems emitting greater than 10 tons of particulate matter to the atmosphere during any 12-month period beginning on or after January 1, 1990, must be equipped with a particulate emissions control device or devices with a rated control efficiency of at least 98.5 percent.” | Clarification. Testing the inlet/outlet of a control device on an air conveying system would be very difficult. Usually, there is not enough room (straight duct) to measure the inlet and the flow is cyclonic. Rated removal efficiency – can get this number from the manufacturer. Source test not required. O&M plan requirements will ensure correct O&M to maintain control efficiency. | SIP |
| 240 | 0350(3) | 240 | 0350(4) | Change to:  “(4) No person is allowed to cause or permit the emission of any air contaminant which is equal to or greater than 5 percent opacity as a six minute average from any air conveying system subject to section (3).” | DEQ is changing all non-recovery furnace opacity limits to 6 minute averages. See reason above for changing opacity to 6-minute average | SIP |
| 240 | 0360 | NA | NA | Change to:  “The owner or operator of any sawmill, plywood mill or veneer manufacturing plant, particleboard plant, or hardboard plant that is located in the La Grande Urban Growth Area must comply with OAR 340-240-0180.” | Correction. “Any” applies to all the sources listed, not just plywood mills and veneer manufacturing plants.  Delete “large” since it is not defined and this rule should apply to any sawmill, plywood mill or veneer manufacturing plant, particleboard plant, or hardboard plant.  Delete “, or charcoal manufacturing plant” since there are no charcoal manufacturing plants in the La Grande Urban Growth Area” | SIP |
| 240 |  |  |  | The Lakeview Urban Growth Area |  |  |
| 240 | 0410(1) | NA | NA | Change to:  “(1) All sawmills, plywood mills and veneer manufacturing plants, particleboard and hardboard plants, asphalt plants, stationary rock crushers, and sources subject to OAR 340-240-0420 must prepare and implement site-specific plans for the control of fugitive emissions.” | Correction. “All” applies to all the sources listed, not just plywood mills and veneer manufacturing plants.  Delete “large” since it is not defined and this rule should apply to all sawmills, plywood mills or veneer manufacturing plants, particleboard plants, or hardboard plants.  Delete “stationary” as division 216 regulates both portable and stationary asphalt plants.  Delete “, or charcoal manufacturing plant” since there are no charcoal manufacturing plants in the Lakeview Urban Growth Area” | SIP |
| 240 | 0410(2) | NA | NA | Change to:  “(2) Fugitive emission control plans must identify reasonable measures to prevent particulate matter from becoming airborne. Such reasonable measures must include, but not be limited to, the following:” | Clarification | SIP |
| 240 | 0410(2)(a) | NA | NA | Delete “asphalt, oil,” from the reasonable precautions to prevent particulate matter from becoming airborne; add a comma after water and change “created” to “create” | DEQ discourages the use of asphalt emulsions and oil as dust suppressants because of the negative environmental impact on other media. | SIP |
| 240 | 0410(2)(f) | NA | NA | Change “earth” to “earthen material” and add “dirt, dust,” | Clarification | SIP |
| 240 | 0420(1) | NA | NA | Change to:  “With the exception of basic and general permit holders, a permit holder must prepare and implement operation and maintenance plans for non-fugitive sources of particulate matter.” | Clarification. DEQ no longer has “regulated source ACDPs. | SIP |
| 240 | 0430 | NA | NA | Change to:  “The owner or operator of the following sources of particulate emissions must make or have made tests to determine the type, quantity, quality, and duration of emissions, and/or process parameters affecting emissions, using the DEQ Source Sampling Manual at the following frequency: wood waste boilers with total heat input capacity equal to or greater than 35 million Btu/hour -- Once every three years.” | Correction. Add reference to Source Sampling Manual | SIP |
| 240 |  |  |  | Klamath Falls Nonattainment Area |  |  |
| 240 | 0510(1) | NA | NA | Add “as a six minute average” | DEQ is changing all non-recovery furnace opacity limits to 6 minute averages. See reason above for changing opacity to 6-minute average | SIP |
| 240 | 0510(2) | NA | NA | Add “include the following” | Clarification | SIP |
| 240 | 0510(2)(b) | NA | NA | Delete:  “(b) This rule does not apply where the presence of uncombined water is the only reason for failure of any source to meet the requirements of this rule.” | Not necessary with addition of “Compliance Testing Requirements” in OAR 340-240-0050 | SIP |
| 240 | 0510(2)(c) | 240 | 0510(2)(b) | Add “as a six minute average” | DEQ is changing all non-recovery furnace opacity limits to 6 minute averages. See reason above for changing opacity to 6-minute average | SIP |
| 240 | 0510(3) | NA | NA | Delete:  “Opacity is determined in accordance with EPA Method 9 of Appendix A to 40 CFR Part 60 or a continuous opacity monitoring system (COMS) installed and operated in accordance with Performance Specification 1 of Appendix B to 40 CFR Part 60.” | Not necessary with addition of “Compliance Testing Requirements” in OAR 340-240-0050 | SIP |
| 240 | 0550(1) | NA | NA | Change “224-0050 or 340-224-0060” to “division 224” and “340-225-0090(2)” to “340-224-0050 or OAR 340-224-0250” | Division 224 for New Source Review has been changed | SIP |
| 240 | 0550(2) | NA | NA | Change “340-225-0090(2)(a)(E)” to “340-224-0530(4) | Division 224 for New Source Review has been changed | SIP |
| 240 | 0560(4) | NA | NA | Change “340-224-0050 or 340-224-0060” to “division 224” | Division 224 for New Source Review has been changed | SIP |
| 242 |  |  |  | Rules Applicable to the Portland Area |  |  |
| 242 |  |  |  | Industrial Emission Management Program |  |  |
| 242 | 0400(1) | NA | NA | Change to:  “(1) OAR 340-242-0430 through 340-242-0440 apply to all new sources or modifications at existing sources that have increases of VOC or NOx equal to or greater than the SER and are located in the Portland Air Quality Maintenance Area (AQMA).” | Clarification. The net air quality benefit requirements have been moved to division 224. | SIP |
| 242 | 0400(2) | NA | NA | Change to:  “(2) OAR 340-242-0430 and 340-242-0440 apply to new sources and modifications at existing sources that have increases of CO equal to or greater than the SER located within the Portland Metro Area or outside the Portland Metro Area that have a significant air quality impact within this area.” | Clarification | SIP |
| 242 | 0420(3) | NA | NA | Change the cross reference to OAR 340-200-0020 to OAR 340-224-0025 | The definition of major modification as moved to division 224 | SIP |
| 242 | 0420(3) | NA | NA | Change the cross reference to OAR 340-222-0040 to OAR 340-222-0035 | Correction | SIP |
| 242 | 0430(3) | NA | NA | Change to:  “(3) If no emissions remain in the respective growth allowance, the owner or operator of the proposed major source or major modification must provide offsets as required by the application section(s) of OAR 340 division 224.” | Correction. The offset ratios have changed so reference division 224. | SIP |
| 242 |  |  |  | Motor Vehicle Refinishing |  |  |
| 242 | 0610(1) | 200 | 0020(40) | Delete definition of “Department” and use the definition in division 200 | The definition in division 200 is the same | SIP |
| 242 | 0610(9) | 200 | 0020(116) | Delete definition of “person” and use the definition in division 200 | See discussion above in division 200 in the definition of “person.” The definition in division 200 is more comprehensive. | SIP |
| 242 | 0610(10) | 204 | 0010(19) | Delete definition of “Portland Air Quality Maintenance Area” | The definition in division 204 is more comprehensive | SIP |
| 242 | 0610(13) | 200 | 0020(185) | Delete definition of “Volatile Organic Compound” | The definition is in division 200 | SIP |
| 242 |  |  |  | Spray Paint |  |  |
| 242 | 0700-0750 | NA | NA | Repeal Spray Paint rules | Repeal spray paint rules since there are now more stringent federal rules. Oregon’s rules reduce spray paint VOCs by 15 percent. EPA’s rules reduce spray paint VOCs by 19 percent. There is no air quality impact because there are now more protective federal rules. There would be a slight positive fiscal impact because the paint manufacturers would no longer need to certify to two different but environmentally equivalent standards and Title V sources would no longer need to certify compliance with the Oregon rule. While these rules were adopted as part of the Portland ozone plan, the immediate issue is Title V permit streamlining. | SIP |
| 242 |  |  |  | Area Source Common Provisions |  |  |
| 242 | 0760-0790 | NA | NA | Repeal Area Source Common Provisions rules | These rules are no longer needed.  Applicability, 242-0760, for the Motor Refinishing Rules, 0600 through 0630, only require cleaning equipment and use of certain equipment for spraying. The rules do not require submittal of any information so Exemption from Disclosure to the Public, 242-0780, isn’t relevant. The Public Records Law to the extent provided in 192.410 to 192.505 specifies requirements for information exempt from disclosure.  Compliance Extensions, 242-0770, are for manufacturers defined in 242-0710, which is being repealed.  Future Review, 242-0790, is no longer needed since it applies to 242-0700 through 0750, which are being repealed. | SIP |
| 244 |  |  |  | Oregon Federal Hazardous Air Pollutant Program |  |  |
| 244 | 0232 - 0252 | NA | NA | Change “DEQ” to “DEQ and the EPA Administrator” | The EPA Administrator is added as the regulating authority to make the rules federally enforceable and for delegation approval. | NA |
| 244 | 0232 - 0252 | NA | NA | Add “340-244-“ if not already included in the rule citation | Clarification | NA |
| 244 | 0234(4)(a)(B) | NA | NA | Change to “Whose monthly throughput is 100,000 gallons of gasoline or more; or” | Correction. Changed to align with EPA rule language. | NA |
| 244 | 0234(4)(b) | NA | NA | Change to “”Salem-Keizer in the SKATS” | Correction. | NA |
| 244 | 0234(6) | NA | NA | Add “or the EPA Administrator” after DEQ | Clarification. EPA may also request that the affected source demonstrate annual or monthly throughput. | NA |
| 244 | 0234(7) | NA | NA | Change to:  “The owner or operator of an affected source, as defined in section (1), is not required to obtain a Title V Operating Permit as a result of being subject to OAR 340-244-0236 through 0252. However, the owner or operator of an affected source 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.” | Clarification. Add language from EPA's rules that is missing from DEQ rules. | NA |
| 244 | 0234(8) | NA | NA | Change to “”Salem-Keizer in the SKATS” | Correction. | NA |
| 244 | 0236(1) | NA | NA | Do not capitalize “vacuum” | Correction | NA |
| 244 | 0239(1) | NA | NA | Add “or the EPA Administrator” after DEQ | Clarification. EPA may also have information to determine whether operation and maintenance procedures are being used. | NA |
| 244 | 0239(2) | NA | NA | Change “OAR 340-244-0248(3)” to “OAR 340-244-0248(4)” | Correction | NA |
| 244 | 0240(3)(c) | NA | NA | Add “or the EPA Administrator” after DEQ | Clarification. EPA may also conduct inspections | NA |
| 244 | 0240(6) | NA | NA | Add “or the EPA Administrator” after DEQ | Clarification. EPA may also request records | NA |
| 244 | 0242(5)(d) | NA | NA | Add “or the EPA Administrator” after DEQ | Clarification. EPA may also request records | NA |
| 244 | 0242(5)(a) to (c) | NA | NA | Change to:  “(a) The applicable testing requirements in OAR 340-244-0244.  (b) The applicable notification requirements in OAR 340-244-0246.  (c) The applicable recordkeeping and reporting requirements in OAR 340-244-0248 and 340-244-0250.” | Plain language | NA |
| 244 | 0244(2) | NA | NA | Add “or upon request by the EPA Administrator” after DEQ | Clarification. EPA may also request records | NA |
| 244 | 0244(3) | NA | NA | Add “or the EPA Administrator” after DEQ | Clarification. EPA may also request demonstration of equivalency of the vapor balance system | NA |
| 244 | 0246(1)(a) | NA | NA | Change “April 24, 2013” to “May 24, 2011” | Correction. The DEQ date is later than EPA's. This change would adopt EPA's date to remove a potential barrier to delegation approval. | NA |
| 244 | 0246(1)(a) | NA | NA | Change “through (C)” to “through (D)” | Correction | NA |
| 244 | 0246(2)(a) | NA | NA | Change “April 24, 2013” to “May 24, 2011” | Correction. The DEQ date is later than EPA's. This change would adopt EPA's date to remove a potential barrier to delegation approval. | NA |
| 244 | 0248(2) | NA | NA | Add “or the EPA Administrator” after DEQ | Clarification. EPA may also request records | NA |
| 244 | 0248(3)(b)(B) | NA | NA | Add “or the EPA Administrator” after DEQ | Clarification. EPA may also conduct inspections | NA |
| 244 | 0250(1) | NA | NA | Add “and the EPA Administrator” after DEQ | Clarification. Owners or operators must also report to EPA | NA |
| 244 | 0250(2) | NA | NA | Add “that has monthly throughput of 10,000 gallons of gasoline or more” to the annual reporting requirement for gasoline dispensing facilities | Remove the annual reporting for gasoline dispensing facilities with monthly throughput of less than 10,000 gallons of gasoline  A gasoline dispensing facility with a monthly throughput of less than 10,000 gallons of gasoline is currently required to meet work practice standards, have a submerged fill tube installed on their tank(s), submit a one-time initial notification and notification of compliance status, and submit annual reports of throughput; they are not required to have an air quality permit. DEQ has determined that the annual reporting requirement for these small gasoline dispensing facilities is unnecessary. DEQ would still have the authority to request throughput information from these facilities, and may do so, for businesses close to the 10,000 gallon permitting threshold. | NA |
| 262 |  |  |  | Heat Smart Program for Residential Woodstoves and Other Solid Fuel Heating Devices |  |  |
| 262 | 0450(24)(g) | NA | NA | Change to:  “(g) Boilers providing process heat to a commercial, industrial, or institutional establishment that obtain construction approval under OAR 340-210-0205 through 340-210-0250.” | When EPA adopted 40 CFR part 63, subpart DDDDD and subpart JJJJJJ, as in effect on February 16, 2012, they exempted small boilers from the NESHAP requirements. The proposed rule language would continue to exempt these boilers. | SIP |
| 264 |  |  |  | Rules for Open Burning |  |  |
| 264 | 0010 | NA | NA | Delete chapter and the comma between OAR 340 and division 266 | Correction | SIP |
| 264 | 0010(2)(l) | NA | NA | Delete “(l) OAR 340-264-0190 establishes criteria for use of forced-air pit incineration.” | EPA’s rules for Commercial/Industrial Solid Waste Incineration require forced-air pit or air curtain incinerators to have Title V permits. Therefore, these emissions units can no longer be allowed under the open burning rules. | SIP |
| 264 | 0010(3)(f) | NA | NA | Delete “or 340-363-0190 (Forced-Air Pit Incinerators)” | Forced- air pit or air curtain incinerators must obtain Title V permits. These emissions units are no longer allowed under the open burning rules. | SIP |
| 264 | 0030(6) | NA | NA | Delete “or air curtain incinerators” | EPA’s rules for Commercial/Industrial Solid Waste Incineration require forced-air pit or air curtain incinerators to have Title V permits. Therefore, these emissions units can no longer be allowed under the open burning rules. | SIP |
| 264 | 0030(10) | 200 | 0020(29) | Delete the definition of “Commission | Delete and use division 200 definition | SIP |
| 264 | 0030(16) | 200 | 0020(40) | Delete the definition of “Department” | Delete and use division 200 definition | SIP |
| 264 | 0030(17) | 200 | 0020(46) | Delete the definition of “Director” | Delete and use division 200 definition | SIP |
| 264 | 0030(21) | NA | NA | Delete the definition of “Forced-Air Pit Incineration” | EPA’s rules for Commercial/Industrial Solid Waste Incineration require forced-air pit or air curtain incinerators to have Title V permits. Therefore, these emissions units can no longer be allowed under the open burning rules. | SIP |
| 264 | 0030(29) | NA | NA | Delete:  “(c) Burning in incinerators that do not meet the emission limitations specified for solid and infectious waste incinerators in OAR 340-230-0100 through 340-230-0150; and” | Correction. Burning in incinerators that do not meet the solid and infection waste incineration requirements in division 230 has not been allowed for approximately 10 years even though the rules were not changed. | SIP |
| 264 | 0030(31) | 200 | 0020(116) | Delete the definition of “person” | Delete and use division 200 definition | SIP |
| 264 | 0040(5) | NA | NA | Delete chapter and the comma between OAR 340 and division 266 | Correction | SIP |
| 264 | 0075 | NA | NA | Add SIP note:  “**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.” | This rule was last approved into the SIP by EPA on 04/25/13. The note was inadvertently omitted from the rule. | SIP |
| 264 | 0078 | NA | NA | Add figure names | Clarification | SIP |
| 264 | 0110 | NA | NA | Add figure names | Clarification | SIP |
| 264 | 0120(4)(c) | NA | NA | Correct cross reference to OAR 340-264-0078(7) | Correction | SIP |
| 264 | 0160 | NA | NA | Add figure names | Clarification | SIP |
| 264 | 0170 | NA | NA | Add figure names | Clarification | SIP |
| 264 | 0190 | NA | NA | Repeal Forced Air Pit Incinerators rules | EPA’s rules for Commercial/Industrial Solid Waste Incineration require forced-air pit or air curtain incinerators to have Title V permits. Therefore, these emissions units can no longer be allowed under the open burning rules. | SIP |
| 268 |  |  |  | Emission Reduction Credits |  |  |
| NA | NA | 268 | 0030(1)(f) | Add provision for ERCs from woodstoves in Klamath Falls | The Klamath Falls attainment plan allows sources to use wood fuel-fired device emission reductions | SIP |
| NA | NA | 268 | 0030(1)(g) | Add:  “Hazardous emissions reductions required to meet the MACT standards at 40 CFR part 61 and part 63, including emissions reductions to meet the early reduction requirements of section 112(i)(5), are not creditable as emission reduction credits for purposes of Major NSR in nonattainment or reattainment areas. However, any emissions reductions that are in excess of or incidental to the MACT standards are not precluded from being creditable as emission reduction credits as long as all conditions of a creditable emission reduction credit are met.” | From 11/12/97 EPA Memo: Crediting of MACT emissions reductions for NSR netting and offsets. Required HAP emission reductions are not creditable as offsets in nonattainment or reattainment areas but can be used in maintenance or sustainment areas. Emission reductions in excess of or incidental to MACT standards can be used as emission reduction credits anywhere.. | SIP |
| 268 | 0030(3)(b) | NA | NA | Change to:  “(b) Offsets pursuant to the New Source Review program, OAR 340 division 224.” | Net Air Quality Benefit was moved to division 224 | SIP |
| NA | NA | 268 | 0030(4) | Add:  “Emission reduction credits are considered used when a complete NSR permit application is received by DEQ to apply the emission reduction credits to netting actions within the source that generated the credit, or to meet the offset and Net Air Quality Benefit requirements of the New Source Review program in OAR 340-224-0500.” | Clarification. The existing rules do not specify when ERC are considered “used” and what happens if the proposed project changes. | SIP |
| 268 | 0030(4)(a) | 268 | 0030(5)(a) | Clarify that emission reduction credits not used or banked and become unassigned PSELS are no longer available for use as external offsets | Clarification | SIP |
| 268 | 0030(4)(b) | 268 | 0030(5)(b) | Clarify that emission reduction credits not used prior to the expiration date and revert back to the source that generated the credit will become unassigned PSELS and are no longer available for use as external offsets | Clarification | SIP |